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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	)	
	)	
Taft Independent School District Taft, Texas	)	File No. SLD-239904
	)	
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: February 20, 2002 **Released: February 21, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review from Taft Independent School District (Taft), Taft, Texas.[1] Taft requests review of the denial of its application for Funding Year 4 of the schools and libraries universal service support mechanism by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[2] For the reasons set forth below, we grant Taft's Request for Review and remand this matter to SLD.

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 Administrator a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.[4] Once the applicant has

[1] Letter from Don Madden, Taft Independent School District, to Federal Communications Commission, filed July 6, 2001 (Request for Review); *see also* Letter from Don Madden, Taft Independent School District, to Schools and Libraries Division, Universal Service Administrative Company, filed March 16, 2001 (SLD Appeal Letter).

[2] *See* 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).

[3] 47 C.F.R. §§ 54.502, 54.503.

[4] 47 C.F.R. § 54.504 (b)(1), (b)(3).

complied with the Commission's competitive bidding requirements and entered into agreements for eligible services, the applicant must submit a completed FCC Form 471 application to the Administrator.[5] In the FCC Form 471 instructions, SLD has clearly set forth its standards for processing a FCC Form 471 application.[6] Specifically, the FCC Form 471 instructions state that if a school or library does not provide the information requested on FCC Form 471, "the processing of your application may be delayed or your application may be returned to you without action."[7]

3. Applicants may file their FCC Form 471 electronically.[8] In order to successfully complete the submission of the FCC Form 471 application, applicants who file electronically must also complete and mail to SLD the Item 21 descriptions of services, and a paper copy of the Block 6 Certification, completed and signed with an original ink signature.[9] A commitment of support is contingent upon the timely filing of the applicant's completed FCC Form 471.[10]

4. The Commission's rules allow 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.[11] Section 54.507(c) of the Commission's rules states that fund discounts will be available on a first-come-first-served basis.[12] Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules.[13] 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 4, the window closed on January 18, 2001.[14]

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[5] 47 C.F.R. § 54.504(c).

[6] *Id.*; *see also* Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (October 2000) (Form 471 Instructions).

[7] Form 471 Instructions at 2.

[8] Form 471 Instructions.

[9] Block 6 is the section of the FCC Form 471 where applicants must sign the form and make certifications required under program rules. *See* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000).

[10] Form 471 Instructions.

[11] 47 C.F.R. § 54.507(c).

[12] *Id.*

[13] 47 C.F.R. § 54.507(g).

[14] SLD will process in-window applications that have been postmarked by January 18, 2001. *See* SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for FY 4, <http://www.sl.universalservice.org/reference/471mps.asp>.

5. Taft electronically filed their FCC Form 471 with SLD on January 14, 2001.[15] Subsequently, Taft mailed copies of their Block 5 funding requests, along with the Item 21 attachments, to SLD.[16] This information was postmarked on January 18, 2001, the same day as the filing window deadline for Funding Year 4.[17] In a separate envelope, Taft submitted their Block 6 certification page, which was also postmarked on January 18, 2001.[18]

6. SLD returned Taft's application on March 8, 2001, without processing the application and explained that Taft's FCC Form 471 application failed to meet SLD's minimum processing standards.[19] On March 16, 2001, Taft appealed SLD's decision and stated that they were told to re-submit the Block 6 certification page.[20] Instead of submitting a copy of the original Block 6 certification page, however, Taft attached a revised copy that was signed and dated on March 13, 2001.[21] SLD denied the appeal because the FCC Form 471 was not completed before the filing window closed.[22]

7. On appeal to the Commission, Taft claims that they filed the Block 6 certification page before the close of the filing window.[23] Taft also states that it was an error to date and send a revised Block 6 certification, and attaches a copy of the original Block 6 certification page dated January 16, 2001.[24] Taft requests that their application be considered as timely.[25]

8. Based on our review of the record, we conclude that Taft filed their Block 6 certification page within the filing window. SLD records indicate that the Block 6 certification was postmarked on January 18, 2001, and was therefore eligible to be considered within the filing window.[26] As a result, we find that Taft's Block 6 certification page was timely filed and remand this application to SLD for further processing consistent with this Order.

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[15] FCC Form 471, Taft Independent School District, filed January 14, 2001 (Taft Form 471).

[16] *Id.*

[17] *See* Taft Form 471.

[18] *Id.*

[19] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Taft Independent School District, dated March 8, 2001 (stating that the applicant, Taft, did not meet minimum processing standards and their FCC Form 471 could not be processed).

[20] *See* SLD Appeal Letter.

[21] *Id.*

[22] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Taft Independent School District, dated June 26, 2001.

[23] *See* Request for Review.

[24] *Id.*

[25] *Id.*

[26] *See* Taft Form 471.

9. 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 Taft Independent School District, Taft, Texas, on July 6, 2001 IS GRANTED and REMANDED to the extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

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