

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Request for Review
of the Decision of
the Universal Service Administrator by
Ozarks Unlimited Resources Cooperative
Harrison, Arkansas
On behalf of
Yellville-Summit School District
Federal-State Joint Board on Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD- 139666
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: January 6, 2000

Released: January 7, 2000

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal, filed September 29, 1999, by Ozarks Unlimited Resources Cooperative (Ozarks). Ozarks is seeking funding in connection with an FCC Form 471, billed entity number 139666, Ozarks allegedly filed with the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) for the Yellville-Summit School District. Ozarks asserts that it filed an FCC Form 471 but did not receive a corresponding funding commitment decision letter. Ozarks further indicates in its letter that it has sought assistance from SLD personnel who have been unable to find any record of the FCC Form 471 in question and seeks Commission assistance in resolving this situation. For the reasons set forth below, we deny the Letter of

1 Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

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Appeal.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>3</sup> In order to receive discounts on eligible services, schools must file certain information with the Administrator. Specifically, the Commission's rules require that an applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth the school's technological needs and the services for which it seeks discounts.<sup>4</sup> The applicant must generally use the FCC Form 470 application as the basis for seeking competitive bids on the services for which discounts are sought.<sup>5</sup> Once the school has signed a contract for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the school has signed the contract, and an estimate of funds needed to cover the discounts to be given for eligible services.<sup>6</sup> The Administrator then determines the amount of discounts for which the school is eligible. Approval of the application is contingent upon the filing of an FCC Form 471. If the Administrator has established a filing window, all FCC Form 471s submitted during the filing window will be treated as if they were simultaneously received.<sup>7</sup> For the first funding period, the filing window opened on January 30, 1998 and closed on April 15, 1999.

3. We have reviewed the copy of the FCC Form 471 Ozarks attached to its Letter of Appeal as well as SLD's records relating to this applicant. Unfortunately, we have found no evidence in the record before us that this particular FCC Form 471 was filed with SLD at any time within the January 30, 1998 to April 15, 1999 filing window. Rather, SLD's records reveal that the FCC Form 471 Ozarks attached to its Letter of Appeal was faxed to SLD on August 20, 1999. SLD records reveal that the faxed copy was sent in connection with SLD's efforts to

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<sup>2</sup> Ozarks has attached a copy of the FCC Form 471 it allegedly filed with SLD to its Letter of Appeal.

<sup>3</sup> 47 C.F.R. §§ 54.502, 54.503.

<sup>4</sup> 47 C.F.R. § 54.504(b)(1), (b)(3). In submitting FCC Form 470, an applicant is required to provide only general information about the services for which it seeks discounts, *e.g.*, number of phones that require service, number of dial-up connections necessary, as well as an assessment of the applicant's existing technology that may be necessary for the effective use of eligible services.

<sup>5</sup> 47 C.F.R. §§ 54.504, 54.511. Pre-existing contracts, as defined by Commission rules, are exempt from the competitive bidding requirements. 47 C.F.R. § 54.511(c).

<sup>6</sup> 47 C.F.R. § 54.504(c).

<sup>7</sup> 47 C.F.R. § 54.507(c).

locate an FCC Form 471 that Ozarks allegedly filed within the filing window. There is no indication, however, that this FCC Form 471 was filed prior to the close of the filing window and Ozarks has made no showing that it was timely filed. In light of these circumstances, we conclude that the Letter of Appeal filed by Ozarks must be denied, since there is no evidence that the FCC Form 471 in question was, in fact, filed with SLD within the filing window.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the appeal filed by Ozarks Unlimited Resources Cooperative on behalf of Yellville-Summit School District, dated September 29, 1999, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma  
Deputy Chief, Common Carrier Bureau