

Oct 26 11 20 AM '99 Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCHED BY

In the Matter of)	
)	
Request for Review)	
of the Decision of)	
the Universal Service Administrator by)	
)	
Dillon School District #2)	
Dillon, South Carolina)	File Nos.SLD-39801, 79813, 91471
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45 ✓
)	
Changes to the Board of Directors of the)	
National Exchange Carrier Association, Inc.)	CC Docket No. 97-21

ORDER

Adopted: October 20, 1999

Released: October 20, 1999

By the Common Carrier Bureau:

1. This Order dismisses as moot an appeal filed July 23, 1999, by Dillon School District #2 (Dillon) seeking review of a decision issued by the Schools and Libraries division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Dillon sought review of the SLD's denial of its application for discounts for services under the schools and libraries universal service support mechanism.² For the reasons set forth below, we dismiss Dillon's appeal as moot.

2. As explained in the Administrator's September 21, 1999, "Statement of

¹ Letter from Paula A. Yohe, Director of Technology, Dillon School District to Federal Communications Commission, dated July 22, 1999.

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).

Explanation." Dillon filed three FCC Form 470s and three follow-up FCC Form 471s. These applications sought discounted service for: 1) an existing contract for long distance service from AT&T that expired on July 10, 1998; 2) a new contract for service from AT&T commencing on July 1, 1999, and 3) service provided by BellSouth, as indicated in its back-up documentation, but incorrectly identified in its FCC Form 471 as AT&T.³ By letter dated December 2, 1998, the SLD granted funding for this third application, indicating that the service provider was AT&T. The second application for long distance service was cancelled because the SLD considered it duplicative of the first application. On December 18, 1998, Dillon filed an appeal with the SLD indicating that the application that had been granted incorrectly listed the service provider as AT&T instead of BellSouth. Dillon also challenged the cancellation of its second application for service from AT&T.⁴ On June 23, 1999, the SLD affirmed its original decision and denied Dillon's appeal.⁵

3. As indicated in its "Statement of Explanation," the Administrator has had occasion to review further Dillon's three applications and has determined that a series of administrative difficulties and errors, stemming in part from the misuse of application numbers, has resulted in the erroneous cancellation of one of Dillon's applications and the misidentification in the Funding Commitment Decision of the service provider for another application.⁶ With respect to the cancelled application, the Administrator has indicated that "Dillon will be receiving notice shortly that this application will be funded." With respect to the application that incorrectly listed AT&T as the service provider, the Administrator will correct the service provider information on the Form 471 to reflect that BellSouth is the actual

³ See Letter from Ellen Wolfhagen to Magalie Salas, Attachment Number 1, "Statement of Explanation" at 2 (dated September 21, 1999).

⁴ Letter from Paula A. Yohe, Director of Technology, Dillon School District to SLC, dated December 18, 1998.

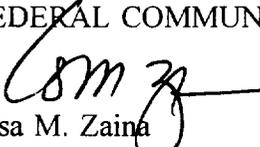
⁵ Administrator's Decision on Appeal, dated June 23, 1998.

⁶ As the Administrator explains, Dillon, in its appeal to the Administrator, as well as in its appeal to the Commission, cited the last five digits of the Universal Service Control Numbers, which the Administrator assigned to Dillon's three FCC Form 470s. The numbers Dillon cited were as follows: 62214, 62256 and 62174. However, Dillon's FCC Form 471s for the same services (and in the same order), were assigned the following tracking numbers by SLD: 39801, 79813, 91471. As explained by the Administrator, the Form 471 tracking numbers are the reference numbers used in making funding determinations and in the appeals process; they are the numbers referenced in the caption of this order. See Statement of Explanation at 2.

service provider.⁷ Because SLD, as indicated above, has taken steps to resolve the matter that is at issue before us, we dismiss Dillon's appeal as moot.

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 appeal filed July 23, 1999 by Dillon School District IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION


Lisa M. Zaina
Deputy Chief, Common Carrier Bureau

⁷ Statement of Explanation at 2.