

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

Notice of Information Collection)	
Being Submitted for Review and)	OMB Control No. 3060-0856
Approval to the Office of Management)	
And Budget)	

COMMENTS OF AT&T

AT&T Services, Inc., on behalf of its affiliates (“AT&T”), respectfully submits the following comments in response to the Notice of Information Collection for the above-captioned Control Number.¹

In the *Notice*, the Commission seeks comment on whether the Commission’s proposed revisions to certain forms that are required for participation in the Schools and Libraries Universal Service (“E-rate”) program are necessary for the proper performance of the Commission’s functions, whether the Commission has accurately estimated the burden associated with the proposed collection of information, ways to enhance the quality, utility, and clarity of the information collected, and ways to minimize the burden associated with the information collected.² As discussed below, the Commission cannot meet the Paperwork Reduction Act’s statutory mandate of demonstrating that the proposed changes to the FCC Form 473 are “*necessary* for the

¹ *Notice of Information Collection(s) Being Reviewed by the FCC*, FR Doc. 16-29263, (May 11, 2016) (“*Notice*”).

² *Id.*

proper performance of the functions of the Commission.”³ As a result, the Office of Management and Budget (“OMB”) must reject the Commission’s proposed changes to FCC Form 473.

Specifically, the new Certification C in the proposed Service Provider Annual Certification Form 473 is ambiguous, overbroad and is not aligned with the requirements of the E-rate program. The proposed Certification C requires E-rate service providers to certify that “the bills or invoices issued by this Service Provider to the Billed Entity *are for equipment and services eligible for universal service support by the Administrator*, and exclude any charges previously invoiced to the Administrator by the Service Provider.”⁴ This certification can be interpreted to require service providers to issue separate bills to E-rate customers to the extent the service provider provides both eligible and ineligible equipment and/or services to its E-rate customers. However, the E-rate program does not require service providers to bill their customers separately for eligible and ineligible services.⁵ Thus, this proposed new wording goes beyond E-rate program requirements and cannot be necessary for the proper performance of the Commission’s functions.

This certification should be eliminated, or at a minimum, modified to acknowledge that a service provider’s bills may include both eligible and ineligible equipment and services. For example, AT&T submitted the following proposed revision to the FCC’s Telecommunications Access Policy Division staff, which resolves the problems with the Commission’s wording: “the bills or invoices issued by this Service Provider to the Billed Entity include equipment and services eligible for universal service support by the Administrator, and exclude any charges previously

³ 35 U.S.C. § 3508 (emphasis added).

⁴ See Proposed FCC Form 473, Certification C, submitted to OIRA May 11, 2016 (OMB Control No. 3060-0856) (emphasis added).

⁵ E-rate program regulations require service providers to issue invoices to USAC that exclude ineligible services to ensure that funding is limited to eligible services. However, this requirement is already addressed in Certifications A and D of the Service Provider Annual Certification Form 473, and is not applicable to invoices from the service provider to the billed entity.

invoiced to the Administrator by the Service Provider.”⁶ Without such a modification, the Commission’s proposed certification is overbroad and will not assist the Commission in its ability to assess whether service providers are in compliance with E-rate program requirements, which conflicts with the requirements of the Paperwork Reduction Act.

The OMB must carry out its statutory mandate and ensure that the FCC adheres to the requirements of the Paperwork Reduction Act. Accordingly, the OMB must reject the FCC’s proposed Certification C and deny the FCC’s request to extend OMB’s clearance of this data collection.

Respectfully submitted,

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⁶ See Email from Raquel Noriega, Director, AT&T Federal Regulatory to Aaron Garza, FCC Telecommunications Access Policy Division, dated March 28, 2016
(http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201604-3060-013) (last checked June 8, 2016).