

# **RULES AND REGULATIONS GOVERNING THE RHODE ISLAND**

## **TELECOMMUNICATSION EDUCATION ACCESS FUND**

### **PART I. INTRODUCTION**

Pursuant to R.I.G.L. § 39-1-61, establishing the Rhode Island Telecommunications Education Access Fund, the Commission, pursuant to the mandate contained in Section 39-1-61(d)-(e), hereby promulgates these rules to effectuate the Act of the Rhode Island General Assembly.

### **PART II. DEFINITIONS**

SECTION 1. “Department of Education” means the Rhode Island Department of Elementary and Secondary Education.

SECTION 2. “Commission” means the Rhode Island Public Utilities Commission

SECTION 3. “Telecommunications Education Access Fund” means the programs and funding made available to qualified libraries and schools to assist in paying the costs of acquiring, installing and using telecommunications technologies to access the internet.

SECTION 4. “Qualified library” means a public library as defined in the Library Services and Technology Act, Public Law No. 104-208, section 211 et seq., 110 Stat 3009 (1996) and must be eligible for assistance from a state library administrative agency under that Act. Only libraries that have budgets that are completely separate from any schools (including, but not limited to, elementary and secondary, colleges and universities) shall be eligible to receive support. Libraries operating as a for-profit business shall not be eligible for support.

SECTION 5. "Qualified school" means a public school that is eligible for the federal Universal Service (E-Rate) support and meets the definition of "elementary school" or "secondary school" in the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. § 8801). Schools operating as a for-profit business or with endowments exceeding fifty million dollars (\$50,000,000) are not eligible for support.

SECTION 6. "Telecommunications," for purposes of this program, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

SECTION 7. "Telecommunications services provider" means any provider of telecommunications services.

SECTION 8. "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such class of users as to be effectively available directly to the public, regardless of the facilities used.

### PART III. ASSESSMENT

SECTION 1. Pursuant to R.I.G.L. § 39-1-61(d)(1), a surcharge, in an amount determined by the General Assembly, is to be assessed upon each residence and business telephone access line or trunk in the state, including PBX trunks and centrex equivalent trunks and each service line or trunk, and upon each user interface number or extension number or similarly identifiable line, trunk, or path to or from a digital network.

SECTION 2. Pursuant to R.I.G.L. § 39-1-61(d)(1), the surcharge listed in Part II, Section 1 of these Rules shall not be assessed on state, local and quasi-governmental agencies.

SECTION 3. Pursuant to R.I.G.L. § 39-1-61(d)(1), commencing January 1, 2004, the surcharge shall be billed by each telecommunications services provider and shall be payable to the telecommunications service provider by the subscriber of the telecommunications services.

SECTION 4. The Telecommunications Education Access Fund surcharge shall appear on subscriber bills as “Schools and Library Fund.”

SECTION 5. Commencing March 1, 2004, and continuing on the first business day of each month, each telecommunications services provider shall transfer to the Public Utilities Commission, the amount collected from its subscribers through the Telecommunications Education Access Fund surcharge.

#### PART IV. ADMINISTRATION

SECTION 1. The Department of Education shall submit its requests for proposals for products and services to serve the internet access needs of schools and libraries to the Commission once annually for its review to ensure competitive neutrality.

SECTION 2. The Department of Education shall select the winning bidder in accordance with the approved request for proposals approved by the Commission. A losing bidder may file an appeal with the Commission.

SECTION 3. The Department of Education shall endeavor to obtain all available E-Rate matching funds and is encouraged to seek matching funds from all local, state, and federal public or private entities.

SECTION 4. The Department of Education shall file an accounting of all disbursements from the Telecommunications Education Access Fund with the Commission once annually for its review to ensure competitive neutrality.

SECTION 5. The Department of Education shall approve disbursement of funds from the Telecommunications Education Access Fund in accordance with the terms of the winning proposal(s) to the annual request for proposals to provide products and services that best serve the internet access needs of schools and libraries.

SECTION 6. The Commission will transfer funds from the Telecommunications Education Access Fund at the request of the Department of Education. In support of each disbursement, the Department of Education shall submit proper financial statements to the Commission indicating the dollar amount of the invoices for which it is liable under the statute together with a letter affirming that it is spending the funds from the Telecommunications Education Access Fund in accordance with the requirements of R.I.G.L. § 39-1-61.

SECTION 7. The Commission will not transfer funds from the Telecommunications Education Access Fund in excess of the amount accrued in the account at the time the request is made by the Department of Education.

SECTION 8. The Department of Education shall follow all requirements of the Federal Universal Service E-Rate program in evaluating bids and providing .

#### PART V. ELIGIBILITY

SECTION 1. All Qualified Schools and Qualified Libraries shall be eligible for support from the Telecommunications Education Access Fund.