

August 16, 2011

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Notice of Ex Parte Communication - Docket No. 02-6
FY2012 Eligible Services List**

Dear Ms. Dortch:

On Friday, August 12th the Wireline Competition Bureau (the “Bureau”) held a meeting with Edline that included the following participants: Jon Abrams, Chairman of Edline; Phil Gieseler, a consultant to Edline; Jennifer Richter, counsel to Edline; and Cara Voth, James Bachtell and Alec MacDonnell, all of the Bureau. The parties discussed two topics related to Edline’s comments to the proposed FY2012 Eligible Services List (“ESL”):¹ (1) how “content editing” is treated with respect to web hosting; and (2) the Commission’s finding in the *Sixth Report and Order*² that the “transfer of messages across a schools’ hosted website is functionally equivalent to other services that facilitate the ability to communicate such as e-mail, text messaging, voicemail and paging.”³ It appears Edline’s comments were read as more broad than intended. Edline is happy to clarify its narrow position on both of these topics.

First, when Edline asserted in its comments that “content editing” should be eligible for both email and other web hosted communications tools, it was focused on the need of teachers and school administrators, *as end users*, to edit the content on their web pages, blogs, and discussion boards, just as teachers and school administrators have an interface that enables editing of content in webmail and e-mail. Edline clarifies that it was not seeking eligibility for service providers or vendors to provide “content” or “content editing” services to schools or libraries for a fee -- this is clearly ineligible. The trouble is that the proposed ESL broadly states that

¹ Comments of Edline to the FY2012 Draft Eligible Services List for Schools and Libraries Universal Service Program Public Notice, Schools and Libraries Universal Service Support Mechanism, CC Dkt. No. 02-6 (filed on July 18, 2011; Errata filed on July 18, 2011) (“Edline Comments”).

² *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for Our Future, Sixth Report and Order*, 25 FCC Rcd 18762 (2010) (“*Sixth Report and Order*”).

³ *Id.*, ¶101.

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“content editing” is not eligible for web hosting services.⁴ Perhaps a clarification is needed that *end user* content editing is eligible, but *vendor* content editing ineligible. We hope the Bureau agrees that the ESL should not be written in a manner that can be interpreted to bar *end users* from essential functions, such as content editing, which are required in order to be able to use eligible communications tools. As Edline indicated in its comments,⁵ the ability to create, edit, sort, search, view, send, and transmit content, is critical to the ability to use email, websites and related web-hosted communications tools such as blogs, web pages, and discussion boards.

In addition, although the Bureau states in the *Public Notice* that it is not intending to alter eligibility for web hosting, the exclusion of content editing for web hosting in the draft 2012 ESL does alter eligibility for web hosting from last year – it invalidates the decision to make interactive communications activities eligible. Interactive communications require the ability for end users to create and edit information, otherwise such communications tools are not usable.

The second topic the Bureau and Edline discussed was the Commission’s finding in the *Sixth Report and Order* that “the transfer of messages across a schools’ hosted website is functionally equivalent to other services that facilitate the ability to communicate such as e-mail, text messaging, voicemail and paging.”⁶ Edline believes its view of this finding is as narrow as the Commission intended. Edline is not asserting that e-mail is functionally *identical* to a school or teacher web site in every respect, every feature detail, and every use-case. However, Edline is asserting, as the Commission suggested, that there is an “equivalence” in terms of the purpose, use, and underlying technologies of all web based communication tools (e-mail, webmail, blogs, web pages, etc.). That “equivalence” requires consistent placement and treatment in the ESL.

With respect to purpose and use, a simple reading of the ESL makes clear that what is “eligible” for e-mail service and web hosting service is the ability for schools, teachers and libraries to communicate and transmit messages and other information. The eligible portions of email and web hosting serve the same purpose and use, are functionally equivalent, and should be treated as such in the ESL.

