

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Deer Park Community Consolidated Elementary) File No. SLD-253932
School District No. 82)
Ottawa, Illinois)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
Changes to the Board of Directors of the) CC Docket No. 97-21
National Exchange Carrier Association, Inc.)

ORDER

Adopted: April 23, 2002

Released: April 24, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has before it a Request for Review filed by Deer Park Community Consolidated Elementary School District No. 82 (Deer Park), Ottawa, Illinois, seeking review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company. SLD returned, without consideration, Deer Park's Funding Year 4 application for discounted services under the schools and libraries universal service support mechanism because it omitted certain information required under SLD's minimum processing standards. For the reasons discussed below, we deny the Request for Review.

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.

1 Letter from Dr. Conrad Spirrison, Deer Park Community Consolidated Elementary School District No. 82, to Federal Communications Commission, filed June 28, 2001 (Request for Review). 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).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to Conrad Spirrison, Deer Park Community Consolidated Elementary School District No. 82, dated March 22, 2001 (Rejection Letter), at 1.

3 47 C.F.R. §§ 54.502, 54.503.

The Commission's rules require that the applicant make a bona fide request for services by filing with the Administrator an FCC Form 470,⁴ which is posted to the Administrator's website for all potential competing service providers to review.⁵ After the FCC Form 470 is posted, the applicant must wait at least 28 days before entering an agreement for services and submitting an FCC Form 471, which requests support for eligible services.⁶ SLD reviews the FCC Forms 471 that it receives and issues funding commitment decisions in accordance with the Commission's rules.

3. The Commission's rules allow the Administrator to implement an internal filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.⁷ Applications that are received outside this filing window are subject to separate funding priorities under the Commission's rules.⁸ It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window. In Funding Year 4, the filing window closed on January 18, 2000.⁹

4. To further facilitate the efficient review of the thousands of applications requesting funding, every funding year, SLD establishes and notifies applicants of a "minimum processing standard."¹⁰ In Funding Year 4, the minimum processing standards required applicants to submit all the information required in Block 1, the Billed Entity Information section of the form.¹¹ When an applicant submits an FCC Form 471 that fails the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.¹² While an applicant may submit a corrected

⁴ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (Year 4 Form 470).

⁵ 47 C.F.R. § 54.504(b); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9078, para. 575 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata, FCC 97-157 (rel. June 4, 1997), *affirmed in part*, *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (affirming *Universal Service First Report and Order in part* and reversing and remanding on unrelated grounds), *cert. denied*, *Celpage, Inc. v. FCC*, 120 S. Ct. 2212 (May 30, 2000), *cert. denied*, *AT&T Corp. v. Cincinnati Bell Tel. Co.*, 120 S. Ct. 2237 (June 5, 2000), *cert. dismissed*, *GTE Service Corp. v. FCC*, 121 S. Ct. 423 (November 2, 2000).

⁶ 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Year 4 Form 471).

⁷ 47 C.F.R. § 54.507(c).

⁸ 47 C.F.R. § 54.507(g).

⁹ SLD web site, What's New, <http://www.sl.universalservice.org/whatsnew/112000.asp#110300_2>.

¹⁰ See, e.g., SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for FY4, <<http://www.sl.universalservice.org/reference/471mps.asp>> (*Minimum Processing Standards*).

¹¹ *Minimum Processing Standards*.

¹² *Minimum Processing Standards*.

application to SLD where it has omitted information required by the minimum processing standards, the postmark date of that corrected form will be the filing date of the application for the purpose of the filing window deadline.¹³ Thus, where a minimum processing standard correction is submitted after the close of the filing window, the FCC Form 471 is not entitled to in-window priority and will generally be ineligible for funding in years where demand is greater than the available funds as was the case in Funding Year 4.¹⁴

5. In the instant case, Deer Park's Funding Year 4 application was rejected by SLD for failing minimum processing standards because, in Block 1, Item 4a, Deer Park left blank the Billed Entity's Street Address, P.O. Box or Route Number.¹⁵ Deer Park appealed to SLD, requesting that SLD accept a correction and process the application.¹⁶ On June 15, 2001, SLD denied the appeal, finding that the application was properly rejected under minimum processing standards and that the correction could not be accepted because the Funding Year 4 filing window had closed.¹⁷ Deer Park then submitted the pending Request for Review.

6. In its Request for Review, Deer Park again asserts that SLD should have processed its application.¹⁸ However, the Commission has previously affirmed SLD's authority to implement minimum processing standards and to reject those applications that fail to meet those standards.¹⁹ Upon review of the record, we find that Deer Park did not satisfy minimum processing standards in Funding Year 4, because the Street Address, P.O. Box or Route Number in Block 1, Item 4a was left blank.²⁰ Therefore, we must affirm SLD's decision and deny the Request for Review.

¹³ *Minimum Processing Standards.*

¹⁴ In Funding Year 4, the total amount of discounts requested was \$5.195 billion. *See* Letter from Kate L. Moore, President, Universal Service Administrative Company, Schools and Libraries Division, to Dorothy Attwood, Chief, Common Carrier Bureau, Federal Communications Commission, dated April 17, 2001. Pursuant to section 54.507 of the Commission's rules, the cap on universal service funds for schools and libraries is \$2.25 billion. 47 C.F.R. § 54.507(a).

¹⁵ Rejection Letter.

¹⁶ Letter from Dr. Conrad Spurrison, Deer Park Community Consolidated Elementary School District No. 82, to Schools and Libraries Division, Universal Service Administrative Company, filed April 10, 2001, at 1.

¹⁷ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dr. Conrad Spurrison, Deer Park Community Consolidated Elementary School District No. 82, dated June 15, 2001, at 1-2.

¹⁸ Request for Review at 1.

¹⁹ *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 5032 (2001).

²⁰ FCC Form 471, Deer Park Community Consolidated Elementary School District No. 82, dated January 22, 2001, at Block 1, Item 4a.

7. 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 Request for Review filed by Deer Park Community Consolidated Elementary School District No. 82, Ottawa, Illinois, on June 28, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau