

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
St. Pius X High School)	File No. SLD-114704
Kansas City, Missouri)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45 ✓
Universal Service)	
)	
Changes to the Board of Directors of)	CC Docket No. 97-21
the National Exchange Carriers Association, Inc.)	

ORDER

Adopted: August 9, 2000

Released: August 10, 2000

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division (Division) has under consideration a Letter of Appeal filed by St. Pius X High School (St. Pius), Kansas City, Missouri, on March 29, 2000, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ St. Pius seeks review of the SLD's denial of requests for discounted services under the schools and libraries universal service support mechanism and requests a waiver of the Commission's competitive bidding requirements.² For the reasons set forth below, we deny the Letter of Appeal and affirm the SLD's denial of St. Pius's requests.

2. Upon review of the record, the Division concludes that SLD correctly denied St. Pius's requests for support. To receive support for discounted services, the Commission's rules provide that, with limited exceptions for existing, binding contracts, an applicant must comply with the Commission's competitive bidding requirements, including the posting of a request for

¹ Letter from L. Michael Smithmier, St. Pius X High School, to Federal Communications Commission, filed March 29, 2000 (Letter of Appeal).

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).

services (FCC Form 470) on SLD's website for 28 days.³ Because St. Pius checked Item 10, in Block 3 of its FCC Form 470, indicating that it sought support only for services provided pursuant to existing, binding contracts, SLD did not post St. Pius's request for services to SLD's website. The contracts for which St. Pius seeks support, however, do not meet either of the limited exceptions for existing, binding contracts permitted by the Commission's rules. Accordingly, consistent with prior Common Carrier Bureau (Bureau) decisions, SLD correctly denied St. Pius's requests for support.⁴

3. To the extent that St. Pius requests a waiver of the 28-day posting requirement on the ground that it misunderstood the instructions to the FCC Form 470, it has not shown good cause for waiver.⁵ The Bureau previously has denied requests for waiver of its competitive bidding requirements when the applicant asserted the need for a waiver based on its own error or misunderstanding of the Commission's rules or SLD's procedures.⁶ Because St. Pius offers no further basis for considering its request, the Division denies St. Pius's waiver request.

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 March 29, 2000, Letter of Appeal filed by St. Pius X High School, Kansas City, Missouri, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Sharon L. Webber
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

³ 47 C.F.R. §§ 54.504, 54.511(c)(1) (exempting from competitive bidding requirements (1) contracts signed before July 10, 1997, for the life of the contract; and (2) in Year 1 only, contracts signed between July 10, 1997, and the opening of the Administrator's website on January 30, 1998); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, DA 99-1773, 1999 WL 680424 (Com. Car. Bur. 1999), para. 10 (permitting support for contracts signed in a prior funding year pursuant to the Commission's competitive bidding requirements).

⁴ See *Cochrane-Fountain City School District*, CC Docket Nos. 96-45 and 97-21, Order, DA 00-1045, para. 4 (rel. May 17, 2000) (discussing the exceptions to the Commission's competitive bidding requirements for certain existing, binding contracts).

⁵ See, e.g., *Mastermind Internet Service, Inc.*, Order, DA 00-167, para. 15 (rel. May 23, 2000) ("Waiver is . . . appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule."); 47 C.F.R. § 1.3.

⁶ See, e.g., *Scranton School District*, CC Docket Nos. 96-45 and 97-21, Order, DA 00-20, para. 8 (rel. January 7, 2000).