

**Before the
Federal Communications Commission
Washington DC 20554**

In the Matter of:

)	
Request for Review or Waiver of a Decision)		
of the Schools and Libraries Division)	Administrator Letter Dated September 3, 2009	
from Nottoway Public Library)		
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6	
Support Mechanism)		

Request for Review or Waiver

In accordance with Sections 54.719 through 54.721 of the Commission’s Rules, via E-Rate Central, now comes Nottoway Public Library (Nottoway) before the Federal Communications Commission (Commission) requesting review of a decision of the Universal Service Administrative Company (Administrator). This request comes before the Commission in a timely manner from the Administrator decision dated September 3, 2009.

Applicant Name: Nottoway Public Library System
Billed Entity Number: 16022117
Service Provider: Embarq Central Telephone of Virginia
SPIN: 143001418
Form 471 Application Number: 679903
Funding Request Number: 1920741

Background

E-Rate Central is the E-Rate coordinator for Virginia libraries through contract with the Library of Virginia and files this appeal on behalf of Nottoway. Nottoway recently lost its E-Rate coordinator to retirement.

Nottoway is a small, rural library system located in central Virginia. The system consists of two small branches. Nottoway applied for E-Rate discounts on two telephone lines provided by Embarq telephone company. During review the Administrator requested that Nottoway reduce funding by \$12.20 per month for an Embarq service itemized as “Line Guard” on the Embarq telephone bill. Line Guard is an internal wiring maintenance plan whereby Embarq would troubleshoot and repair building level telephone line wiring failures at no charge beyond the per-line monthly charge. Nottoway refused to reduce the funding request citing eligibility of internal wiring maintenance on the Eligible Services List for Fund Year 2009 as part of Priority 1 telephone service. In a Funding Commitment Decision Letter dated September 3, 2009, the Administrator split the funding request moving the Line Guard charges to Priority 2, Maintenance on Internal Connections with the following explanation: “This FRN 1858099 is for both Priority 1 and Priority 2 services and was split in order to conduct an independent review of these respective services. Your new FRN for Priority 2 services is 1920741 and service provider is Embarq-Central Tel.”

Nottoway believes this decision was made in error and asks the Commission to reinstate the Line Guard charges to Priority 1, Telecommunications service.

Discussion

There is absolutely no question that charges for telephone wiring maintenance plans are eligible for funding as Priority 1 service.¹ The only question is what the Administrator considers “minimal” charges for such a plan. In absolute dollar terms, \$12.20 per month would appear to

¹ “An inside wire maintenance plan is eligible as a component part of a telephone service only if charges are minimal.” Year 2009 Eligible Services List, Page 4

be minimal. However, it appears the Administrator has either determined the Embarq Line Guard service to be too expensive per line or the expense is not minimal verses the total telephone bill.

In this instance Nottoway believes the charges are minimal and asks the Commission to agree. The total annual cost for Line Guard is \$146. In the event of a telephone line failure within the building, the cost to send a technician to our rural location and repair the line could exceed \$600 or more than four times the cost of annual Line Guard charges. In this light, certainly Line Guard charges are minimal.

We ask the Commission to be more clear with instructions to the Administrator and applicant community in these instances. Again, at face value a \$12 per month charge for two buildings should be considered minimal. On the other hand, a \$6 per line charge for a building with 100 lines may be considered excessive as the potential for a wiring failure may not justify a \$600 per month expenditure. There should be a sliding scale for determining the minimal amount. Perhaps it could be set at a per building amount with an exception for ultra rural locations such as islands (Tangier, Virginia for example) or most of Alaska. In any event, \$12 per month per building is minimal for a wiring plan and should be recognized as such.

Respectfully submitted this 24th day of October, 2009 on behalf of Nottoway Public Library,

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