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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 Administrator by	)	
	)	
Austin Independent School District Austin, Texas	)	File No. SLD-142935
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier 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 (Division) has under consideration a Letter of Appeal filed by Austin Independent School District (Austin), Austin, Texas, on May 12, 2000.[1] Austin requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company to deny Austin's application 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 Austin'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.[3] 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

[1] Letter from Pascal D. Forgione, Austin Independent School District, to the Federal Communications Commission, filed May 12, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Leslie Cohen, Austin Independent School District, dated August 31, 1999 (Funding Commitment Decision Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Leslie Cohen, Austin Independent School District, dated April 14, 2000 (Administrator's Decision on Appeal).

[3] 47 C.F.R. §§ 54.502, 54.503.

competitive bids for all services eligible for support.[4] In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services.[5] 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.[6] 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."[7]

3. Upon review of the record, the Division concludes that SLD correctly denied Austin's request for support. Austin signed its FCC Form 471 on March 31, 1999, prior to its allowable contract date of April 1, 1999. A signature date on an FCC Form 471 or on a service provider agreement that predates 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.[8] The Common Carrier Bureau has consistently denied requests for review by applicants that had similarly violated the Commission's competitive bidding rules.[9] The Division, therefore, denies Austin'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 Austin Independent School District, Austin, Texas, on May 12, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

[4] 47 C.F.R. §§ 54.504, 54.511(c).

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

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

[7] Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (December 1998) at 24 (FCC Form 471 Instructions).

[8] *See Minor High School*, CC Docket Nos. 96-45 and 97-21, Order, DA 00-1612 (rel. July 20, 2000), para. 5.

[9] *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).