

Before the  
Federal Communications Commission  
Washington, DC 20554



In the Matter of )  
 )  
 Request for Review of the )  
 Decision of the )  
 Universal Service Administrator by )  
 )  
 Laguna Salada Union Elementary School District )  
 Pacifica, California )  
 )  
 Federal-State Joint Board on )  
 Universal Service )  
 )  
 Changes to the Board of Directors of the )  
 National Exchange Carrier Association, Inc. )

File No. SLD-267612

CC Docket No. 96-45

CC Docket No. 97-21V ✓

**ORDER**

**Adopted: February 28, 2002**

**Released: March 6, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Laguna Salada Union Elementary School District (Laguna), Pacifica, California.<sup>1</sup> Laguna seeks review of the decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Laguna's Funding Year 4 application for failure to meet minimum processing standards.<sup>2</sup> For the reasons set forth below, we deny the Request for Review and affirm SLD's decision.

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.<sup>3</sup> 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.<sup>4</sup> Once the applicant has

<sup>1</sup> Letter from Josephine Peterson, Laguna Salada Union School District, to Federal Communications Commission, filed July 30, 2001 (Request for Review).

<sup>2</sup> 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).

<sup>3</sup> 47 C.F.R. §§ 54.502, 54.503.

<sup>4</sup> 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, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carriers 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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup> In Funding Year 4, minimum processing standards included the requirement that an application include all six sections or "Blocks" of the application.<sup>8</sup>

4. In the instant case, SLD rejected Laguna's Funding Year 4 application because it found that Laguna had not submitted all six blocks.<sup>9</sup> Specifically, it found that Laguna had failed to submit a Block 4, the Block used to describe the entities that will be receiving service.<sup>10</sup> In its Request for Review, Laguna asserts that its application did include a Block 4 and should not, therefore, have been rejected.<sup>11</sup> In support of this claim, Laguna asserts that its own file copy of the application included the Block 4 page and that the original returned from SLD was unstapled.<sup>12</sup>

5. We find that SLD had a reasonable basis for concluding that the FCC Form 471 did not contain a Block 4 page. "It is well established law that the absence of an official record of an event is evidence of the non-occurrence of the event."<sup>13</sup> Here, in SLD's record of the submitted application, Block 4 is not present.<sup>14</sup> Further, Laguna has failed to submit contrary

<sup>5</sup> 47 C.F.R. § 54.504(c).

<sup>6</sup> See, e.g., SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for FY4, <<http://www.sl.universalservice.org/reference/471mps.asp>> (*Minimum Processing Standards*).

<sup>7</sup> *Minimum Processing Standards*.

<sup>8</sup> *Id.*

<sup>9</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Josephine Peterson, Laguna Salada Union Elementary School District, dated April 23, 2001.

<sup>10</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Josephine Peterson, Laguna Salada Union Elementary School District, dated July 13, 2001 (Administrator's Decision on Appeal), at 1.

<sup>11</sup> Request for Review, at 1.

<sup>12</sup> *Id.*

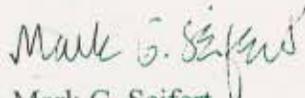
<sup>13</sup> *In re Application of Herbert L. Rippe*, 44 FCC Rcd 91 (Rev. Bd. 1973).

<sup>14</sup> See Universal Service Administrative Company, Schools and Libraries Division, Appeal Register, Laguna Salada Union Elementary School District, June 21, 2001 (noting that examination of scanned document confirmed that Block 4 was not present).

evidence sufficient to persuade us that the missing page is due to the fault of SLD. We therefore find that Laguna did not submit a complete application and affirm SLD's rejection of the application on that basis.

6. ACCORDINGLY, IT IS HEREBY 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 Laguna Salada Union Elementary School District, Pacifica, California, on July 30, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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

