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

In the Matter of	)	
	)	
Request for Waiver by	)	
	)	
Mora Public Schools Mora, Minnesota	))	File No. SLD-221340
	)	
Federal-State Joint Board on Universal Service	))	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Associations, Inc.	))	CC Docket No. 97-21

ORDER

Adopted: May 22, 2002 **Released: May 23, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Waiver Request filed by Mora Public Schools (Mora), Mora, Minnesota, seeking review of the Commission's rules governing discounts for services under the schools and libraries universal service support mechanism.[1] Mora requests that its application be considered timely, within the filing deadline for Funding Year 4.[2] For the reasons set forth below, we find, consistent with the Commission's ruling in *New Hartford*, Mora's application was timely.[3] Accordingly, we remand Mora's application to the Schools and Libraries Division (SLD) for further processing in accordance with this Order.

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.[4] In order to receive discounts on eligible services, the Commission's rules require that the applicant

[1] Letter from Keith Lester, Mora Public Schools, to Federal Communications Commission, filed August 7, 2001 (Waiver Request).

[2] *See* Waiver Request. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. § 54.719(c).

[3] *See Request for Review by New Hartford Central School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Docket Nos. 96-45 and 97-21, Order, DA 01-2535. (Com. Car. Bur. rel. November 2, 2001) (*New Hartford*).

[4] 47 C.F.R. §§ 54.501–54.503.

submit to SLD of the Administrator a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.[5] 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] The Commission's rules require that the applicant file a completed FCC Form 471 by the filing window deadline to be considered pursuant to the funding priorities for in-window applicants.[7] The last day of the filing window for Funding Year 4 was January 18, 2001 and applicants were required to have their certification postmarked by that date.[8]

3. Mora sent its FCC Form 471 material to SLD on December 14, 2000, more than a month before the deadline.[9] Mora states that it inadvertently placed a photocopy of the signature into the application packet and kept the original.[10] On January 19, 2001, one day after the filing window had closed, SLD wrote to the applicant informing it that the signature was not an original and therefore the material did not meet the Minimum Processing Standard.[11] In response, Mora submitted an original signature, which was postmarked January 22, 2001.[12]

4. Since Mora's Waiver Request was filed, the Common Carrier Bureau established that, for purposes of the schools and libraries program, a photocopy of a signature constitutes a valid signature certification.[13] In *New Hartford*, the Bureau stated that "[i]t is settled under federal and common law that when a person attaches his name or causes it to be attached to a document with the intention of signing it, the document is regarded as "signed" in writing.[14] Therefore, Mora's application did not fail to meet Minimum Processing Standards with the photocopy signature submitted December 14, 2000, but instead was filed within the filing window.

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[5] 47 C.F.R. §§ 54.504(b).

[6] 47 C.F.R. § 54.504(c).

[7] 47 C.F.R. §§ 54.504(c), 54.507(g).

[8] SLD web site, Form 471 Filing Window for Year 4 (Sept. 18, 2000), <http://www.sl.universalservice.org/whatsnew/092000.asp#091800>.

[9] FCC Form 471, Mora Public Schools, filed December 14, 2000 (first envelope with postmark date of December 14, 2000).

[10] Waiver Request.

[11] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Keith E. Lester, Mora Public Schools, dated January 19, 2001 (Form 471 Certification Rejection Letter).

[12] FCC Form 471, Mora Public Schools, filed December 14, 2000 (second envelope with postmark date of January 22, 2001).

[13] *New Hartford,* para. 5.

[14] *Id.* para. 7; *see also Request for Review by Caribou Regional Technology Center, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* File No. SLD-201115, CC Docket Nos. 96-45 and 97-21, Order, DA 01-2535, para. 7 (Com. Car. Bur. rel. November 2, 2001) (accepting a rubber stamp signature as valid).

5. Because SLD has concluded that Mora's application was filed outside the filing window, it has treated this as a request for waiver of the filing deadline and directed Mora to make this request to the Commission.[15] Because we find that this material was timely filed, we need not address Mora's request for a waiver of the deadline.

6. 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 Waiver Request filed by Mora Public Schools, Mora, Minnesota on August 7, 2001 IS REMANDED to SLD for further processing in accordance with this Order.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert

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

[15] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Keith Lester, Mora Public Schools, issued July 26, 2001 (Administrator's Decision on Waiver Request).