

FCC MAIL SECTION

Federal Communications Commission

DA 98-719

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DISP

In the Matter of)	
)	
Federal-State Joint Board)	CC Docket No. 96-45
on Universal Service)	

ORDER

Adopted: April 14, 1998

Released: April 14, 1998

By the Chief, Accounting Policy Division, Common Carrier Bureau:

I. INTRODUCTION

1. Eligible schools and libraries are required to submit FCC Forms 470 and 471 in order to receive discounted services pursuant to section 254(h) of the Communications Act, as amended.¹ A commitment of support is contingent upon the filing of FCC Form 471.² A 75-day filing window, during which all applications will be treated as if filed simultaneously, opened on January 30, 1998 and will close on April 15, 1998.³ Under the *NECA Order*, the Schools and Libraries Corporation ("SLC") is responsible for processing schools' and libraries' applications for universal service discounts.⁴

2. On April 3, 1998, Integrated Systems and Internet Solutions, Inc. ("ISIS") filed an objection to an FCC 471 to be filed by the Tennessee State Department of Education and a

¹ See 47 C.F.R. §§ 54.504(b), (c).

² 47 C.F.R. § 54.504(c).

³ See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Third Report and Order*, FCC 97-380 (rel. Oct. 14, 1997) (adopting a filing window and directing the Schools and Libraries Corporation to determine the length of the window). See also *Schools and Libraries Corporation and Health Care Corporation Adopt Length of Filing Windows*, CC Docket No. 96-45, *Public Notice*, DA 97-2349 (rel. Nov. 6, 1997) (announcing the Schools and Libraries Corporation's adoption of a 75-day filing window).

⁴ Changes to the Board of Directors of the National Exchange Carrier Association, Inc. and Federal-State Joint Board on Universal Service, CC Docket Nos. 97-21 and 96-45, FCC 97-253 *Report and Order and Second Order on Reconsideration* (rel. July 18, 1997) (*NECA Order*).

request for expedited declaratory ruling with both the Commission and SLC.⁵ Pursuant to section 1.45 of the Commission's rules, oppositions to the *ISIS Objection* were due on April 13 and replies are due on April 20.⁶ On April 10, 1998, SLC sent a letter to the Tennessee State Department of Education ("Tennessee Department"), acknowledging receipt of the *ISIS Objection* and advising the Tennessee Department that it could submit documentation responsive to the petition no later than four days after the filing of its FCC Form 471.⁷

3. On April 10, 1998, the Tennessee Department and Education Networks of America ("ENA") filed motions with the Commission for extensions of time to respond to the *ISIS Objection*.⁸ Both parties ask for extensions for the filing of oppositions until April 20, 1998.

II. POSITIONS OF THE PARTIES

4. The Tennessee Department requests the extension of time for several reasons. First, the Tennessee Department requests the extension so that it can devote its resources to the timely filing of its FCC Form 471 by the April 15 deadline. Because the FCC Form 471 is the basis of the *ISIS Objection*, the Tennessee Department contends that it would not be in the public interest to require the Department to respond prior to the actual filing of the form. Second, the Tennessee Department would prefer to respond to both SLC and the Commission at the same time because that would allow "responses to both parties to be based on the same factual predicate, thus avoiding the need for supplemental replies and pleadings."⁹ Third, the Tennessee Department states that, because the *ISIS Objection* was filed just prior to the Easter holiday, "religious holiday absences may prevent the full consideration by Tennessee of all facets of the issues presented by ISIS, thus further preventing the Commission from reaching an informed decision on the best available information."¹⁰ Finally, the Tennessee Department asserts that its counsel was not served with the *ISIS Objection* and could not receive

⁵ See Integrated Systems and Internet Solutions, Inc., *Objection to Application and Request for Expedited Declaratory Ruling* (filed April 3, 1998) (*ISIS Objection*).

⁶ See 47 C.F.R. § 1.45(a), (b).

⁷ See Letter from Debra Kriete, SLC to Jane Walters, Tennessee State Department of Education (dated April 9, 1998) ("SLC letter").

⁸ See Tennessee Department of Education, *Motion for Extension of Time* (filed April 10, 1998) (*Tennessee Motion*); Education Networks of America, *Motion for Extension of Time* (filed April 10, 1998) (*ENA Motion*).

⁹ *Tennessee Motion* at 2.

¹⁰ *Tennessee Motion* at 2.

documentation until April 8, 1998, leaving only three business days for review by the April 13 response date.¹¹

5. ENA agrees with the Tennessee Department in asserting that submitting responses to both the Commission and SLC at the same time "will promote the orderly conduct of the Commission's and the SLC's business."¹² ENA also contends that granting the brief extension of time will permit it to respond fully and will facilitate "an expeditious decision based on a fully informed record."¹³ Moreover, ENA asserts that ISIS will not be prejudiced by a brief extension of time because it will facilitate "a more informed but still timely decision in this important manner."¹⁴

III. DISCUSSION

6. As a matter of Commission policy, requests for extension of time are not routinely granted.¹⁵ The Tennessee Department and ENA have argued convincingly, however, that the April 13, 1998 deadline for responding to the *ISIS Objection* does not provide them with sufficient time to respond fully to the assertions contained in the objection. Given the importance and complexity of this proceeding, we conclude that the public interest would be served by extending the deadline for filing oppositions to the *ISIS Objection* until April 20, 1998. We further conclude that ISIS will not be prejudiced by this brief extension of time for the filing of responsive pleadings.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to the authority contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. section 154(i), and sections 0.91, 0.291, and 1.46 of the Commission's Rules, 47 C.F.R. sections 0.91, 0.291, and 1.46, that the deadline for parties to submit objections to the *ISIS Objection* IS EXTENDED to and including April 20, 1998, and the deadline for parties to submit replies to those objections IS EXTENDED to and including April 27, 1998.

8. IT IS FURTHER ORDERED, pursuant to the authority contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. section 154(i), and sections

¹¹ *Tennessee Motion* at 3.

¹² *ENA Motion* at 2.

¹³ *ENA Motion* at 2.

¹⁴ *ENA Motion* at 2.

¹⁵ 47 C.F.R. § 1.46(a).

0.91, 0.291, and 1.46 of the Commission's Rules, 47 C.F.R. sections 0.91, 0.291, and 1.46, that the requests for extension of time filed by the Tennessee Department and ENA ARE GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Lisa S. Gelb
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Common Carrier Bureau