The underlying technology that is used to enable all web hosted and web based communications services (e-mail, voicemail, webmail, blogs, web pages, etc.) also is functionally equivalent. All of these services employ computers, Internet access and enabling software that are designed to work

⁴ Wireline Competition Bureau Seeks Comment on Draft Eligible Services List for Schools and Libraries Universal Service Program, *Public Notice*, 26 FCC Rcd 8714, 8731 (2011) (“Any . . . content editing features beyond 1) the storage of applicant-provided content, 2) a web interface for uploading files, and 3) the bandwidth access that allows schools or libraries to display their web pages are NOT eligible.”).

⁵ Edline Comments at 4-6.

⁶ *Sixth Report and Order*, ¶101.

together in a comprehensive system.⁷ Over time, as technology has converged, there is very little functional difference in how these services are enabled.

E-mail and web hosting services also are functionally equivalent because neither is closer to the conduit that provides Internet access than the other. In the proposed ESL, e-mail is contained in a more general Internet Access section, but web hosting is placed in an “Internet Related Services” section with the justification that it does not provide conduit access to the Internet. Since neither service provides conduit access, and since both e-mail and eligible web hosting serve the same communications “function,” the two services should not be separated into two different “functions” in the ESL.⁸ There is no technical or policy justification for the separation, other than historical, and historical, technological differences in the services are largely non-existent today.

As Edline indicated in its comments, and in the meeting with the Bureau, it is important that the ESL implements the findings and decisions contained in the *Sixth Report and Order*. This can occur by ensuring that similarly-situated email and web hosted communications services (the E-rate eligible portions) are treated consistently, allowing eligibility for content editing for both services, locating these two Internet-based, interactive communications services in the same “function” category in the ESL, and displaying no unjustified favoritism for e-mail service over web hosted communications.

Respectfully submitted,

/s/ Jennifer L. Richter

Jennifer L. Richter
Counsel to Edline

cc: Gina Spade
Cara Voth
James Bachtell
Alec MacDonnell

Attachment

⁷ Edline Comments, Attachment 1 at 7.

⁸ *Sixth Report and Order*, ¶101.

Handouts from August 12, 2011 Meeting

Talking Points of Edline
WCB Meeting, Friday, August 12, 2011

I. Last year's *Sixth Report and Order* took important steps to ensure that the E-rate program treats different forms of Internet-based communications fairly, observing competitive neutrality (similarly situated services such as email service and web hosting service should be treated in the same manner for E-rate funding purposes) and technology neutrality (preferential treatment cannot be given to one form of electronic communication over another – email service over web hosting service, for example).

There were at least three components to last year's webhosting decision that are important (see paragraph 101 of the *Order*):

- The Commission found that the transfer of messages across a schools' hosted website is functionally equivalent to other services that facilitate the ability to communicate such as e-mail, text messaging, voicemail and paging.
- The Commission granted E-rate eligibility to web hosting features that facilitate the ability to communicate, such as blogging, emailing over a school or library's hosted website, discussion boards, and other services that may facilitate real-time interactive communications such as instant messaging or chat.
- The Commission declared that interactive communications are eligible, which: (1) altered prior decisions that limited web hosting support to static services; and (2) altered prior decisions that excluded the ability to engage in interactive activity such as blogging.

II. Unfortunately, the proposed ESL for 2012 does not implement these three important decisions in certain respects.

A. The 6th R&O found web hosted communications and email functionally equivalent, but the proposed 2012 ESL does not treat these two services as equal:

- First, email and web hosting are separated into two different "functions," in the ESL, but there is no technical or policy justification for this. Email is contained in a more general Internet Access section, but web hosting is placed in an "Internet Related Services" section with the justification that it does not provide conduit access to the Internet. Neither email nor web hosting provides conduit access. Neither is closer to the conduit than the

other. Using the Commission's own terminology, these functionally equivalent services are both Internet-Based, Interactive Communications Services and should be contained in the same "function" category.

