



Universal Service Administrative Company

D. Scott Barash
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May 17, 2002

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
C/O Capitol Heights Facility
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

RE: In the Matter of Requests for Review of Decisions of the Universal Service
Administrator, Federal-State Joint Board on Universal Service, CC Docket No. 96-45;

Administrator's Referral of Appeal to Federal Communications Commission for
Potential Waiver and Remand of Appeal

In re Sandhill Regional Library, Rockingham, NC
Fund Year 1999 FCC Forms 471 156427 and 156339

Dear Ms. Dortch:

The Universal Service Administrative Company (USAC) has determined that its action or inaction improperly prejudiced the acceptance of requests for funding under the Schools and Libraries Universal Service Support Mechanism submitted by Sandhill Regional Library, Rockingham, NC (Applicant). Applicant has appealed the denial of funding to USAC pursuant to the Federal Communications Commission's (Commission) regulations; however, USAC is constrained from providing Applicant with a remedy under the circumstances presented here. Therefore, in the interest of fairness and administrative efficiency, USAC believes that the appropriate course of action is for USAC to transmit Applicant's appeal directly to the Commission with a request that the Commission consider granting a waiver of program rules and remand the appeal to USAC for reconsideration.

The circumstances giving rise to this appeal are as follows:

The Schools and Libraries Division of USAC received two Schools and Libraries Universal Service Description of Services Requested and Certification Forms (Forms 470) from Applicant on March 31, 1999. Through no fault of the Applicant, the posting of one of the Forms 470 was significantly delayed. The Applicant received a Receipt

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Notification Letter for the posted Form 470 and assumed it applied to both. After waiting well past the allowable contract date for the posted Form 470, the Applicant submitted two Schools and Libraries Universal Service Services Ordered and Certification Forms 471 (Forms 471 156339 and 156427). This resulted in the Applicant not being in compliance with the 28-day posting requirement set forth in 47 C.F.R. 54.504(b) (4) with respect to the Funding Request Numbers citing the late-posted Form 470. In its appeal, the Applicant is requesting that the 28-day competitive bidding requirement be waived. USAC respectfully urges the Commission to consider granting a waiver of the 28-day competitive bidding requirement under the circumstances presented here. *See* In the Matter of Request for Waiver by Runnemede Public Schools, Runnemede, New Jersey (rel. Dec. 21, 1999).

We would be pleased to provide any additional information you may require and to answer any questions you may have about this matter.

Sincerely,

D. Scott Barash
Vice President and General Counsel

cc: Mark Seifert, Deputy Chief, Telecommunications Access Policy Division,
Wireline Competition Bureau, FCC
Bonita Collins, Sandhill Regional Library System