



DATE: October 8, 2014
TO: California Library Community
FROM: Greg Lucas, State Librarian
RE: Public Library Consortium Letter of Agency

Dear Library Directors,

This is an invitation for your library to join a statewide public library E-Rate consortium whose goal is to win E-Rate discounts on connecting to the California Research and Education Network or CalREN. This network is managed by the Corporation for Education Network Initiatives in California – CENIC – which also manages the E-Rate consortium.

Attached is a Letter of Agency, which requires your immediate attention should your library wish to join the statewide E-Rate consortium. The completed letter needs to be received by the State Library no later than October 31, 2014. This is short notice but E-Rate discounts take a long time to process.

Many of you already participate in E-Rate and know the complexities involved in achieving E-Rate compliance. For E-Rate consortium members, CENIC takes responsibility for E-Rate filing for Internet access, reducing the administrative burden for libraries. A consortium has the opportunity to negotiate greater savings for its members than if those members each try to secure their own discount.

Participating in this E-Rate consortium helps maximize the potential E-Rate discounts for libraries in California. The Letter of Agency covers the period from July 1, 2015, to June 30, 2018.

Submitting the attached letter doesn't commit your library to participating in CENIC's broadband network. The letter is necessary to determine the E-Rate discount your library qualifies for, and to provide CENIC engineers with the data they need for network planning. Once that amount is established, a decision can be made on participation. Not submitting a letter before October 31, however, prevents participation in the current E-Rate consortium.

A signed Letter of Agency allows CENIC to contact communication carriers and solicit cost and network availability data, which are important elements in network planning. CENIC says the sooner that information is available, the sooner projects can begin.

To participate in the E-Rate consortium, please complete and return the attached letter to the California State Library -- ATTENTION Jarrid Keller -- P.O. Box 942837, Sacramento, CA 94237-0001.

There will be question-and-answer sessions during the week of October 13th. Additional information about the sessions will be released this week. Additional questions can be directed to:

Jarrid Keller
Chief Information Officer
916-653-4023
Jarrid.Keller@library.ca.gov

Thanks for your consideration.

Enclosures: LOA
Q&A

Frequently Asked Questions for Public Libraries About CENIC's Statewide E-Rate Consortium

E-Rate is a federal program established by the Telecommunications Act of 1996 to promote Universal Service for schools and libraries by providing billions of dollars annually in discounts or subsidies for telecommunications services.

This program rebates a portion of the cost of certain telecommunication services, related equipment and related technical services. The federal government makes this program available to ensure that students in every school and patrons in every library, in particular those in communities with high rates of poverty, have high-speed broadband access to the Internet and to education technology.

The Corporation for Education Network Initiatives in California (CENIC) will be administering the statewide consortium for public libraries in California.

Letter of Agency: A Letter of Agency is a legal document in which one agency gives authority for another agency to act on its behalf. In the case of the CENIC E-Rate Consortium for public libraries, a library jurisdiction or branch would sign a Letter of Agency to join the consortium. The letter authorizes CENIC to seek and obtain E-Rate discounts on the cost of circuits to connect libraries to the California Research and Education Network (CalREN), the statewide broadband network operated by CENIC.

FAQs:

Q1: What and who are CalREN and CENIC?

Q2: Why is there a request for a Letter of Agency?

Q3: What liability does the library jurisdiction or system incur by signing the Letter of Agency?

Q4: Why should I send CENIC a Letter of Agency before the State Library and CENIC have worked out all the contractual details?

Q5: What are the advantages for a jurisdiction or library system if we join the consortium by signing the Letter of Agency?

Q6: Will this interfere with our own E-Rate or California Teleconnect Fund applications?

Q7: Are there any libraries that should not sign the Letter of Agency?

Q8: What about the Children's Internet Protection Act (CIPA) compliance? We don't filter.

Q9: What is a "Federal Registration Number"; how do I find out if I have one; and how do I get one if I don't?

Q10: What is a "USAC/E-Rate Entity #"; how do I find out if I have one; and how do I get one if I don't?

Q11: What if my library is under contract for services already?

Q12: Whom can I contact if these FAQs still don't answer my questions?

Q1: What and who are CalREN and CENIC?

A1: **CalREN** is the California Research and Education Network, a statewide network operated by CENIC to serve educational institutions across the state. It currently is in the process of linking K-12 schools, school district offices, county offices of education, colleges, and universities to one another and to the Internet.