- Second, the proposed 2012 ESL makes an essential component of both email and webhosting, content editing, eligible for email but not for webhosting. Content editing is essential to the functioning of both services. The ability to create, edit, sort, search, view, send, and transmit content, are all fundamental to email and to other web-hosted communications such as blogs, web pages, and discussion boards.
- Although the Bureau states in the *Public Notice* that it is not intending to alter eligibility for web hosting, the exclusion of content editing for web hosting, but not for e-mail, in the draft 2012 ESL does alter eligibility for web hosting from last year – it both betrays the finding of functional equivalence for email and web hosting, and it invalidates the decision to make interactive communications activities eligible. Interactive communications require the ability to create and edit information, otherwise they are not usable.
- Allowing content editing features to be eligible for e-mail service but not web hosting service clearly affords preferential treatment to e-mail services over web hosting services, which violates technology neutrality.
- It also leads to absurd results. It cannot be that the Commission intends to make web hosting services eligible but make ineligible the essential features that make the service possible, such as content editing.
- Third, how the proposed 2012 ESL treats "ineligible" features for email and web hosting is inconsistent. For email the ESL simply states what is eligible and states that funding is limited to what is eligible. But for web hosting, the proposed ESL states what is eligible and then in a separate section uses the same language, in the negative, to describe what is ineligible. This is confusing and a much more onerous approach than the approach taken for email. Web hosting (like e-mail) inherently includes many more features than those that can be captured in a general three sentence description and, thus, this approach is bound to fail. In addition, the draft language of what is ineligible for web hosting would prohibit funding for integral content editing features and this must be corrected.

B. With respect to changing prior decisions that limited web hosting support to hosting a school or library's static website, the proposed ESL for 2012, again, did not implement the Commission's decision in the 6th R&O. The proposed ESL continues to view websites as static tools to which information is simply "uploaded." In order to be more consistent with the notion of a dynamic web based communication tool, the ESL should not state that web hosting involves "uploading files" to a website. This is a static view of web hosting, and

the Commission recognized in paragraph 101 of the *Sixth Report and Order* that websites are not static. They are not simply repositories for pages that are created offline and uploaded later. Websites are dynamic communications tools that are constantly changing and to which information is continuously published and edited.

Instead of using the words "uploading files" in the description of web hosting, the words "publishing content" is more appropriate. For example, blogs are not uploaded, they are published and edited on the website in real time. This is, again, why content editing must be eligible for web hosting service.

III. Last year, Edline shared with the Bureau examples of two types of communication between a teacher and students covering the same subject matter – directions to a class picnic. (See Attachment 2.) There is no distinction of any substance between these two communications, and, based on principles of technology and competitive neutrality, the communications should enjoy the same E-rate eligibility. This is the determination of functional equivalence the Commission made in the *Sixth Report and Order* after having the benefit of viewing these examples.

Now the ESL must implement this functional equivalence, ensuring that these similarly situated services are treated consistently, locating these services in the same "function" category in the ESL, allowing eligibility for content editing for both services, and displaying no unjustified favoritism for e-mail service over web hosting service. Edline's suggested changes for the ESL are attached hereto as Attachment 1.

ATTACHMENT 1

Edline's Proposed Edits to the Eligible Services List for Funding Year 2012

Internet Access

Eligibility Requirements for All Internet Access Services:

Internet access.

~~See 47 C.F.R. § 54.5, includes the following elements:~~

- ~~(1) The transmission of information as common carriage;~~
- ~~(2) The transmission of information as part of a gateway to an information service, when that transmission does not involve the generation or alteration of the content of information, but may include data transmission, address translation, protocol conversion, billing management, introductory information content, and navigational systems that enable users to access information services, and that do not affect the presentation of such information to users; and~~
- ~~(3) Electronic mail services (e-mail).~~

Internet Access means, generally, access to the Internet. The Internet is “the international computer network of both Federal and non-Federal interoperable packet switched data networks.” 47 U.S.C. § 230(f)(1). The Internet is also described as “the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol / Internet Protocol or any successor protocol to transmit information.” 47 U.S.C. § 231(e)(3). The Supreme Court has described the Internet as a “network of interconnected computers.” *National Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 974 (2005).

Support in this funding category is generally only available for basic conduit access to the Internet but is not available for content, equipment purchased by applicants, and services beyond basic conduit access to the Internet, except as expressly provided herein. Support may also be available for selected services that are an integral component part of an Internet Access service, and other services that the Commission has designated as eligible for discounts.

