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June 7, 2002

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: Docket No. 96-45, Requests for Review  
Filed by the Consorcio de Escuelas y Bibliotecas de Puerto Rico  
of Decisions of Universal Service Administrator, Application  
Nos. 233178, et al.

Dear Ms. Dortch:

On behalf of the Consorcio de Escuelas y Bibliotecas de Puerto Rico ("CEBPR"), enclosed herewith for filing with the Commission is a copy of a Presentation to the Office of the General Counsel showing that the imposition of the new Year 4 application filing requirement by the Schools and Library Division ("SLD") violated the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.* ("PRA"). The Presentation, concerning CEBPR's timely appeal, was made on May 30, 2002. [It should be noted that the attached Presentation has been corrected, at slide 10, to refer to 5 C.F.R. rather than 47 C.F.R.]

Attached to the Presentation is a copy of the FCC's PRA Application for OMB approval of the Year 4 Form 471 and filing procedures (OMB Control No. 3060-0806). The FCC's PRA Application and the subsequent OMB approval which is also attached, clearly establishes that OMB approval was sought and granted only for an extension of a "currently approved collection," (*i.e.*, the previous Year 3 form and filing procedures) rather than for the revised form and more burdensome procedures that were actually used for Year 4. As noted at the presentation, CEBPR fully complied with the Year 3 filing procedures.

During the course of the presentation, a question arose as to whether the new filing procedures implemented by the SLD, *i.e.*, that "hard copies" of Block 6 Certifications and Item 21 attachments be postmarked by the close of the filing window, constituted a "collection of information" subject to PRA requirements.

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June 7, 2002  
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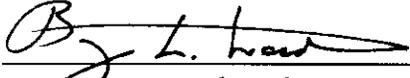
The regulations implementing the PRA, 5 C.F.R. §§ 1320.1 *et seq.*, define the activities and procedures constituting a “collection of information” broadly to encompass the “obtaining, causing to be obtained, soliciting or requiring the disclosure” of information, “the act of collecting information . . . [and] a plan and/or an instrument calling for the collection or disclosure of information . . .” 5 C.F.R. § 1320.3(c). A collection of information “may be in any form or format, including the use of . . . directives; [and] instructions . . .” *Id.* A collection of information “may implicitly or explicitly include related collection requirements.” *Id.* The SLD’s newly imposed, and more burdensome, Year 4 application filing procedure is an integral part of the act of, and plan for, collecting information, and, as such, falls squarely within the definition of a “collection of information” covered by the PRA.

The “Instructions For Completing OMB Form 83-I” (the form attached to the Presentation by which the FCC applied for an extension of the previously approved “collection of information”) also demonstrate that the new Year 4 filing procedure was unlawfully implemented without OMB approval. These OMB instructions specifically provide, at 3.c., that an extension should be requested only when the agency wishes “to extend the approval past the current expiration date without making any material change,” *inter alia*, in the “instructions” for completing and submitting the particular form for which approval is requested. Having only received approval for an extension of the Year 3 Form 471 and accompanying Instructions, the substantial and material change in the Instructions relating to filing procedures made without further OMB approval violated the express requirements of the PRA.

Should there be any questions in connection with this filing, please contact the undersigned.

Sincerely,

SHOOK, HARDY & BACON, LLP

By:   
Ramsey L. Woodworth

Attorneys for the Consorcio de Escuelas  
y Bibliotecas de Puerto Rico

cc: Jane Mago, Esq.  
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**SLD's IMPOSITION OF NEW YEAR 4  
FILING REQUIREMENT VIOLATED THE  
PAPERWORK REDUCTION ACT**

**Presentation to the Office of General  
Counsel**

**Federal Communications Commission**

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**Consortio de Escuelas y Bibliotecas de  
Puerto Rico**

**Washington, D.C.**

**May 30, 2002**

# Background

- CEBPR -- Consortium of libraries and private schools throughout Puerto Rico
  - Provides assistance to members filing funding applications and purchasing services and internal connection equipment under the E-Rate program
  - Overwhelming majority of the Member Applicants are schools and public libraries eligible for a 90% discount

