

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Request for Review of the Decision of)	
the Universal Service Administrator by)	
)	
School District of Volusia County)	File No. SLD-203531
DeLand, Florida)	
)	
Federal-State Joint Board on Universal Service)	WC Docket No. 96-45
)	
Changes to the Board of Directors of the)	WC Docket No. 97-21 ✓
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: April 10, 2002

Released: April 11, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by School District of Volusia County (Volusia), DeLand, Florida, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Volusia seeks review of SLD's decision to reject its Funding Year 3 application for discounts under the schools and libraries universal service support mechanism.² For the reasons set forth below, we grant Volusia's Request for Review and remand its application to SLD for further consideration.

2. Under the universal service support mechanism for schools and libraries, 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 Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) a completed FCC Form 470, in which the applicant sets forth its

¹ Letter from the School District of Volusia County, to Federal Communications Commission, filed April 16, 2001 (Request for Review).

² *Id.* 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.

technological needs and the services for which it seeks discounts.³ The Administrator must post the FCC Form 470 on its website, and the applicant is required to wait 28 days before making a commitment with a selected service provider. Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement 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 applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.⁶

3. At the start of an application review, SLD utilizes what it calls "Minimum Processing Standards" to facilitate the efficient review of the thousands of applications requesting funding.⁷ These Minimum Processing Standards require an applicant to provide at least the basic data necessary for SLD to initiate review of the application under statutory requirements and Commission rules. When an applicant submits a FCC Form 471, SLD performs an initial visual inspection of the application to determine if the application has omitted an item required by the Minimum Processing Standards. In such a case, SLD automatically returns the application to the applicant without considering the application for discounts under the program.⁸ Both the Minimum Processing Standards and the automatic return for failure to comply procedure are explained in a document available on SLD's website, from SLD's fax-on-demand service, and from SLD customer services representatives at its toll-free number.⁹

4. Minimum Processing Standards require that for each funding request submitted, the applicant must specify the FCC Form 470 that supports that funding request. A FCC Form 470 is identified by a 15-digit Application Number (known prior to Funding Year 3 as the Universal Service Control Number or (USCN)) assigned by SLD.¹⁰

5. Volusia filed its FCC Form 471 for Funding Year 3 on January 19, 2000.¹¹ In Block 5, Item 12 of its application, Volusia listed its FCC Form 470 application number as 131602.¹² By letter dated April 16, 2001, SLD informed Volusia that its application did not meet

⁴ 47 C.F.R. §§ 54.504(b)(1), (b)(3).

⁵ 47 C.F.R. §§ 54.504(b)(3) and (4); § 54.511.

⁶ 47 C.F.R. § 54.504(c).

⁷ 47 C.F.R. § 54.504(c); see SLD website, Form 471 Minimum Processing Standards and Filing Requirements for FY 3, <<http://www.sl.universalservice.org/reference/471mps.asp>> (Minimum Processing Standards).

⁸ Minimum Processing Standards.

⁹ Minimum Processing Standards.

¹⁰ Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (September 1999), at 19 (FCC Form 471 Instructions).

¹¹ FCC Form 471, School District of Volusia County, filed January 19, 2000.

¹² *Id.* at Block 5, Item 12.

Minimum Processing Standards and would not be processed.¹³ SLD explained that the FCC Form 470 application number listed in Block 5, Item 12 of its FCC Form 471 was incomplete.¹⁴ Volusia then filed an appeal with SLD.¹⁵ Volusia listed a 15-digit FCC Form 470 application number (445730000207885) and asked that SLD correct Volusia's clerical error.¹⁶ SLD subsequently denied Volusia's appeal, explaining that Volusia had inputted less than 14 digits in Block 5, Item 12 of its FCC Form 471.¹⁷ SLD further explained that in order for SLD to correct Volusia's error, the number of digits filled in Block 5, Item 12 had to be at least 14.¹⁸ SLD concluded that because the number provided was a violation of program rules, SLD was unable to process Volusia's appeal request.¹⁹ In response, Volusia filed the instant Request for Review with the Commission.²⁰

6. Recently, in the *Pediatric Library Order*, the Common Carrier Bureau (Bureau) addressed the different procedures adopted by SLD in Funding Year 3 for reviewing applications where the applicant failed to either enter an FCC Form 470 number or entered a number with fewer than 14 digits versus applications where the applicant enters 14 digits or a complete 15-digit number.²¹ The Bureau determined that it is not likely to be more difficult to obtain a correct FCC Form 470 number in cases where the number was omitted than in cases where 14 digits were entered. Accordingly, in the *Pediatric Library Order*, the Bureau reversed SLD's rejection of applications with FCC Form 470 Application Numbers that were missing or contained fewer than 14 digits.²²

¹³ Letter from Schools and Libraries Division, Universal Service Administrative Company to Volusia County Schools, dated June 20, 2001.

¹⁴ *Id.*

¹⁵ Letter from the School District of Volusia County, to Schools and Libraries Division, Universal Service Administrative Company, dated June 3, 2000.

¹⁶ *Id.*

¹⁷ Letter from Schools and Libraries Division, Universal Service Administrative Company, to the School District of Volusia, dated June 3, 2000 (Administrator's Decision on Appeal).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Request for Review.

²¹ *Request for Review by Pediatric Library, Rainbow Babies & Children's Hospital, et. al., Federal State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association*, File No. NEC.471.12-27-99.03200022, CC Dockets NO. 95-45 and 97-21, Order (Com. Car. Bur. Nov. 14, 2001) (*Pediatric Library Order*). SLD has amended those procedures so that applicants are treated consistently.

²² *Id.*

7. We find that SLD rejected Volusia's application because the listed FCC Form 470 Application number contained less than 14 digits.²³ Thus, in accordance with the Bureau's decision in the *Pediatric Library Order*, we remand Volusia's application to SLD for further processing consistent with the way the SLD processed applications with 14 or more digits.

8. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by the School District of Volusia County, on April 16, 2001, IS GRANTED, and this application is REMANDED for further processing.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert

Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

²³ See Administrator's Decision on Appeal.