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	)	
	)	
Hanover County Public Schools Ashland, Virginia	)	File No. SLD-202901
	)	
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 11, 2002 **Released: January 14, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has before it a Request for Review filed by Hanover County Public Schools (Hanover), Ashland, Virginia, seeking review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company.[1] SLD returned without consideration one of Hanover's Funding Year 3 funding requests because it omitted certain information required under SLD's minimum processing standards.[2] For the reasons discussed below, we deny the Request for Review.

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 require that the applicant make a bona fide request for services by filing

[1] Letter from Marilyn M. Walls, Hanover County Public Schools, to Federal Communications Commission. filed February 21, 2001 (Request for Review). 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).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marilyn M. Walls, Hanover County Public Schools, dated May 31, 2000 (Rejection Letter).

[3] 47 C.F.R. §§ 54.502, 54.503.

with the Administrator an FCC Form 470,[4] which is posted to the Administrator's web site for all potential competing service providers to review.[5] After the FCC Form 470 is posted, the applicant must wait at least 28 days before entering an agreement for services and submitting an FCC Form 471, which requests support for eligible services.[6] Requests are specified in Block 5 of the FCC Form 471, with each request being entered on a separate Block 5 worksheet.[7] SLD reviews the FCC Forms 471 that it receives and issues funding commitment decisions in accordance with the Commission's rules.

3. Every funding year, SLD establishes and notifies applicants of a "minimum processing standard" to facilitate the efficient review of the thousands of applications requesting funding.[8] When an applicant submits a Block 5 worksheet that omits an item subject to the minimum processing standards, SLD automatically returns that Block 5 to the applicant without considering the funding request for discounts under the program.[9] One of the minimum processing standards requires that, for each Block 5 worksheet, the applicant indicate in Item 11 of Block 5 the category of service being requested, *i.e.*, telecommunications service, Internet access, or internal connections.[10]

4. In the pending case, SLD rejected one of Hanover's submitted Block 5 worksheets because Item 11 was blank.[11] Hanover appealed to SLD, arguing that all of the other services were telecommunications, and that SLD should therefore have inferred that the incomplete request was also telecommunications.[12] Hanover also asserted that SLD should have known that the vendor for that request, GTE Wireless, only provides telecommunications

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[4] Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (Year 3 Form 470).

[5] 47 C.F.R. § 54.504(b); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9078, para. 575 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata, FCC 97-157 (rel. June 4, 1997), *affirmed in part, Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (affirming *Universal Service First Report and Order* in part and reversing and remanding on unrelated grounds), *cert. denied, Celpage, Inc. v. FCC*, 120 S. Ct. 2212 (May 30, 2000), *cert. denied, AT&T Corp. v. Cincinnati Bell Tel. Co.*, 120 S. Ct. 2237 (June 5, 2000), *cert. dismissed, GTE Service Corp. v. FCC*, 121 S. Ct. 423 (November 2, 2000).

[6] 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (Year 3 Form 471).

[7] Year 3 Form 471, Block 5.

[8] *See, e.g.*, SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for FY3, <http://www.sl.universalservice.org/reference/471mps.asp> (*Minimum Processing Standards*).

[9] *Minimum Processing Standards.*

[10] Year 3 Form 471, Block 5, Item 11.

[11] Rejection Letter, at 1.

[12] Letter from Marilyn M. Walls, Hanover County Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed June 22, 2000, at 1.

service.[13] SLD denied the appeal, stating that "SLD cannot assume what an applicant is requesting, even though all other requests are for telecommunications service."[14] Hanover then filed the pending Request for Review, in which it argues again that the funding request at issue was in the middle of a number of other requests that were all for telecommunications.[15]

5. In *Naperville*, the Commission determined that, under the totality of the circumstances, SLD should not have returned an application without consideration for failure to meet SLD's minimum processing standards.[16] In Naperville's case, the Commission specifically found that "(1) the request for information was a first-time information requirement on a revised form, thereby possibly leading to confusion on the part of the applicants; (2) the omitted information could be easily discerned by SLD through examination of other information included in the application; and (3) the application is otherwise substantially complete."[17]

6. Upon review of the record in the Request for Review, we conclude that, under the totality of the circumstances, Hanover's application was appropriately returned for failure to satisfy minimum processing standards. We find that the information requested in Item 11 of Block 5, the category of service, was not a new information request in Funding Year 3 and that the totality of the circumstances do not warrant relief.[18] Accordingly, we affirm SLD's rejection of the application.

7. 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 Request for Review filed by Hanover County Public Schools, Ashland, Virginia, on February 21, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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[13] *Id.*

[14] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marilyn M. Walls, Hanover County Public Schools, dated January 23, 2001, at 1.

[15] Request for Review, at 1.

[16] *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 5032, paras. 12 (2001) (*Naperville*).

[17] *Id.*, para. 16.

[18] *Compare* Year 3 Form 471, Block 5, Item 11, *with* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 1998) (Year 2 Form 471), Block 5, Item 6.