Maintenance and technical support appropriate to maintain reliable operation is eligible for discount when provided as a component of an eligible Internet access service. Please see the Miscellaneous section of this document for additional entries applicable to Internet Access, such as charges for installation and configuration.

Function	Description
Internet-Based Interactive Communications	The following Internet-based services, which facilitate interactive communication, are eligible:

<p style="text-align: center;">Services</p> <p style="text-align: center;">E-Mail Service</p>	<p><u>E-mail Service.</u></p> <p><u>E-mail</u> service is eligible. E-mail service is often included in the cost of basic conduit access to the Internet or may be provided at a separate cost, either as a fixed charge and/or on a per-user or other basis.</p> <p>Some e-mail services may include substantial ineligible features, such as collaboration tools, and services to ineligible users. Funding is limited strictly to the eligible portion of an electronic mail service (i.e., the part of the service that provides for the transmission of text messages and other information). <u>E-mail archiving</u> is not eligible for discount. [See Drafting Note 1].¹</p> <p><u>Web hosting service.</u></p> <p>Web Eligible web hosting service provides a means for services enable a school or library to display content on communicate over the Internet for to the public or school stakeholders (students, and parents parents, teachers and staff), and facilitate communication as their primary purpose and use. When included with a web hosting service, interactive communication features such as blogging, webmail, instant messaging, and chat are eligible. [See Drafting Note 2].²</p> <p>An eligible web hosting service provides schools and libraries: 1) the ability to store applicant provided content, 2) a web interface for uploading files publishing content, [See Drafting Note 3]³ and 3) the bandwidth access that allows</p>
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¹ DRAFTING NOTE 1: HTML and graphics are commonplace for all e-mail and have been for many years. This definition is no longer technically accurate. A focus on text communication no longer aligns with the broad types of communication now taking place.

² DRAFTING NOTE 2: Teachers and staff were added to the list as they are critical members of the school stakeholder community. Teachers and staff need to use communications tools (like e-mail) and are clearly stakeholders/users. Also added is the additional limitation that web hosting services must facilitate communication as their primary purpose and use. This limitation is useful because it eliminates many categories of software and services that may be web-based or use a web interface but do not facilitate communication as their primary purpose and use and are clearly not eligible.

³ DRAFTING NOTE 3: As the Commission recognized in paragraph 101 of the *Sixth Report and Order*, websites are not static. The term "upload" is anachronistic, and does not reflect the way websites and related web-hosted communications are updated and managed. Websites are not simply repositories for

	<p>schools or libraries to display their web pages. We clarify that web pages protected by a username and password are eligible for funding as part of web hosting services. The fact that a school or library restricts access to all or part of its website to certain users—e.g., school administrators, teachers, librarians, students and parents—does not render the service ineligible for E-rate funds. [See Drafting Note 4].⁴ Password-protected pages are allowed to prevent full public access, but must be available to students or their parents at a minimum (password-protected pages for a library would be for patrons of that library). Password-protected pages will NOT be eligible if established exclusively for librarians, administrators, school officials or teachers to access ineligible tools.</p>
<p>Basic Conduit Access to the Internet Internet Access</p>	<p>Basic conduit access to the Internet is eligible regardless of technology platform. Access technologies include but are not limited to:</p> <ul style="list-style-type: none">• <u>Broadband over Power Lines (BPL)</u>-enabled Internet access service• <u>Cable Modem</u>• <u>Digital Subscriber Line (DSL)</u>• <u>Fiber</u>• <u>Satellite service</u>

pages that are created offline and uploaded later. Websites are dynamic communications tools that are constantly changing and to which information is continuously published and edited. For example, blogs are not uploaded, they are edited on the website in real time. The term “publish” more accurately reflects how users interact with a web page, blog, or discussion board and does not refer to one, anachronistic method (just as FTP would be equally narrow).

