

Before the  
Federal Communications Commission  
Washington, DC 20554

SEP 25 11 100

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrative Company by	)	
	)	
Jenks Public Schools	)	File No. SLD-140946
Jenks, Oklahoma	)	
	)	
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: 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 Jenks Public Schools (Jenks), Jenks, Oklahoma, on May 2, 2000, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).<sup>1</sup> Jenks seeks review of the SLD's denial of a request for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> For the reasons set forth below, we deny the Letter of Appeal and affirm the SLD's denial of Jenks' request.

2. Upon review of the record, the Bureau concludes that SLD correctly denied Jenks' request 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.<sup>3</sup> Because Jenks checked Item 10, in

<sup>1</sup> Letter from Joyce S. Friske, Jenks Public Schools, to Federal Communications Commission, filed May 2, 2000 (Letter of Appeal).

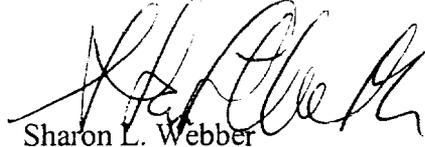
<sup>2</sup> Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> 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

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 Jenks' request for services to SLD's website. The contract for which Jenks seeks support, however, did 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 Jenks' request for support.<sup>4</sup>

3. 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 2, 2000, Letter of Appeal filed by Jenks Public Schools, Jenks, Oklahoma, 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).

<sup>4</sup> 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).