

2001 SEP 21 P 2:57

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	RECEIVED
)	
Petition for Reconsideration of)	File No. SLD-154580
Charlotte County Public Schools)	
Charlotte Court House, Virginia)	
)	
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 ON RECONSIDERATION

Adopted: September 18, 2001

Released: September 19, 2001

By the Common Carrier Bureau:

I. INTRODUCTION AND BACKGROUND

1. Before the Common Carrier Bureau is a Petition for Reconsideration filed by Charlotte County Public Schools (Charlotte County), Charlotte Court House, Virginia, seeking reconsideration of an order issued by the Common Carrier Bureau (Bureau) on October 8, 1999.¹ In that order, the Bureau denied Charlotte County's Petition for Waiver of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) in the second funding year of the schools and libraries support mechanism.² In this Order on Reconsideration, we dismiss Charlotte County's Petition for Reconsideration because the issues are now moot.

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 In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Schools and Libraries Division (SLD) of the Universal Service Administrative Company

¹ Petition for Reconsideration of Charlotte County Public Schools, filed October 22, 1999 (Charlotte County Petition).

² Request for Review of a Decision of the Universal Service Administrator by Charlotte County Public Schools, CC Docket Nos. 96-45, 97-21, DA 99-2142, Order, 15 FCC Rcd 6993 (Com. Car. Bur. rel. 2000).

³ 47 C.F.R. §§ 54.502, 54.503.

(Administrator) a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.⁴ The Administrator must post the FCC Form 470 on its website, and the applicant is required to wait 28 days before making a commitment with a selected service provider.⁵ Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.⁶ The Commission's rules allow the Administrator to implement an internal filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.⁷ Applications that are received outside this filing window are subject to separate funding priorities under the Commission's rules.⁸ It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window.

II. BUREAU'S ORDER

3. Charlotte County requested waiver of the Year 2 filing window because its FCC Form 471 application was postmarked three days before the closing of the filing window but received by SLD on April 7, 1999, one day after the Year 2 filing window closed. On October 8, 1999, the Bureau denied Charlotte County's Petition for Waiver. The Bureau noted that although the Commission may waive any provisions of its rules, a request for waiver must be supported by a showing of good cause.⁹ The Bureau found Charlotte County had not provided a sufficient basis for waiver.¹⁰

III. CHARLOTTE COUNTY'S PETITION FOR RECONSIDERATION

4. In its Petition for Reconsideration, Charlotte County asks for reconsideration of the Bureau's October 8, 1999 Order denying its Petition for Waiver. Specifically, Charlotte County takes issue with the Bureau's determination that late delivery by the United States Postal Service is an insufficient basis for a waiver of the filing deadline.¹¹

⁴ 47 C.F.R. §§ 54.504(b)(1), (b)(3).

⁵ 47 C.F.R. §§ 54.504(b)(3) and (4); § 54.511.

⁶ 47 C.F.R. § 54.504(c).

⁷ 47 C.F.R. § 54.507(c).

⁸ 47 C.F.R. § 54.507(g).

⁹ See *supra* note 2.

¹⁰ *Id.* at 2.

¹¹ Charlotte County Petition at 2.

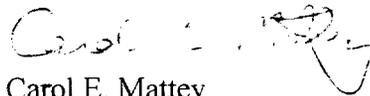
IV. DISCUSSION AND CONCLUSION

5. The record demonstrates that the filing window for Funding Year 2 initially closed on April 6, 1999. Later, after it had been determined that funds were available in excess of what had been requested by applicants, the Commission directed SLD to re-open the filing window to permit additional applications. The re-opened Funding Year 2 filing window closed on March 31, 2000. As a result, Charlotte County's FCC Form 471 application was accepted as timely. In addition, the record shows that Charlotte County received the funding it requested.¹² Therefore, we dismiss Charlotte County's Petition for Reconsideration as moot.

V. ORDERING CLAUSE

6. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.106(j) of the Commission's rules, 47 C.F.R. § 1.106(j), that the Petition for Reconsideration filed by Charlotte County Public Schools, Charlotte Court House, Virginia Schools, Danbury, on October 22, 1999 IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Deputy Chief, Common Carrier Bureau

¹² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Steven R. Baker, Charlotte County Public Schools, dated April 27, 2001.