

Before the
Federal Communications Commission
Washington, DC 20554

JAN 25 2002
FCC

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Escondido High School District)	NEC.471.01-07-00.04000072
Escondido, California)	
)	
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

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 the Escondido High School District (Escondido), Escondido, California, seeking review of the decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company.¹ SLD returned without consideration Escondido's Funding Year 3 application for discounted services under the schools and libraries universal service support mechanism because it omitted certain information required under SLD's minimum processing standards.² Specifically, Escondido omitted information in Items 11 and 22 of Block 5.³ 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

¹ Letter from Terri Stafford, Escondido Union High School District, to Federal Communications Commission, filed July 10, 2000 (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 Terri Stafford, Escondido Union High School District, dated February 16, 2000.

³ FCC Form 471, Escondido High School District, filed January 7, 2000 (Escondido Form 471), at Block 5.

discounts for eligible telecommunications services, Internet access, and internal connections.⁴ The Commission's rules require that the applicant make a bona fide request for services by filing with the Administrator an FCC Form 470,⁵ which is posted to the Administrator's website for all potential competing service providers to review.⁶ 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.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 an FCC Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.⁹

4. 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.¹⁰ 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."¹¹

⁴ 47 C.F.R. §§ 54.502, 54.503.

⁵ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (Year 3 Form 470).

⁶ 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).

⁷ 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).

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 *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*).

¹¹ *Id.*, para. 16.

5. Upon review of the record in the Request for Review, we conclude that, under the totality of the circumstances, Escondido'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.¹²

6. 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 Escondido Union High School District, Escondido, California, on July 10, 2000 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

¹² 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.