

Before the  
Federal Communications Commission  
Washington, DC 20554

FOC MAIL SECTION

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In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrative Company by	)	
	)	
Iowa City Community School District	)	File No. SLD-124405
Iowa City, Iowa	)	
	)	
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: September 8, 2000****Released: September 11, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division (Division) has under consideration a Letter of Appeal filed by Iowa City Community School District (Iowa City), Iowa City, Iowa, on May 10, 2000.<sup>1</sup> Iowa City requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company to deny Iowa City's application 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 SLD's denial of Iowa City'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.<sup>3</sup> The Commission's rules provide that, with one limited exception for existing, binding contracts, an eligible school, library or consortium that includes eligible schools or libraries must seek

<sup>1</sup> Letter from Lane Plugge, Iowa City Community School District, to Federal Communications Commission, filed May 10, 2000 (Letter of Appeal).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Leslie Finger, Iowa City Community School District, dated Oct. 5, 1999 (Funding Commitment Decision Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Leslie Finger, Iowa City Community School District, dated Apr. 25, 2000 (Administrator's Decision on Appeal).

<sup>3</sup> 47 C.F.R. §§ 54.502, 54.503.

competitive bids for all services eligible for support.<sup>4</sup> In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services.<sup>5</sup> The applicant must wait 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant.<sup>6</sup> Further, the instructions for the FCC Form 471 state that the date of signature for the FCC Form 471 "CANNOT be earlier than the 29th day following the posting of the associated FCC Form 470 to the [SLD] Web Site."<sup>7</sup>

3. Upon review of the record, the Division concludes that SLD correctly denied Iowa City's request for support. A signature date on an FCC Form 471 or on a service provider agreement that pre-dates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules.<sup>8</sup> The Common Carrier Bureau has consistently denied requests for review by applicants that had similarly violated the Commission's competitive bidding rules.<sup>9</sup> The Division, therefore, denies Iowa City'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 appeal filed by Iowa City Community School District, Iowa City, Iowa, on May 10, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

<sup>4</sup> 47 C.F.R. §§ 54.504, 54.511(c) (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).

<sup>5</sup> See *Schools and Libraries Universal Service, Description of Services Requested and Certification Form*, OMB 3060-0806 (FCC Form 470).

<sup>6</sup> 47 C.F.R. § 54.504(c); see *Schools and Libraries Universal Service, Services Ordered and Certification Form*, OMB 3060-0806 (FCC Form 471).

<sup>7</sup> *Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form* (December 1998) at 24 (FCC Form 471 Instructions).

<sup>8</sup> See *Minor High School*, CC Docket Nos. 96-45 and 97-21, Order, FCC 00-1612, para. 4 (rel. July 20, 2000).

<sup>9</sup> See *Cathedral Grade School*, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2953 (rel. December 21, 1999); *Currituck County Schools*, CC Docket Nos. 96-45 and 97-21, Order, DA 00-625 (rel. March 23, 2000); *Gustine Independent School District*, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2534 (rel. November 16, 1999).