



National Congress of American Indians

NCAI News

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Tribes Encouraged To Comment on Federal E-Rate Regulations – The Federal Communications Commission announced on February 19 that is reviewing its regulations governing the universal service program for schools and libraries (e-rate program). The e-rate program provides discounts for Internet access to schools and libraries if they certify that the services will be used solely for educational purposes.

Among the issues under consideration is whether to expand a waiver granted to Alaska last December that provides rural and Native Alaskans with the opportunity to gain Internet access through the schools and libraries program. In Alaska, a number of schools and libraries that obtain Internet access through the e-rate program rely on satellite services that are provided 24-hour, 7-days-a-week on a non-usage basis. Schools and libraries occupy these connections for educational purposes during their operating hours, but the available connections go unused when they are closed. The FCC waiver granted to Alaska allows these unused telecommunications services to be used for non-educational purposes under the following conditions:

- No toll-free or local dial-up Internet access is otherwise available in the community
- Services are sold by the provider on the basis of a price that is not usage sensitive (no additional cost)
- The school or library has not requested more services that necessary for educational purposes
- Use by community members is limited to hours in which the school or library through which the Internet would be access is closed
- Excess services are made available to all capable service providers in a neutral manner that does not require or take into account any commitments or promises from the service providers

Tribes are encouraged to file comments to support the expansion of the Alaska waiver to all areas included in the Enhanced Lifeline and Link-Up for Tribal Lands universal service support program.

The FCC review also covers several other policy issues. With respect to the application process, the FCC is seeking comment on:

- Determining eligible services, and the eligibility for schools and libraries universal service support for such services as Wide Area Networks, wireless services, and voice mail
- Allowing schools and libraries to receive discounts for Internet access that may in certain limited cases contain content, so long as it is the most cost effective form of Internet access
- The 30 percent processing benchmark for reviewing funding requests that include both eligible and ineligible services
- Requiring certification by schools and libraries that they have complied with the Americans With Disabilities Act and related laws
- Modifying regulations governing when members of a consortium may receive services from a tariffed service provider at below-tariff rates

With respect to the issues that may arise once the discount has been committed to applicants, the FCC is seeking comment on:

- Providing schools and libraries with the flexibility either to make up-front payments for services and receive reimbursement through the Billed Entity Applicant Reimbursement (BEAR) form process or to be charged only for the non-discounted costs by the service providers, with the requirement that the providers remit BEAR reimbursements to applicants within 20 days
- Limiting transferability of equipment obtained with universal service discounts

The deadline for comments is April 5, and reply comments must be submitted on or before May 6. The complete Federal Register notice announcing the review may be downloaded at "http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-3883-filed.pdf".

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