⁴ DRAFTING NOTE 4: The last two sentences are taken from the Commission’s decision on password protection, as found in the December 1, 2009 *Schools and Libraries Universal Service Support Mechanism, Report and Order and Further Notice of Proposed Rulemaking*, 25 FCC Rcd 6562, ¶122 (2009) (“2009 Order”). Passwords are used both to administer websites and appropriately target communications among school stakeholders. It is not correct to suggest, as the draft 2012 ESL did, that students and parents must have access to all password-protected portions of a school’s website. The 2009 Order regarding password protection did not require student and parent access. Moreover, the 2009 Order indicates that restricting access to content, or a tool, via password protection is not what determines eligibility. Questions of eligibility are concerned with what lies behind a password and whether or not it is eligible. If part of a web hosting service is eligible (a discussion board, for example) then a “discussion board” may be restricted or public. The converse also is true. A library automation system, financial system, or grading system is clearly not eligible, irrespective of whether it may be web-based, or may utilize password protection. The draft ESL would be improved if it focused simply on what systems/services are eligible. The use of password protection is clearly not determinative of eligibility by itself.

	<ul style="list-style-type: none">• Telephone dial-up• <u>T-1</u> lines• Wireless <p>Eligible Internet access may include features typically provided for when provided as a standard component of a vendor's Internet access service. Such features may include <u>Domain Name Service</u>, <u>Dynamic Host Configuration</u>, and basic <u>firewall</u> protection against unauthorized use and access. Firewall protection may not be provided by a vendor other than the Internet access provider and may not be priced out separately.</p> <p>Basic conduit access to the Internet may be used to access Internet-based distance learning and video conferencing services.</p> <p>A wireless Internet access service is eligible under the same provisions as wired access to the Internet.</p> <p>A <u>Wide Area Network</u> can be eligible for funding as a part of Internet access if the service is limited to basic conduit access to the Internet and the offering is the most cost-effective means of accessing the Internet.</p> <p>A <u>wireless Internet access service</u> designed for portable electronic devices is eligible if used for educational purposes and the off-campus use is removed by cost allocation. Applications (including GPS) for wireless devices are not eligible for discount. Service/Data charges dedicated solely to the provision of these applications are not eligible and require cost allocation.</p> <p>Mobile hotspot service designed for portable electronics is eligible if used for educational purposes, if off-campus use is cost-allocated, and when service is not duplicative of other wireless Internet access service. Hardware costs of the mobile hotspot embedded in or connected to the end-user device are not eligible.</p>
Internet –Related Services	These services may be purchased separately or as part of a bundled Internet access service.

	<ul style="list-style-type: none">• <u>Interconnected Voice over Internet Protocol</u> (the regulatory classification of <u>interconnected VoIP</u> service does not affect the inclusion of this service as an eligible service in this category)• <u>Lit</u> or (see <u>Telecommunications</u> category)• Web hosting service provides a means for a school or library to display content on the Internet for the public or school stakeholders (students and parents). An eligible web hosting service provides schools and libraries: 1) the ability to store applicant provided content, 2) a web interface for uploading files, and 3) the bandwidth access that allows schools or libraries to display their web pages. Password-protected pages are allowed to prevent full public access, but must be available to students or their parents at a minimum (password-protected pages for a library would be for patrons of that library). Password-protected pages will NOT be eligible if established exclusively for librarians, administrators, school officials or teachers to access ineligible tools. When included with a web hosting service, interactive communication features, such as blogging, webmail, instant messaging, and chat, are eligible. [Drafting Note 5].⁵• <u>Domain name registration</u> is eligible if it is necessary for the creation of a school or library website.
<p>NOT Eligible for E-rate Funding as Internet Access Services</p>	<p>The following services are NOT ELIGIBLE for discount:</p> <ul style="list-style-type: none">• Services that go beyond basic conduit access to the Internet, such as Virtual Private Network services (except that, for purposes of clarification, Internet-Based Interactive Communications Services listed herein, which go beyond basic conduit access, are eligible)• <u>Online Backup Solutions</u>• Internet content [See Drafting Note 6A].• Software, services, or systems used to create or edit Internet content or charges for the creation of information.• Internet access that provides features or content that go

⁵ DRAFTING NOTE 5: We propose to relocate web hosting services to "Internet-Based Interactive Communications Services" and propose the revisions explained in Drafting Note 1.

