

FCC MAIL SECTION

Federal Communications Commission

DA 99-1529

AUG 6 10 35 AM '99

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

In the Matter of	)	
	)	
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.	)	
	)	
and the Application of	)	
	)	
Bruggemeyer Memorial Library	)	File No. SLD-46134
Monterey Park, California	)	
	)	

**ORDER**

**Adopted: August 2, 1999**

**Released: August 2, 1999**

By the Common Carrier Bureau:

1. This Order denies a letter filed May 4, 1999 by Bruggemeyer Memorial Library ("Bruggemeyer"), which objects to a ruling by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company disallowing the facsimile ("FAX") transmission of Bruggemeyer's FCC Form 471 application. Insofar as Bruggemeyer seeks to appeal SLD's decision to deny funding, we affirm the ruling because Bruggemeyer's application, which eligible schools and libraries must file in order to request discounts on eligible services, was received after the 1999-2000 filing window closed.

2. Bruggemeyer complains that the rule prohibiting acceptance of FAXes contributed to its not being considered for funding in 1999-2000. Specifically, it asserts that on the last day for filing it mailed the application by overnight delivery but that it arrived on the day after the deadline. Bruggemeyer claims that it also FAXed the application to SLD but that, after receiving it, SLD informed Bruggemeyer that the FAX could not be accepted and suggested that the application be flown to SLD's address in Lawrence, Kansas in order to insure timely arrival. Although Bruggemeyer states it then successfully completed the form electronically, it was unable to get an original signature, as required, to SLD on time. Bruggemeyer submits that FAXes should be accepted as legitimate applications.

3. SLD is authorized to establish and implement filing periods for FCC Form 471

applications by schools and libraries seeking to receive discounts for eligible services. See 47 CFR § 54.507(c). Bruggemeyer does not dispute SLD's ruling that Bruggemeyer's FCC Form 471 application was received after the 1999-2000 filing window closed at 11:59 p.m. ET on April 6, 1999. Hence no direct appeal of SLD's funding decision appears to be before us, and even if that were not the case, Bruggemeyer has stated no basis for reversal. Moreover, insofar as Bruggemeyer attributes the denial of funding to SLD's refusal to accept its FAXed application, we find no basis to reverse SLD's decision. The instructions for completing FCC Form 471 clearly provide that the form either must be mailed or filed electronically and state specifically that applicants "are encouraged to complete and submit this form electronically." FCC Form 471 Instructions, Sections II B, III. Additionally, as Bruggemeyer recognizes, an original signature is required in either case. Id. Careful attention to these instructions should have alerted Bruggemeyer that FAXes were not acceptable. Indeed Bruggemeyer makes no showing that it was unable to learn this information prior to the time SLD rejected its FAXed application. In light of the thousands of applications that SLD must review and process each funding year, we believe it is administratively appropriate for SLD to impose these filing requirements and to require applicants to adhere to them.

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 letter filed by Bruggemeyer Memorial Library on May 4, 1999 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Lisa M. Zaina  
Acting Deputy Chief  
Common Carrier Bureau