The Corporation for Education Network Initiatives in California (CENIC) is a 501(c)(3) non-profit organization founded by the California State University system, Caltech, Stanford, the University of California and the University of Southern California. CENIC is governed by its members, which include the above institutions, the California Community Colleges and the state's K-12 educational institutions. As soon as contracts are in place, the California State Library will join CENIC's governing board.

CENIC procures the telecommunications services that support connection to CalREN, and therefore serves as the lead applicant for California's statewide E-Rate consortium for public libraries, just as it does for K-12 schools and districts.

Q2: Why is there a request for a Letter of Agency?

A2: Under E-Rate regulations, CENIC, as the consortium lead, must have a signed Letter of Agency from each of the participating library jurisdictions, systems or branches that CENIC lists on its E-Rate application, FCC Form 471. Submitting a Letter of Agency before October 31st allows data from all consortium members to be processed for the anticipated March 2015 deadline to file the Form 471 for the statewide consortium.

Q3: What liability does the library jurisdiction or system incur by signing the Letter of Agency?

A3: For any library that already applies for E-Rate, there is no additional liability incurred by signing the Letter of Agency. The Letter of Agency is the mechanism for a library jurisdiction, system or branch to re-certify to CENIC that the library entity is "E-Rate compliant."

At a specific point in the E-Rate process, CENIC will receive bids from providers on the circuit costs. Then a jurisdiction or library can decide that the cost is too high even after anticipated E-Rate and California Teleconnect Fund discounts, and may drop out of the process.

Libraries that remain in the process will be obligated to pay the full cost of the circuits until the E-Rate and California Teleconnect Fund discounts are applied. Different carriers handle this transaction differently so it's hard to say exactly how long it will take for discounts to be applied but a full fiscal year is not uncommon for a large statewide consortium. After they've been received by CENIC, the discounts will be returned to the libraries, reducing the net cost of circuits.

Q4: Why should I send CENIC a Letter of Agency before the State Library and CENIC have worked out all the contractual details?

A4: The process of applying for E-Rate funding takes pre-planning and activities that span almost an entire year. The E-Rate application process begun in the fall of 2014 is to qualify for funding for circuits to be installed in the fiscal year that begins July 1, 2015. If this funding cycle is missed, a potential year of E-Rate discounts is lost. Formal contracts will be between CENIC and the new Partner for Statewide Broadband Aggregator that will be chosen competitively in late October/early November. For more information, please contact Jarrid Keller, Chief Information Officer, California State Library, 900 N Street, Sacramento, CA 95814. 916-653-4023 or jarrid.keller@library.ca.gov.

Q5: What are the advantages for a jurisdiction or library system if we join the consortium by signing the Letter of Agency?

A5: Carriers typically provide lower costs to entities that purchase large numbers of circuits, so a consortium can secure lower costs for its members than the members might negotiate on their own.

As the consortium receives discounts on network circuit costs during fiscal years 2015-16, 2016-17 and 2017-18, those savings will be returned to the libraries to reduce the net cost of circuits. By signing the Letter of Agency and joining the consortium, libraries in California can obtain E-Rate discounts while enjoying broadband connectivity to CalREN. Joining the consortium may also reduce the amount of paperwork required of your library jurisdiction or branch, to take advantage of E-Rate and California Teleconnect Fund (CTF) discounts.

Q6: Will this interfere with our own E-Rate or California Teleconnect Fund applications?

A6: It depends. CENIC is *only* applying for discounts on telecommunications circuits, so you may still apply for discounts on equipment or other categories of goods or services for which E-Rate and CTF are available. In E-Rate terms, CENIC is the “Billed Entity” and the consortium lead for discounts on network telecommunications costs that are serving public libraries. A library, as a consortium member, is the beneficiary of the discount savings realized by CENIC.

Since the consortium is not applying for discounts on Internet Access or Category Two Internal Connections, certification of compliance with the Children’s Internet Protection Act is not required for participation in the consortium.

Q7: Are there any libraries that should not sign the Letter of Agency?

A7: Yes. Here are some examples:

1. A library that has Internet access and does not intend to connect to CENIC’s CalREN network.
2. A library that doesn’t intend to connect to the Internet.
3. A library that could be described in E-Rate Form 471 terms as having insufficient or nonexistent "computers, training, software, maintenance, and electrical

connections necessary to make effective use of the services purchased as well as to pay the discounted charges for discounted eligible services" in fiscal years 2015-2016, 2016-2017 and 2017-2018.

Q8: What about Children’s Internet Protection Act (CIPA) compliance?