	<p>beyond basic conduit access to the Internet. (E-mail service and e-mail account fees, however, are not considered Internet content.) [See Drafting Note 6B].⁶</p> <ul style="list-style-type: none">• Applicants may accept an Internet Access service with minimal content included if the content meets the limitations for Ancillary Use. See <u>Special Eligibility Conditions</u> below for further information on Ancillary Use.)• Costs attributable to the creation or modification of information, such as a <u>web site creation fee</u> or content maintenance fees.• Web hosting features and applications. Any web hosting features, software applications, end user file storage, and content editing features beyond 1) the storage of applicant-provided content, 2) a web interface for uploading files, and 3) the bandwidth access that allows schools or libraries to display their web pages are NOT eligible. This does not include password protected pages, the features that facilitate the ability to communicate (e.g., blogging, e-mailing over a school or library's hosted website, and discussion boards) and services that may facilitate realtime interactive communication (e.g., instant messaging or chat) when these are included in a web hosting service.
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⁶ DRAFTING NOTE 6:

6A: The phrase, "Internet Content" is so broad, that if all Internet Content is declared ineligible then, for example, Internet content that is contained in an e-mail would be ineligible. Overall, we believe the Commission's goal is to exclude charges for proprietary content services that are available over the Internet, such as curriculum. Those exclusions are more simply listed in other parts of the draft ESL.

6B: Edline suggests eliminating the exclusion for "Software, services or systems used to create or edit Internet content or charges for the creation of information. Internet access that provides features or content that go beyond conduit access to the Internet." As the Commission is aware, e-mail and web hosting services are designed as integrated solutions that include computers, access to the Internet and enabling software. Software is a component of all of these services. The items listed above, which are ineligible per the draft ESL, are all inherent in e-mail services and web hosting services. It cannot be that the Bureau intends these essential features to be ineligible. Perhaps this language is historical and has been rendered ineffective over time. In any case, the language needs either deletion or clarification. Please note that Edline recognizes that stand-alone, installed software packages such as MS Word or Adobe Photoshop for content creation have never been eligible with e-mail or web hosting service, and we are NOT advocating any changes to that approach, but perhaps the draft ESL should be more explicit on this point and eliminate the confusing language identified by this Drafting Note. However the Bureau determines to handle this issue, competitive neutrality and technology neutrality require the same treatment for both e-mail service and web hosting service. In addition, the language in the draft ESL notes that the services cannot go beyond conduit access but, as covered in the comments, both e-mail

	<p>[See Drafting Note 7].⁷</p> <p>Examples of ineligible web hosting features and applications include, but are not limited to: 1)</p> <p>Ineligible as Internet-Based Interactive Communications Services. [See Drafting Note 8]⁸</p> <ul style="list-style-type: none">• Services or systems that do not facilitate web-based communication as their primary purpose and use, including student data systems, teacher grading software, or proprietary online curriculum, are not eligible. [See Drafting Note 9].⁹• Third-party created content including, videos, recorded classes, online textbooks, curriculum or educational software programs, or other content or curriculum created and packaged by third party vendors; <p>2) Any features related to</p> <ul style="list-style-type: none">• School/library administration or school/library operational systems such as student information systems, gradebooks or grading systems, financial systems, or student attendance files. [See Drafting Note 10].¹⁰ functions such as the
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service and web hosting service do just that. If the Bureau determines to keep this language in the ESL, then for the purpose of competitive and technology neutrality, it must include web hosting in the parenthetical that creates an exception for e-mail.

⁷ DRAFTING NOTE 7: The deleted language already is contained in what is eligible and therefore does not need to be stated again, in the negative, to describe what is not eligible. This is confusing and it is not the approach taken for e-mail. Web hosting (like e-mail) inherently includes many more features than those what can be captured in a general three sentence description and, thus, this approach is bound to fail. The draft language would prohibit integral content editing features from web hosting, when the same is allowed for e-mail. That language was stricken. In addition, many of the features listed are not, technically, web hosting “features,” so this language was changed. Instead of using the definition of what is eligible in the negative to demonstrate what is ineligible (confusing and impractical), we have proposed an additional limitation that web hosting services must facilitate communication as their primary purpose and use. This additional limitation is useful because it eliminates many categories of software and services that may be web-based or use a web interface but do not have communication as their primary purpose and use and are clearly not eligible.

