June 16-24, 2004

Commissioner (Adelstein, Copps, Martin, Abernathy)
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Commissioner,

EDUCAUSE is a nonprofit association whose mission is to advance higher education by promoting the intelligent use of information technology. The current membership comprises nearly 1,900 colleges, universities, and education organizations, including more than 180 corporations, and more than 13,000 active member representatives.

EDUCAUSE recently submitted comments to the FCC in the matter of IP-enabled services, WC Docket No. 04-36. We encourage the Commission to treat IP-enabled services as a unique technology that should remain distinct from the legacy telephony regulatory system. Within its purview, the Commission is charged by Congress to protect the public interest, but also to avoid unnecessary regulation and promote innovation. With this in mind, the community that EDUCAUSE represents recommends that:

- Regulation of the Internet should be based on an IP-based layered model. This model would allow for the separate treatment of the services (applications layer) and the physical infrastructure (transport layer)
  - The applications layer (which includes voice over internet protocol or VoIP) should remain as regulation-free as possible, but
  - The transport layer will require continued oversight to ensure affordable and ubiquitous broadband access;

- The Universal Service Fund (USF) should be updated and refocused on the goal of achieving universal broadband access; and,

- Industry efforts to provide public services such as 9-1-1 and access for the disabled hold great promise. If the market fails to sufficiently provide these services, mandates and new revenue models to support them may be necessary in the future.
EDUCAUSE feels that the public’s acceptance and migration to IP-enabled services provides an opportunity for the Commission to break from the burdensome rules of the legacy telephony world and provide for a rapid yet thoughtful and judicious transition to an IP-enabled environment.

Sincerely,

Brian Hawkins  
President  
EDUCAUSE