# Background (cont'd)

- CEBPR timely filed Form 471 applications electronically by the close of the Year 4 filing window
- SLD rejected all of CEBPR's applications (approximately 140) as late filed because the Block 6 signed certifications and Item 21 Attachments were not "postmarked" by the close of the filing window

# FCC Year 4 Form and Instructions

- FCC instructions attached to Form 471 Year 4 application were virtually identical to those for Year 3, and contained no mention of a **new** “postmark” requirement
- SLD, on its Web page, applied a *new* and more stringent postmark requirement for Year 4 submissions that “all materials” associated with Form 471 be postmarked by the close of the filing window.”

# FCC Year 4 Form and Instructions (cont'd)

- New postmark requirement -- *which was not proposed to or approved by OMB* -- made a substantial and material change to the filing instructions
  - Deadline changed to “postmark” date by close of filing window
  - Definition of completion of filing of paper documents changed from “receipt by SLD” to “postmark” date

# FCC Year 4 Form and Instructions (cont'd)

- That a new requirement was added is confirmed in a recent Wireline Competition Bureau Order:
  - “Year 4 features NEW and FIRM filing requirements . . . [u]nlike year 3 . . . .” (emphasis supplied) *Order In the Matter of Request for Review of the Decision of the Universal Service Administrator by Information and Technology Department, State of North Dakota, File No. SLD 245592, DA 02-956 (Rel. April 24, 2002)*

# FCC OMB Filing

(see attached materials)

- 07/21/200 - FCC Application for OMB, PRA approval for Year 4 Forms and Instructions, at Item No. 3.c., sought only:
  - “Extension of currently approved collection”
  - Application did *not* request:
    - New Collection
    - Revision of a currently approved collection
  - No mention of a new substantial and material postmark requirement
  - Request to continue use of **existing** Forms and Instructions

# OMB Approval

(*see* attached materials)

- 09/01/2000 -- OMB approves the FCC's "request for the *extension* of approval of an information collection" -- Forms 470 & 471 (emphasis added)(*i.e.*, the same forms and instructions as were used for Year 3)

# Violation of PRA

- In fact, the SLD used a materially different information collection requirement for Year 4 than that approved by OMB
- This is a clear violation of Sec. 3507(h)(3) of the PRA, which provides:
  - “An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this subchapter.”

# Violation of PRA

- In yet further violation of the PRA, and the regulations implementing the provisions of the PRA
  - The electronic Forms failed to “display” any OMB approval number, *see* 5 C.F.R. Sec. 1320.5(b)(B)
  - The electronic Forms failed to provide a notice that persons were not required to respond if a “currently valid” OMB number was not present -- *see* 5 C.F.R. Sec. 1320.5(b)(1) and (2); “Existing Terms of Clearance” as set forth in OMB’s 09/01/2000 Extension Approval

# PRA Requirement

- The “public protection” provisions of the PRA provide that no penalty, such as dismissal, may be imposed for a failure to comply with an unauthorized information collection requirement. 44 U.S.C. Sec. 3512.

# Reinstatement of Applications

- The FCC has always recognized that when the PRA is violated, an application must be reinstated *nunc pro tunc* if it had been dismissed for failure to comply with a non-approved requirement
  - *Portland Cellular Partnership, et al.* 11 FCC Rcd 19997 (1996) *aff'd sub nom Saco River Cellular v. FCC*, 133 F. 2d 25 (D.C. Cir. 1998), *cert denied*, 525 U.S. 813 (1998)
  - *Fair Oaks Cellular Partners*, 10 FCC Rcd 9980 (1995)
  - *Kent S. Foster*, 7 FCC Rcd 7971 (1992)

# Instructions For Completing OMB Form 83-1

Please answer all questions and have the Senior Official or designee sign the form. These instructions should be used in conjunction with 5 CFR 1320, which provides information on coverage, definitions, and other matters of procedure and interpretation under the Paperwork Reduction Act of 1995.

## 1. Agency/Subagency originating request

Provide the name of the agency or subagency originating the request. For most cabinet-level agencies, a subagency designation is also necessary. For non-cabinet agencies, the subagency designation is generally unnecessary.