⁸ DRAFTING NOTE 8: The items listed are not “features” of web hosting. Thus, we have changed the title.

⁹ DRAFTING NOTE 9: See Drafting Notes 1 and 7.

¹⁰ DRAFTING NOTE 10: The language “any features related to” was confusing and was deleted. However, the charges related to school and library administration systems are clearly not eligible and the list was expanded as further explanation of what is not eligible.

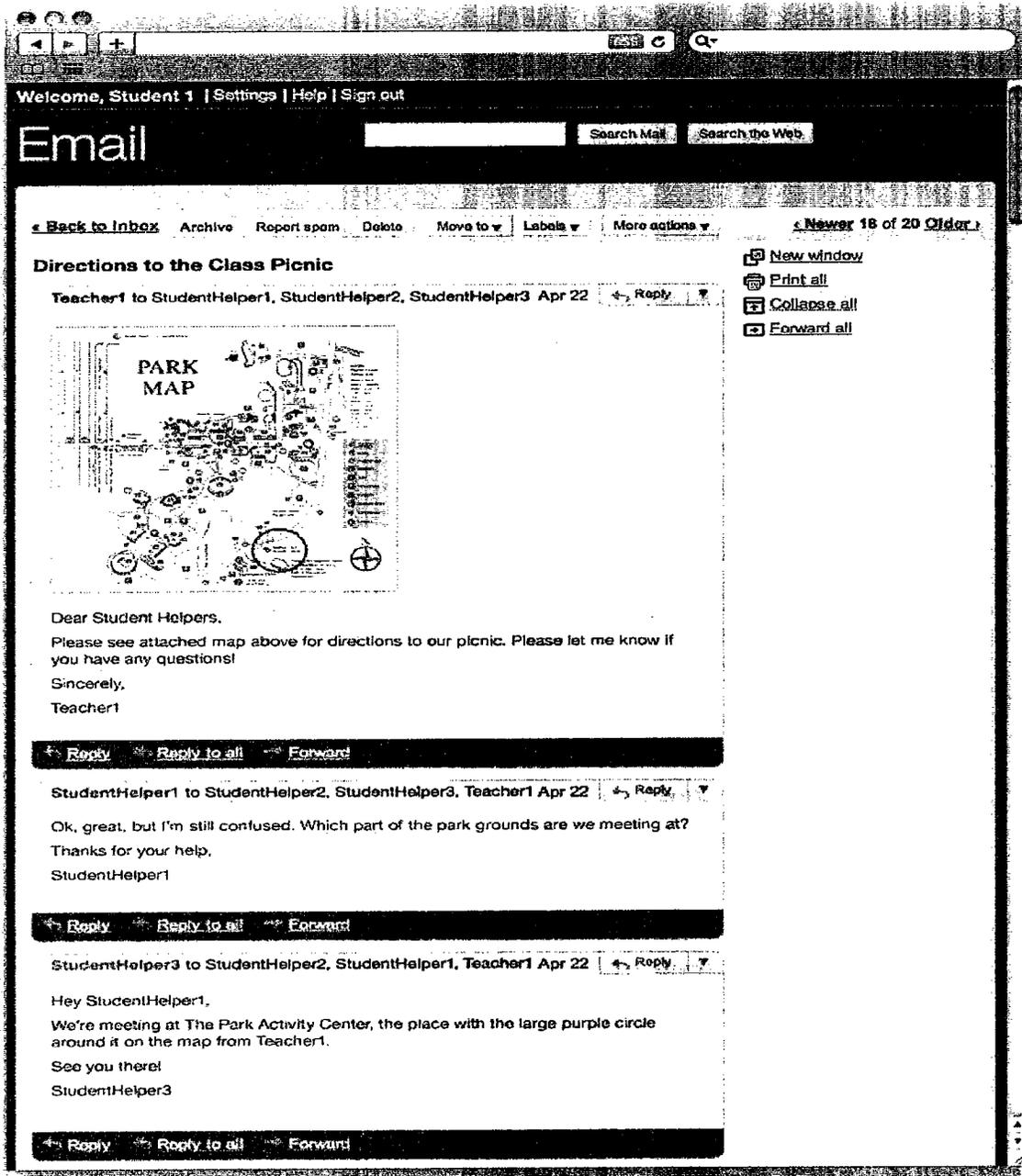
	<p>capabilities for data input or retrieval (e.g., searching of databases for grades, student attendance files, or other administrative reports) and 3) Applications or software for collaborative meetings or online classes.</p> <ul style="list-style-type: none">• Charges for distance learning or video conferencing utilities, such as web meetings or online collaboration solutions that are conducted through WebEx or GoToMeeting, even if provided via the Internet [See Drafting Note 11].¹¹• <u>Internet2</u> membership fees• Training regarding the use of the Internet• Costs for training provided via the Internet• A point-to-point connection (e.g., ISDN line) for distance learning or video conferencing is NOT eligible as Internet Access and may only be provided by telecommunication carriers (unless it is provided via fiber or dark fiber).• Electronic library/on-line public access and associated software• Applications (including GPS) for wireless devices are not eligible for discounts. Charges for Internet access service used solely for the provision of these applications are also not eligible. <p>Separate pricing for the following components when not included in the standard configuration of an Internet access service is NOT ELIGIBLE:</p> <ul style="list-style-type: none">• <u>Caching</u>• <u>Content filtering</u>• <u>Web Casting</u> <p>Please see the <u>Miscellaneous</u> section of this document for additional entries applicable to Internet access. For example, finance charges and termination charges are not eligible.</p>
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¹¹ DRAFTING NOTE 11: Terms such as “distance learning” and “online collaboration” and “online classrooms” were deleted because they have no specific technical definition and are therefore too broad and vague (they are more akin to descriptions of what users do with technology tools rather than actual tools or services themselves). Schools and libraries can conduct “distance learning” with a simple and eligible blog and teacher page, or with a full-featured suite of ineligible tools such as online quizzes, gradebooks, and other applications. A group of teachers or students can “collaborate” via webmail, or with advanced video conferencing and web conferencing. If the draft ESL wishes to exclude video and web conferencing (such as WebEx, GoToMeeting), it should avoid vague statements about “collaboration” or “distance learning” and simply state which specific tools are ineligible to provide clarity for applicants and service providers.

