

September 11, 2012

Jennifer L. Richter
202-457-5666
jrichter@pattonboggs.com

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

Re: **Notice of Ex Parte Communication**
CC Docket No. 02-6
GN Docket No. 09-51
FY2013 Draft Eligible Services List

Dear Ms. Dortch:

On Friday, September 7th, the Wireline Competition Bureau (the “Bureau”) held a telephonic meeting with Edline, LLC that included the following participants: Phil Gieseler, a consultant to Edline; Jennifer Richter, counsel to Edline; and Cara Voth, James Bachtell, Alec MacDonnell and Lisa Hone, all of the Bureau.

The parties discussed Edline’s request for clarification regarding the FY2013 Eligible Services List (“ESL”).¹ Edline’s Comments seek confirmation from the Bureau that data input and retrieval associated with applicant-created forms and templates is eligible as part of web hosting.

Forms and templates are common features on all websites today and are integral to how school websites are created, administered and function. Forms and templates are used to accomplish such basic website functions as creating accounts, changing passwords, logging-in to the website, contacting a website administrator or teacher for support, allowing users to post content, and allowing users to engage in interactive communication on the website. The Commission has never suggested that forms and templates are ineligible, but such forms and templates inherently involve data input and retrieval. The description of what is ineligible for web hosting includes the phrase “features or software involving data input and retrieval.”² However, the entire section

¹ Comments of Edline to the FY2013 Draft Eligible Services List for Schools and Libraries Universal Service Program Public Notice, Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, GN Docket No. 09-51 (filed on August 6, 2012) (the “Edline Comments”).

² Draft ESL at 13.

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suggests that data input and retrieval is permissible when associated with applicant-created content for an educational purpose. In conjunction with issuing the Eligible Services List for FY2013, Edline requests that the Bureau clarify that "data input and retrieval" associated with applicant-created forms, which both serve an educational purpose and are essential to website administration, are eligible. A clarification in the Order to address the perceived ambiguity may be all that is needed without changing the draft ESL.

Edline asked whether the Bureau requires any additional information to assist in its consideration of the issue. The Bureau expressed that Edline's Comments are clear and that the Bureau is considering if it will address, and how it will address, the issue in a targeted manner.

Respectfully submitted,

/s/ Jennifer L. Richter

Jennifer L. Richter
Counsel to Edline

cc: Cara Voth
James Bachtell
Alec MacDonnell
Lisa Hone