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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Charles Gibson Public Library Buckhannon, West Virginia	)	File No. SLD-267921
	)	
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: May 10, 2002 **Released: May 13, 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 Charles Gibson Public Library, Buckhannon, West Virginia (Gibson Library).[1] Gibson Library seeks review of the decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Gibson Library's Funding Year 4 application for failure to meet minimum processing standards.[2] For the reasons set forth below, we deny Gibson Library's 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 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 Denise Weese, Charles Gibson Public Library, to Federal Communications Commission, filed September 20, 2001 (Request for Review).

[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] 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.[6] Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules.[7] It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window.

3. Consistent with the Commission's rule requiring applicants to submit a "completed FCC Form 471 to the Administrator," SLD utilizes what it calls "minimum processing standards" to facilitate the efficient review of the thousands of applications requesting funding.[8] These minimum processing standards require an applicant to provide at least the minimum data necessary for SLD to initiate review of the application under statutory requirements and Commission rules. When an applicant submits an FCC Form 471 that does not meet the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.[9]

4. Gibson Library applied for Funding Year 4 discounts on January 18, 2001.[10] By letter dated August 21, 2001, SLD rejected the application for failure to meet SLD's minimum processing standards.[11] Specifically, SLD found that Gibson Library failed to complete the required Block 4 worksheet for calculating the requested discounts.[12] SLD stated that because of this problem, the application could not be processed.[13] On September 20, 2001, Gibson Library filed its appeal with the Commission, stating that it was resubmitting the form with the necessary corrections, and asking the Commission to reconsider the application.[14]

5. Upon review, we find that Gibson Library's application was correctly rejected for failure to satisfy minimum processing standards. The record reflects that Gibson Library failed

[5] 47 C.F.R. § 54.504(c).

[6] 47 C.F.R. § 54.507(c).

[7] 47 C.F.R. § 54.507(g).

[8] 47 C.F.R. § 54.504(c); *see* SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for FY 4, <http://www.sl.universalservice.org/reference/471mps.asp> (Minimum Processing Standards).

[9] Minimum Processing Standards.

[10] FCC Form 471, Charles Gibson Public Library, filed January 18, 2001 (Gibson Library Form 471).

[11] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Denise Weese, Charles Gibson Public Library, dated August 21, 2001 (Rejection Letter).

[12] *Id.*

[13] Rejection Letter.

[14] Request for Review.

to submit the relevant Block 4 worksheet, which is an essential component of the application because it enables SLD to calculate the discount amount that an applicant may receive. The Minimum Processing Standards state, "If a relevant Block 4 Worksheet is not submitted, or the Worksheet is missing information, the form will be rejected."[15] Gibson Library left the Block 4 Worksheets blank in its January 18, 2001 filing.[16] We therefore conclude that SLD properly rejected Gibson Library's application.

6. We further determine that we may not permit Gibson Library to amend its FCC Form 471 at this late date by submitting the corrected worksheet, months after the filing window closed on January 18, 2001. SLD has established a policy that applicants are not permitted to amend completed FCC Forms 471 to remove ineligible service requests after the closure of the filing window.[17] This policy imposes upon applicants the responsibility of preparing their applications carefully. Allowing applicants to correct their applications after the filing window closed would significantly increase the administrative burden SLD would face, thereby increasing administrative costs and reducing funds available for other applicants. In light of the enormous demand for discounts under the support mechanism, we find that it is administratively necessary to require an applicant to be responsible for providing complete and accurate information in its FCC Form 471 upon which its ultimate funding is dependent.

7. 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 Charles Gibson Public Library, Buckhannon, West Virginia, on September 20, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

[15] Minimum Processing Standards.

[16] *See* Gibson Library Form 471.

[17] The Commission's rules require that applicants file a completed Form 471 by the filing window deadline to be considered pursuant to the funding priorities for "in-window" applicants. 47 C.F.R. §§ 54.504(c), 54.507(c).