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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	)	
	)	
Atlanta Adventist Academy HS Atlanta, Georgia	)	File No. SLD-189986
	)	
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, 2002 **Released: January 10, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. In this Order, the Accounting Policy Division dismisses the Request for Review of Atlanta Adventist Academy HS, Atlanta, Georgia (Atlanta Adventist).[1] Atlanta Adventist seeks review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[2] Atlanta Adventist seeks review of SLD's determination that its electronic application for support for telecommunications services, Internet access, and internal connections in Funding Year 3 of the schools and libraries support mechanism did not meet its Minimum Processing Standards, and thus could not be processed. Atlanta Adventist also asks that its manually-filed FCC Form 471 be deemed timely filed for Funding Year 3. For the reasons set forth below, we deny Atlanta Adventist's Request for Review and affirm the Administrator's determination that Atlanta Adventist did not file a timely completed application in Funding Year 3 of the universal service support mechanism for eligible schools and libraries.

[1] Letter from Rachel Burg, Atlanta Adventist Academy HS, to Federal Communications Commission, filed March 3, 2000 (Request for Review).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rachel Burg, Atlanta Adventist Academy HS, dated February 24, 2000 (Minimum Processing Standards Letter). 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).

I. BACKGROUND

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 on eligible telecommunications services, Internet access, and internal connections.[3] In order to receive discounts on eligible services, applicants must file certain information with the Administrator. Specifically, the Commission's rules require that an applicant submit a completed FCC Form 470 to the Administrator, in which the applicant sets forth its technological needs and the services for which it seeks discounts.[4] In its FCC Form 470, the applicant must also demonstrate that its existing technology provides support necessary for the effective use of the requested eligible services. Once the applicant has signed a contract 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 school has signed a contract, and an estimate of the funds needed to cover the discounted portion of the price of the eligible services.[5]

3. The Commission's rules direct the Administrator to implement an initial 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.[6] Such applications are referred to as "in-window" applications. Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules.[7] It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window. In Funding Year 3, only applicants that filed within the window received funding. Applicants may file a completed FCC Form 471 in paper form, or electronically using the SLD web site. Under either filing method, FCC rules require that the FCC Form 471 be completed prior to the close of the filing window to ensure in-window consideration. In Funding Year 3, electronic Form 471 filers were required to print out the Block 6 certification to the Form 471 and mail it to SLD by January 31, 2000.[8] The Funding Year 3 filing window was scheduled by the Administrator to close at 11:59 PM eastern standard time on January 19, 2000.[9]

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[3] 47 C.F.R. §§ 54.502, 54.503.

[4] 47 C.F.R. § 54.504(b)(1), (b)(3).

[5] 47 C.F.R. § 54.504(c).

[6] 47 C.F.R. § 54.507(c).

[7] 47 C.F.R. § 54.507(g).

[8] *See, e.g.,* SLD Web site, What's New (January 2000) http://www.sl.universalservice.org/whatsnew/012000.asp#extended (noting that for Funding Year 3, the filing window for FCC Forms 471 closed on January 19, 2000, while the deadline for certifications was initially January 26, 2000, and later extended to January 31, 2000). For Funding Year 5, which begins July 1, 2002, SLD has enhanced its online filing capabilities so that Block 6 certifications to FCC Forms 471 can be filed electronically. *See* http://www.sl.universalservice.org/reference/471mps.asp.

[9] *Id.*

4. In the *Server Crash Order*, released June 8, 2000, the Commission directed SLD to waive its filing window deadline for applicants who would have completed their applications before the close of the Year 3 filing window on January 19, 2000, but were unable to access SLD's Internet site on January 19th due to a failure of SLD's network server at approximately 11:25 PM Eastern Standard Time.[10] The Commission stated that this action was necessary so that those applicants who exercised due diligence to file their applications within the filing window were not disadvantaged due to SLD's server failure on January 19, 2000.[11] Applicants that met the criteria of the *Server Crash Order* were allowed to submit their applications within 30 days of the release date of that order, and those applications were treated as if the application was received within the filing window.[12]

5. Atlanta Adventist asserts that it attempted to file its FCC Form 471 on January 18, 2000, but that due to "mass problems on the site while filing the form 471 on-line on January 18, 2000," Atlanta Adventist was "thrown off the site before printing Block 6."[13] Atlanta Adventist states that it had contacted the Client Services Bureau and was told that its application was "in the system complete," and advised to print out a hard copy of the Block 6 certification and complete it.[14] Atlanta Adventist states that it mailed this hard copy to SLD on January 19, 2000.[15] The record demonstrates that while SLD received Atlanta Adventist's Block 6 certification hard copy on January 20, 2000, SLD apparently did not receive a complete Form 471 application from Atlanta Adventist prior to the close of the filing window on January 19, 2000, either online or a hard copy.[16] SLD informed Atlanta Adventist on February 24, 2000 that its Form 471 application did not meet its Minimum Processing Standards and could not be processed, and that the Block 6 certification that SLD had received from Atlanta Adventist referred to an incomplete FCC Form 471.[17] SLD further informed Atlanta Adventist that in

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[10] *See Federal-State Joint Board on Universal Service, Universal Service Support for Eligible Schools and Libraries, Year 3 Filing Window,* Order, CC Docket No. 96-45, 15 FCC Rcd 13932 (rel. June 8, 2000) (*Server Crash Order*). At approximately 11:25 PM Eastern Standard Time on January 19, 2000, the computer equipment supporting the online application filing process on the SLD Internet site failed, and caused SLD's database to stop serving requests from the Internet site at that time. Applicants who were in the process of completing their applications on the Internet site at that time lost their connection, and applicants who had previously entered their information and intended to log on to complete their applications immediately prior to the close of the window were unable to do so.

