

FCC MAIL SECTION

Federal Communications Commission

DA 99-2953

Dec 28 10 26 AM '99

Before the
Federal Communications Commission
Washington, DC 20554

DISPATCHED BY

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Cathedral Grade School)	File No. SLD-87608
Springfield, Illinois)	
)	
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: December 20, 1999****Released: December 21, 1999**

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal filed by Cathedral Grade School, Springfield, Illinois (Cathedral) on September 13, 1999, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Cathedral seeks review of the SLD's denial of its application for discounted services under the schools and libraries universal service support mechanism. For the reasons set forth below, we deny the Letter of Appeal and affirm the SLD's denial of Cathedral's application.

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.¹ The Commission's rules provide that, with one limited exception for existing, binding contracts, an eligible school, library or consortium must seek competitive bids for all services eligible for support.² In accordance with the Commission's rules, SLD posts an applicant's FCC Form 470 specifying requested services on its web site for 28 days prior to the applicant's signing a contract for eligible services and submitting its FCC Form 471.³

¹ 47 C.F.R. §§ 54.502, 54.503.

² 47 C.F.R. §§ 54.504, 54.511(c).

³ 47 C.F.R. § 54.504(c).

3. Upon receiving Cathedral's FCC Form 471, the SLD determined that Cathedral's FCC Form 471 was signed and submitted prior to the 28-day waiting period following the date of posting of Cathedral's FCC Form 470 to the SLD web site. Accordingly, by letter dated April 15, 1999, the SLD denied Cathedral's request for discounts for telecommunications services on the ground that Cathedral's FCC Form 470 was not posted to SLD's web site for 28 days, in violation of the Commission's competitive bidding requirement.⁴

4. On August 12, 1999, the SLD affirmed its initial funding decision and denied Cathedral's appeal.⁵ SLD explained that Cathedral's FCC Form 470 was posted to the SLD web site on March 18, 1998 and that Cathedral was permitted to contract with a service provider no sooner than 28 days after this date, or April 15, 1998. SLD further explained that both Cathedral's posted FCC Form 470 and its FCC Form 470 acknowledgment letter confirmed the April 15, 1998 date, and that SLD had received Cathedral's FCC Form 471 prematurely. For the reasons set forth below, we conclude that the SLD properly denied Cathedral's application for discounts for telecommunications services and for other services because it signed its contract, as evidenced by its premature submission of its FCC Form 471, prior to the completion of the 28-day waiting period.

5. We have reviewed Cathedral's FCC Form 471 and related materials. Although Cathedral asserts that it filed its FCC Form 470 on January 27, 1998, it has presented no evidence to support such a filing date for its FCC Form 470. In fact, "The Schools and Libraries Universal Service Certification Form," acknowledging receipt and posting of Cathedral's electronically filed FCC Form 470, is signed and dated on March 18, 1998 by Tammy Pritchett, Cathedral's Computer Instructor.⁶ The electronic version of the FCC Form 470 indicates a posting date of March 18, 1998 and an allowable contract date of April 15, 1998. Cathedral's FCC Form 471 was signed by Sister Maristella Dunlavy, O.P., Principal, on April 10, 1998 and shows a receipt date stamp by SLD of April 13, 1998. Thus, the documentation supports SLD's conclusion that Cathedral did not wait the 28 days required by the Commission's rules before signing its contract and submitting its FCC Form 471. For that reason, we must affirm SLD's denial of Cathedral's application for funding.

⁴ Letter from Schools and Libraries Division, Universal Service Corporation to Tammy Pritchett, Cathedral Grade School, dated April 15, 1999.

⁵ Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Tammy Pritchett, dated August 12, 1999 (Administrator's Decision on Appeal).

⁶ Schools and Libraries Universal Service Program Description of Services and Certification Form, signed and dated March 18, 1998, date-stamped received by SLC, March 20, 1998.

6. 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 by Cathedral Grade School, Springfield, Illinois on September 13, 1999 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Yog R. Varma", with a long horizontal line extending to the right.

Yog R. Varma
Deputy Chief, Common Carrier Bureau