

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

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**REPLY COMMENTS OF  
THE  
NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

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On February 19, 2010, the Federal Communications Commission (“FCC” or “Commission”) issued an order that “enable[d] schools that receive funding from the E-rate program (more formally, the schools and libraries universal service support program) to allow members of the general public to use the schools’ Internet access during non-operating hours.”<sup>1</sup> Included with the Order was a Notice of Proposed Rulemaking (“NPRM”) that sought comment on revising the Commission’s rules to make the allowed uses permanent.

The National Association of State Utility Consumer Advocates (“NASUCA”) supported the waiver, and also supported the proposed changes in the Commission’s rules.<sup>2</sup>

Indeed, all of the few comments filed supported the changes. NASUCA files these brief reply comments to respond to two specific issues raised by individual comments.

First, Verizon and Verizon Wireless (“Verizon”) use their comments as an excuse to harp on the proposal for a numbers-based universal service fund collection

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<sup>1</sup> FCC 10-33 (rel. February 19, 2010), ¶ 1. In the order, the Commission “waive[d]... through funding year 2010 (which ends June 30, 2011), rules that currently discourage public use of resources funded by E-rate.” Id. See 47 C.F.R. §§ 54.504(b)(2)(v); 54.504(c)(1)(vii).

<sup>2</sup> NASUCA Comments (April 5, 2010).

mechanism.<sup>3</sup> This is ranging far afield even for Verizon. NASUCA would refer the Commission to the multitudinous arguments against the numbers-based proposals.<sup>4</sup> Indeed, contrary to Verizon’s assertion, a numbers-based mechanism does not fix the problem that “some services contribute to the fund and some do not...”<sup>5</sup>

A bit closer to the subject at hand, but still not reasonable, is the suggestion of Sprint Nextel Corporation (“Sprint”) that the Commission broaden its definition of “eligible locations” for e-rate funding to include any location where the broadband service can be used, including school buses,<sup>6</sup> and presumably, the homes of “students, teachers, school administrators and other E-rate eligible users...”<sup>7</sup> Although **closer** to the subject, definitions for “E-rate eligible users” as that term is contained in current rules are not really pertinent to the Commission’s proposal to change the rules to allow the public to use E-rate facilities outside of school hours. That is, unless Sprint’s intent is to open up the use of these facilities to everyone at any location. That would stretch the E-rate program beyond all recognition.<sup>8</sup>

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<sup>3</sup> Verizon Comments at 3-4.

<sup>4</sup> See, e.g., WC Dockets Nos. 06-122 and 05-337 and CC Docket No. 96-45, NASUCA ex parte (July 29, 2009).

<sup>5</sup> Verizon Comments at 4.

<sup>6</sup> Sprint Comments at 3.

<sup>7</sup> Id.

<sup>8</sup> See NASUCA Comments at 4, n.4 (opposing NCTA’s assertion that expansion of broadband deployment to homes is permissible under the schools and libraries program because of possible educational uses at home).

Respectfully submitted,

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