A8: There is no CIPA compliance obligation created by being a participant in this consortium. Under E-Rate, the CENIC application to the E-Rate discount program is for telecommunications only, which has no CIPA compliance requirements. A jurisdiction or library may choose to comply with CIPA but there’s no requirement to do so as a result of signing the Letter of Agency or applying for E-Rate discounts through the consortium process CENIC follows.

Q9: What is a “Federal Registration Number?” How do I find out if I have one and how do I get one if I don’t?

A9: A “billed entity” – such as a library jurisdiction -- is defined as an entity that pays for services on behalf of its branches or locations. Such an entity must have an FCC Registration Number (FRN). You may search for an existing FRN or request a new one at the following FCC website:

<https://apps.fcc.gov/coresWeb/publicHome.do>

Q10: What is a “USAC/E-Rate Entity Number?” How do I find out if I have one and how do I get one if I don’t?

A10: This number is also often called a “Billing Entity Number” or BEN. If you have already been assigned an entity number, you may look it up on USAC’s website at:

http://www.sl.universalservice.org/Utilities/BilledEntitySearch_Public.asp

Before contacting USAC to request a new entity number, it’s wise to research what’s involved. If you need to request a new entity number, here are the USAC instructions:

<http://www.usac.org/sl/applicants/beforeyoubegin/entity-number.aspx>

You can also submit questions at:

http://www.slforms.universalservice.org/EMailResponse/EMail_Intro.aspx

And, you can call USAC at (888) 203-8100 to obtain entity numbers.

Q11: What if my library is under contract for services already?

A11: The Letter of Agency in no way commits you to terminating your existing contracts. However, if you are interested in connecting to CalREN, please complete a Letter of Agency and include the following information:

1. The date your contract ends.
2. Information about any early termination fees under the contract.
3. The name of the service provider.

Q12: Whom can I contact if these FAQs still don't answer my questions?

A12: Name: Jarrid Keller, CIO California State Library
Telephone: 916-653-4023
Email: Jarrid.Keller@library.ca.gov

Letter of Agency

Please complete and return this Letter of Agency (LOA) by October 31, 2014, to:

California State Library
P.O. Box 942837
Sacramento, CA 94237-0001
Attention: Jarrid Keller

From:	Name of Library Jurisdiction/Library Organization	County

This Letter of Agency (LOA) is to confirm participation in the Corporation for Education Network Initiatives in California (CENIC) E-Rate Consortium as an eligible member entity for E-Rate discounts in 2015–16, 2016–17 and 2017-18 E-Rate application years. I authorize CENIC (E-Rate Entity No. 225495) to act on my behalf in matters related to the federal E-Rate discount program for the purposes of securing those discounts on eligible telecommunications services for eligible library locations. I understand that in submitting E-Rate forms, which include us in the consortium, CENIC is making certifications for our library or library system. By signing this LOA, I make the following certifications on behalf of our entity:

1. I certify that our library or library system is eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act of 1996, Pub. L. No. 104-208, § 211 et seq., 110 Stat. 3009 (1996) that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary, secondary schools, colleges, or universities).
2. I certify that our library or library system has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services acquired by CENIC on our behalf. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the billed entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
3. I certify that the services the library or library system purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500 (et seq.).
4. I certify that our library or library system has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

5. I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
6. I certify that I will retain required documents for a period of at least ten years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the Schools and Libraries Program.
7. I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
8. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the Schools and Libraries support mechanism.
9. I certify that, to the best of my knowledge, the service provider will not pay the non-discount portion of the costs for eligible services. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
10. I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to CENIC for E-Rate submission is true and correct.
11. I understand that because CENIC must prepare its statewide application in advance, CENIC may use older National School Lunch Program (NSLP) (enrollment and free/reduced lunch eligibility) data that varies from the NSLP data we may use in our own E-Rate applications. We therefore agree in advance that whatever NSLP data CENIC uses and can verify to the satisfaction of Universal Service Administrative Company/ Schools and Libraries Division (USAC/SLD) shall be the correct NSLP data for CENIC's consortium application for our entity.

I understand that persons willfully making false statements on the E-Rate forms or through this LOA can be punished by fine or forfeiture, under Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C.

1. Printed Name of Library/Library System or Jurisdiction – should match how it appears in USAC’s system (Required)

2. Library/Library System FCC Registration Number (Optional)

3. USAC/E-Rate Entity # (Optional)

4. Signature of authorized person (Required)

Date Signed

5. Printed name of authorized person (Required)

6. Title or position of authorized person (Required)

7. Phone for Library/Library System (Required)

8. Printed name of contact person, if different from No. 6 above (Required)

9. Phone for contact person (Required)

10. Printed e-mail for contact person (Optional)

