

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

COMMENTS OF AT&T, INC.

AT&T Inc., on behalf of itself and its affiliates (collectively, “AT&T”), respectfully submits these comments on the eligible services list (“ESL”) proposed by USAC to the Commission for funding year 2010.¹

On the whole, the proposed ESL is well-aligned with the goals of the E-Rate program, as defined in Section 254 of the Act.² Moreover, the changes to the ESL are generally commendable, and reflect an appropriate understanding that the nation’s schools and libraries must have access to an ever evolving set of telecommunications and information services and related tools to support their 21st century educational missions. There are, however, a few items in the ESL that, in AT&T’s view, need some clarification by the Commission before the ESL is finalized for the 2010 funding year. These clarifications, if provided, would be entirely consistent with the E-Rate program’s ultimate goal of enhancing schools and libraries’ “access to advanced telecommunications and information services” within appropriate limits of technical feasibility and economical reasonableness.³

¹ *Comment Sought on Draft Eligible Services List for Schools and Libraries Universal Service Support Mechanism*, Public Notice, CC Docket No. 02-6, DA 09-1233 (rel. June 2, 2009) (*Public Notice*).

² See 47 U.S.C. § 254.

³ 47 U.S.C. § 254(h)(2)(A). See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 at ¶ 591 (1997) (*Universal Service Order*).

Broadcast Messaging. According to the *Public Notice*, broadcast, or “Blast,” messaging services are to be ineligible. *Public Notice* at 1, 6 and 29. These services are described in the proposed ESL as “allowing for a message to be created and delivered to a user defined group via voice or text messaging.” *Id.* at 29. Standard group text messaging, which is a mobile device capability that allows users to set up recipient lists for texts or emails, is to be distinguished from “broadcast” or “blast” messaging. Blast messaging is typically a hosted service in which service providers have a portal into which clients enter their messages for the provider to distribute to multiple destinations (mobiles, home phones or email accounts). In declaring broadcast “blast” messaging ineligible for discount, as opposed to “text messaging,” which is discount eligible, however, the proposed ESL fails to eliminate confusion on where the line should be drawn. That is, as worded, the description may include any or all multiple, simultaneous voice or text messaging even if only comparatively few devices and recipients are involved and a hosted service is not involved.

There is clearly a difference between a mass, 20,000 recipient announcement of a vice presidential running mate sent *via* a hosted messaging service, for example, and a 20 person parent-teacher school association linked up *via* a user-created text list. Most text messaging services permit SMS messages to be sent to multiple recipients simultaneously; such capabilities clearly do not take those services outside of the present definition of *eligible* text messaging. *See, e.g., Public Notice* at 1, 45. Thus, in order to ensure that permitted, eligible text messaging is not jeopardized by an un-delineated and vague definition of “blast” messaging, the Commission, at a minimum, should provide a suitable distinction that ensures that standard text messaging services continue to be funded.

Wireless Telephone Services. Wireless telephone services are listed as eligible under both Telecommunications and Internet Access categories. *Public Notice* at 4, 47. Schools and

libraries purchase both wireless voice and data plans. Some cellular data plans involve data transfer only, but do not involve Internet access. For example, AT&T Commercial Connectivity Service (<http://www.business.att.com/enterprise/Service/enterprise-mobility-enterprise/remote-access-service-enterprise/remote-access-services-enterprise/>) does not access the public Internet. It is unclear, based on the nature of the services involved in these plans and USAC's treatment of these services to date, how the cellular data-only plans should be categorized when applicants file for E-Rate discounts. On the other hand, AT&T's Smart Phone" service plans bundle wireless Internet access as well as wireless access to a customer's private network under a single price to the user to allow wireless Internet browsing as well as wireless access to secure enterprise applications such as email: the proposed ESL gives no guidance on how applicants should file for discounts for such service plans.

It would appear that data transfer would be an acceptable element of wireless services whether sought under the Telecommunications services category or the Internet access category. Yet, as things currently stand, there is a risk that applications for funding of these types of wireless data services, when filed under the "Telecommunications services" category, might be denied by USAC. On the wireline side, an applicant can file for discounts on service plans that provide access to private enterprise applications, such as e-mail, as telecommunications services. On the wireless side, the addition of the ability to access the Internet results in the applicant having to file the entire request under Internet access, which is confusing. The Commission should clarify the category and function that wireless data plans should be filed under in order to avoid this confusion and ensure that the intended result – *i.e.*, funding of these services on a Priority 1 basis – is achieved on a consistent basis.

Accordingly, the Commission should provide clarification to the definition of broadcast messaging and to the appropriate filing of applications for wireless data services as suggested herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Theodore C. Marcus", with a horizontal line underneath it.

Theodore C. Marcus
Gary L. Phillips
Paul K. Mancini

AT&T Inc.
1120 20th Street, NW
Suite 1000
Washington, DC 20036
(202) 457-2044 - Telephone
(202) 457-3073 – Facsimile
theodore.marcus@att.com – E-mail

Its Attorneys

June 23, 2009