[11] *Server Crash Order*, 15 FCC Rcd at 13935, para. 8.

[12] *Id.*, para. 9.

[13] Request for Review.

[14] *Id.*

[15] *Id.*

[16] The Block 6 certification in the record has an SLD bar code attached to it dated January 20, 2000, verifying that SLD did receive the Block 6 certification in a timely manner. SLD has no record, however, of a completed Form 471 application filed by Atlanta Adventist prior to the close of the filing window on January 19, 2000. The earliest date that SLD received a completed funding Year 3 Form 471 application from Atlanta Adventist is March 1, 2000. *See* FCC Form 471, Atlanta Adventist Academy, filed March 1, 2000 (Atlanta Adventist Form 471).

[17] *See* Minimum Processing Standards Letter.

order to be considered for E-rate discounts, its application must be corrected and resubmitted.[18] SLD records indicate that Atlanta Adventist's complete Year 3 application for universal service support was received on March 1, 2000.[19]

II. DISCUSSION

6. We conclude that Atlanta Adventist did not timely file its Year 3 application for universal service support in order to receive "in-window" treatment, because it did not complete its application prior to the close of the Funding Year 3 filing window on January 19, 2000. In requesting funds from the schools and libraries universal service support mechanism, the applicant has certain responsibilities. The applicant bears the burden of getting its forms and other information to SLD for processing within the established deadline if the applicant wishes to be considered with other in-window applicants. Applications are deemed timely only when SLD receives the complete FCC Form 471 application within the established timeframe. In this case, the record indicates that Atlanta Adventist did not file a complete Funding Year 3 application for universal service support under the schools and libraries mechanism until March 1, 2000, well after the January 19, 2000 close of the Year 3 filing window, and thus the Block 6 certification that was received separately from the remainder of its application on January 20, 2000 was correctly treated by SLD as an incomplete FCC Form 471.

7. We note that with this appeal, Atlanta Adventist has included copies of print-outs of an FCC Form 471 with the date January 18, 2000 in the Internet address footer. We find, however, that these documents do not establish that SLD electronically received the FCC Form 471 from Atlanta Adventist on that date. These forms only indicate that print-outs were made from Atlanta Adventist's computer screen and do not indicate whether the application was actually received by SLD on that date. The record indicates that Atlanta Adventist corrected and resubmitted its application in response to SLD's Minimum Processing Standards Letter of February 24, 2000, and SLD thus first received Atlanta Adventist's complete application on March 1, 2000. It is clear from the record, therefore, that Atlanta Adventist did not file its complete application within the Year 3 filing window and thus is not eligible for Year 3 "in-window" support.

8. Atlanta Adventist alleges that "mass problems with the site while filing the Form 471 on-line on January 18, 2000" prevented it from being able to complete its Year 3 application.[20] Numerous other applicants, however, successfully competed their applications electronically within the filing window during the same time period that Atlanta Adventist claims it attempted to complete its online application. Atlanta Adventist has not demonstrated that it was unable to log back on to complete its application and verify for itself that its application had been transmitted before the close of the filing window on January 19, 2000. Furthermore, while Atlanta Adventist alleges that it was informed by the Client Services Bureau that its application was "in the system complete" prior to the close of the window, Atlanta

[18] Minimum Processing Standards Letter at 1.

[19] *See* Atlanta Adventist Form 471.

[20] Request for Review.

Adventist provides no corroborating information to support this assertion, and no documentation of such contact is present in the record. In light of the thousands of applications that SLD reviews and processes each year, it is administratively necessary to place on the applicant the responsibility of complying with all relevant rules and procedures.[21] In order for the program to work efficiently, the applicant must assume responsibility for timely submission of its application materials if it wishes to be considered within the window.

9. We further conclude that Atlanta Adventist does not qualify for relief under the *Server Crash Order* because it does not fall within the limited category of applicants entitled to relief under the *Server Crash Order*. The relief set forth in the *Server Crash Order* only applies to that group of applicants that attempted to file their applications online during a very short time period on January 19, 2000, specifically between approximately 11:25 PM Eastern time to the close of the filing window at 12:00 midnight. Atlanta Adventist alleges "mass problems" with the SLD server on January 18, 2000, but there was no reported SLD server failure on January 18th, and Atlanta Adventist still had the entire day of January 19, 2000 to complete its online application or to re-verify whether its application had actually been received by the system prior to being booted off the server. In sum, we conclude that Atlanta Adventist did not timely file its complete Year 3 application prior to January 19, 2000, and was not eligible for "in-window" consideration for Year 3 universal service support, and thus its Request for Review must be denied.

III. ORDERING CLAUSE

10. Accordingly, IT IS ORDERED, pursuant to sections 1-4, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 54.719 and 54.722 of the Commission's rules, 47 C.F.R. §§ 54.719 and 54.722, that the Request for Review filed on March 3, 2000 by the Atlanta Adventist Academy HS, Atlanta, Georgia, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

[21] *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, File No. SLD-13364, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. 2000), para. 8.