



September 16, 2010

Ms. Marlene H. Dortch
Federal Communications Commission
The Portals, TW-A325
445 12th Street SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
Schools and Libraries Universal Support Mechanism – CC Docket No. 02-6;
A National Broadband Plan for Our Future – GN Docket No. 09-51.**

Dear Ms. Dortch:

On Wednesday, September 15, 2010, Alan Fishel of Arent, Fox (on behalf of the Internet2 K20 Initiative), Christianna Barnhart of the Bernstein Strategy Group, (on behalf of COSN and ISTE), and the undersigned (on behalf of the SHLB Coalition) met with Commissioner Baker and Christi Shewman to discuss the E-rate reform proceeding. We made the following points:

1. Dark fiber should be added to the list of eligible services under the E-rate program because it is often a less expensive alternative than traditional telecommunication services. (The SHLB Coalition submitted several examples of the cost savings of dark fiber in its ex parte filing on August 27, 2010.)
2. Dark fiber will make the existing E-rate dollars go farther, because schools and libraries that use the (less expensive) dark fiber will not require as much E-rate support. This will allow more schools and libraries to be able to receive E-rate funding.
3. Adding dark fiber to the list of eligible services does not change the competitive bid process – traditional phone and cable companies will still be able to bid for the right to provide service to the school or library, including by providing their own dark fiber. The FCC's rule that price must be the primary factor in a competitive bid will help to ensure that the bidding process remains fair, open and competitively neutral.
4. Schools and libraries ought to have the option of choosing dark fiber. Dark fiber is not the solution for every school or library, but the schools and libraries should have the right to decide which technology will best suit their particular needs, including dark fiber.
5. Dark Fiber is permitted under the statute because the statutory language does not limit the E-rate program to "services" and is not limited to "telecommunications carriers". Section



254(h)(2), which the FCC has already used as the legal basis to allow Internal Connections and Internet Access to be included in the E-rate program, directs the FCC to adopt competitively neutral rules to promote access to advanced services.

Sincerely,

John Windhausen, Jr.

Coordinator

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cc: Christi Shewman