FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	RECEIVED
	)	
Oak Harbor School District No. 201 Oak Harbor, Washington	)	File No. SLD-135443
	)	
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: January 9, 2001 **Released: January 10, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Oak Harbor School District No. 201 (Oak Harbor), Oak Harbor, Washington, on July 13, 2000, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).[1] Oak Harbor seeks review of 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 SLD's denial of Oak Harbor's requests.

2. Upon review of the record, the Division concludes that SLD correctly denied Oak Harbor'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 Oak Harbor

[1] Letter from Bruce E. Worley, Oak Harbor School District No. 201, to the Federal Communications Commission, filed July 13, 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

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 Oak Harbor's request for services to SLD's website. The contracts for which Oak Harbor 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 Oak Harbor's requests for support.[4]

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 July 13, 2000, Letter of Appeal filed by Oak Harbor School District No. 201, Oak Harbor, Washington, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

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).