Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Intelenet Commission	)	File No. SLD-267544
Indianapolis, Indiana	)	
	)	
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 (Division) has under consideration a Request for Review filed by Intelenet Commission (Intelenet), Indianapolis, Ohio.[1] Intelenet seeks review of the decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Intelenet's application for failure to satisfy minimum processing standards.[2] For the reasons that follow, we deny the Request for Review and affirm SLD's decision.

       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.[3] In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.[4] Once the applicant has

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[1] Letter from Bob G. Carnal, Intelenet Commission, to Federal Communications Commission, filed July 17, 2001 (Request for Review).

[2] 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).

[3] 47 C.F.R. §§ 54.502, 54.503.

[4] 47 C.F.R. § 54.504 (b)(1), (b)(3).

complied with the Commission's competitive bidding requirements and entered into agreements for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carriers with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.[5]

3.　　　Consistent with the Commission's rule requiring applicants to submit a "completed FCC Form 471 to the Administrator," SLD utilizes what it calls "minimum processing standards" to facilitate the efficient review of the thousands of applications requesting funding.[6]　These minimum processing standards are designed to require an applicant to provide at least the minimum data necessary for SLD to initiate review of the application under statutory requirements and Commission rules.　When an applicant submits an FCC Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.[7]　The Commission has previously affirmed SLD's authority to implement minimum processing standards and to reject those applications that fail to meet those standards.[8]

4.　　　One of SLD's minimum processing standards requires that the applicant include at least one Block 4 Worksheet relevant to the application type specified in Block 1, Item 5 (*i.e.*, school, school district, library, or consortium).[9]　In this case, SLD rejected Intelenet's application because it found that Intelenet had specified the application type as "consortium" but did not include a Worksheet C, the relevant worksheet for consortium applications.[10]

5.　　　In its Request for Review, Intelenet asserts that its application did include a Worksheet C and should not, therefore, have been rejected.[11]　In support of this assertion, it further asserts that its own file copy of the application included the Worksheet C.[12]　Intelenet also notes that its examination of the application returned by SLD indicates that, during data processing, SLD had removed the staple from the application and separated the individual

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[5] 47 C.F.R. § 54.504(c).

[6] 47 C.F.R. § 54.504(c); s*ee* SLD website, Form 471 Minimum Processing Standards and Filing Requirements for Funding Year 4, <http://www.sl.universalservice.org/reference/471mps.asp> (Minimum Processing Standards).

[7] Minimum Processing Standards.

[8] *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).

[9] *Id.*

[10] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Bob Carnal, Intelenet Commission, dated March 22, 2001; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Bob G. Carnal, Intelenet Commission, dated July 5, 2001 (Administrator's Decision on Appeal).

[11] Request for Review, at 1.

[12] *Id.*

pages.[13] Intelenet suggests that, during data processing, SLD most likely misplaced Worksheet C, and argues that Intelenet should not be penalized for SLD's mistake.[14]

6.   "It is well established law that the absence of an official record of an event is evidence of the non-occurrence of the event."[15] Here, in the official record of the submitted application, a copy of which is in the record before us, Worksheet C is not present.[16] We therefore find that Intelenet did not submit Worksheet C along with its application and that SLD correctly rejected Intelenet's application for failure to satisfy minimum processing standards.

7.   ACCORDINGLY, IT IS HEREBY 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 Intelenet Commission, Indianapolis, Indiana, on July 17, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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[13] *Id.*

[14] *Id.* at 1-2.

[15] *In re Application of Herbert L. Rippe*, 44 FCC Rcd 91 (Rev. Bd. 1973).

[16] FCC Form 471, Intelenet Commission, filed January 18, 2000.