ATTACHMENT 2

Two Examples of Teacher – Student Communications

Internet-Based E-Mail Service



Both have as their essential purpose communication, both require authentication / password to enable secure communication to a limited audience, both are rendered on a web page via a web browser, and both enable the creation / editing of content with text, HTML and graphics.

Discussion Board on Teacher's Web Hosting Service

Welcome, Student 1

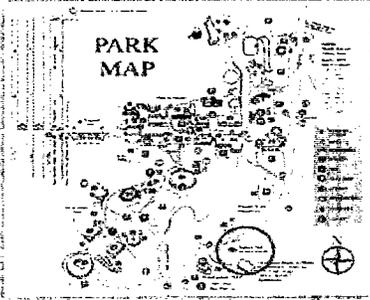
Teacher Web Page 1

Washington High School, Room 17

HOME | LINKS | DISCUSSIONS

DISCUSSION: PICNIC PREP	POSTS	LAST
DIRECTIONS TO THE CLASS PICNIC	3	05.20.10

TEACHER1



Dear Student Helpers,
Please see attached map for directions to our picnic. Please let me know if you have any questions!
Sincerely,
Teacher1

Ok, great, but I'm still confused. Which part of the park grounds are we meeting at?
Thanks for your help.
StudentHelper1

Hey StudentHelper1,
We're meeting at The Park Activity Center, the place with the large purple circle around it on the map from Teacher1.
See you there!
StudentHelper3

Both have as their essential purpose communication, both require authentication / password to enable secure communication to a limited audience, both are rendered on a web page via a web browser, and both enable the creation / editing of content with text, HTML and graphics.