

Ruth M. Vega Hernandez
Gobierno Municipal de Anasco
Oficina de Programas Federales y Recursos
Externos
PO Box 1385
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Billed Entity Number: 16083948
Form 471 Application Number: 1046740
Form 486 Application Number:



Administrator's Decision on Appeal – Funding Year 2015-2016

January 19, 2016

Ruth M. Vega Hernandez
Gobierno Municipal de Anasco
Oficina de Programas Federales y Recursos Externos
PO Box 1385
Anasco, PR 00610

Re: Applicant Name: BIBLIOTECA ELECTRONICA DE ANASCO
Billed Entity Number: 16083948
Form 471 Application Number: 1046740
Funding Request Number(s): 2856531
Your Correspondence Dated: November 18, 2015

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's funding commitment decision for the FCC Form 471 Application Number and funding requests number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2856531
Decision on Appeal: **Denied**
Explanation:

- The record shows that during the review of your appeal on 12/3/2015, the Program Compliance team contacted and requested you to provide a signed letter from your State library verifying that Centro Tecnológico Daguey, BEN 16083949; Centro Tecnológico Parcelas Maria, BEN 16083950; Centro Tecnológico Playa, BEN 16083951 and Centro Tecnológico Carreras Cancha, BEN 16083952 were eligible for state LSTA funding for this funding year. In order to be eligible to receive discounted services, libraries must be eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act (LSTA), and they must not be operating as for-profit businesses. Their budgets must be completely separate from any school's budget

(including, but not limited to, elementary and secondary schools, colleges, and universities). You were instructed that the request was time sensitive and that a response was expected within fifteen calendar days. As you failed to respond, the Program Compliance team sent a second request dated 12/10/2015. This request reminded you that the response due date was approaching. As you failed to respond, you did not demonstrate that USAC incorrectly removed the services associated with the ineligible entities.

- FCC regulations enacted pursuant to 47 U.S.C. sec. 254(h)(4) provide, in relevant part, that only libraries eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act (Public Law 104-208) and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts under this subpart. *See* 47 C.F.R. sec. 54.501(b)(1). During the review process, USAC determined if you were eligible to receive Universal Service support for libraries pursuant to this rule. This regulation clearly requires USAC to determine whether your State Library Administrative Agency has determined that the library is eligible for assistance under the LSTA. USAC concluded that you were ineligible to receive support because your State Library Administrative Agency determined that you were ineligible for assistance under the LSTA. The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).
- USAC Schools and Libraries Division oversees the administration of the E-rate Program and has the authority to make decisions concerning the administration of the application process, including activities to ensure compliance with Federal Communications Commission rules and regulations. *See* 47 C.F.R. sec. 54.705(a)(1)(iii). To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information available. *See* Request for Review of the Decision of the Universal Service Administrator by Marshall County School District, Moundsville, West Virginia, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File Nos. SLD-220105, et al., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). Typically, applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (rel. May 19, 2006) (Bishop Perry Order). *See* also Application Review posted in the

SLD section of the USAC website. For those instances where USAC contacts the applicant in reference to a Selective Review Information Request, the applicant may be provided 30 days to comply with the request. This procedure is necessary to prevent undue delays during the application review process.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company