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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrative Company by	)	
	)	
Richmond County Public Schools Hamlet, North Carolina	)	File No. SLD-132861
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carriers Association, Inc.	)	CC Docket No. 97-21

ORDER

Adopted: September 7, 2000 **Released: September 8, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Richmond County Public Schools (Richmond), Hamlet, North Carolina, on May 4, 2000, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).[1] Richmond seeks review of the SLD's denial of requests for discounted services under the schools and libraries universal service support mechanism.[2] For the reasons set forth below, we deny the Letter of Appeal and affirm the SLD's denial of Richmond's requests.

2. Upon review of the record, we conclude that SLD correctly denied Richmond'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 services (FCC Form 470) on SLD's website for 28 days.[3] Because Richmond checked Item 10, in Block

[1] Letter from Suzanne W. Griffin, Richmond County Schools, to Federal Communications Commission, filed May 4, 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).

[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

3 of its FCC Form 470, indicating that it sought support only for services provided pursuant to existing, binding contracts, SLD did not post Richmond's request for services to SLD's website. The contracts for which Richmond 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 Bureau decisions, SLD correctly denied Richmond's requests for support.[4]

3. We find no basis for Richmond's claim that it should receive funding because it allegedly received misleading information from SLD. Such statements are insufficient to exempt Richmond from having to comply with our policies.[5] Rules and policies are enforced, even where a party has received erroneous advice from a government employee, and the Commission is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when the relief requested would be contrary to an applicable statute or rule.[6] Because Richmond offers no further basis for considering its request, the Bureau denies Richmond's Letter of Appeal.

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 May 4, 2000, Letter of Appeal filed by Richmond County Public Schools, Hamlet, North Carolina, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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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] We note that the instructions for Item 10 in Block 3 of FCC Form 470 state that "[i]f you are purchasing telephone service at tariffed rates and have not signed a binding contract, you cannot treat this arrangement as an existing contract." *See* FCC Form 470, "Instructions for Completing the Schools and Libraries Universal Service Description of Services Requested and Certification Form (FCC Form 470)" at 7.

[6] *In re Mary Ann Salvatoriello*, Memorandum Opinion and Order, 6 FCC Rcd 4705, 4707-08, para. 22 (1991) (citing *Office of Personnel Management v. Richmond*, 497 U.S. 1046 (1990)). A person relying on informal advice given by staff does so at his own risk. *Id.*, citing *Texas Media Group, Inc.*, 5 FCC Rcd 2851, 2852, para. 8 (1990); *aff'd sub nom. Malkan FM Associates v. FCC*, No. 90-1281, slip op. at 12 (D.C. Cir. June 14, 1991).