## 2. OMB control number

- If the information collection in this request has previously received or now has an OMB control or comment number, enter the number.
- Check "None" if the information collection in this request has not previously received an OMB control number. Enter the four digit agency code for your agency.

## 3. Type of information collection (check one)

- Check "New collection" when the collection has not previously been used or sponsored by the agency.
- Check "Revision" when the collection is currently approved by OMB, and the agency request includes a material change to the collection instrument, instructions, its frequency of collection, or the use to which the information is to be put.
- Check "Extension" when the collection is currently approved by OMB, and the agency wishes only to extend the approval past the current expiration date without making any material change in the collection instrument, instructions, frequency of collection, or the use to which the information is to be put.
- Check "Reinstatement without change" when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is no change to the collection.
- Check "Reinstatement with change" when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is change to the collection.
- Check "Existing collection in use without OMB control number" when the collection is currently in use but does not have a currently valid OMB control number.

## 4. Type of review requested (check one)

- Check "Regular" when the collection is submitted under 5 CFR 1320.10, 1320.11, or 1320.12 with a standard 60 day review schedule.
- Check "Emergency" when the agency is submitting the request under 5 CFR 1320.13 for emergency processing and provides the required supporting material. Provide the date by which the agency requests approval.
- Check "Delegated" when the agency is submitting the collection under the conditions OMB has granted the agency delegated authority.

## 5. Small entities

Indicate whether this information collection will have a significant impact on a substantial number of small entities. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

## 6. Requested expiration date

- Check "Three years" if the agency requests a three year approval for the collection.
- Check "Other" if the agency requests approval for less than three years. Specify the month and year of the requested expiration date.

## 7. Title

Provide the official title of the information collection. If an official title does not exist, provide a description which will distinguish this collection from others.

## 8. Agency form number(s) (if applicable)

Provide any form number the agency has assigned to this collection of information. Separate each form number with a comma.

## 9. Keywords

Select and list at least two keywords (descriptors) from the "Federal Register Thesaurus of Indexing Terms" that describe the subject area(s) of the information collection. Other terms may be used but should be listed after those selected from the thesaurus. Separate keywords with commas. Keywords should not exceed two lines of text.

## 10. Abstract

Provide a statement, limited to five lines of text, covering the agency's need for the information, uses to which it will be put, and a brief description of the respondents.

## 11. Affected public

Mark all categories that apply, denoting the primary public with a "P" and all others that apply with "X."

## 12. Obligation to respond

Mark all categories that apply, denoting the primary obligation with a "P" and all others that apply with "X."

- Mark "Voluntary" when the response is entirely discretionary and has no direct effect on any benefit or privilege for the respondent.
- Mark "Required to obtain or retain benefits" when the response is elective, but is required to obtain or retain a benefit.
- Mark "Mandatory" when the respondent must reply or face civil or criminal sanctions.

## 13. Annual reporting and recordkeeping hour burden

- Enter the number of respondents and/or recordkeepers. If a respondent is also a recordkeeper, report the respondent only once.
- Enter the number of responses provided annually. For recordkeeping as compared to reporting activity, the number of responses equals the number of recordkeepers.
  - Enter the estimated percentage of responses that will be submitted/collected electronically using magnetic media (i.e., diskette), electronic mail, or electronic data interchange. Facsimile is not considered an electronic submission.
  - Enter the total annual recordkeeping and reporting hour burden.
  - Enter the burden hours currently approved by OMB for this collection of information. Enter zero (0) for any new submission or for any collection whose OMB approval has expired.
  - Enter the difference by subtracting line d from line c. Record a negative number (d larger than c) within parentheses.
  - Explain the difference. The difference in line e must be accounted for in lines f.1. and f.2.
    - "Program change" is the result of deliberate Federal government action. All new collections and any subsequent revision of existing collections (e.g., the addition or deletion of questions) are recorded as program changes.
    - "Adjustment" is a change that is not the result of a deliberate Federal government action. Changes resulting from new estimates or action not controllable by the Federal government are recorded as adjustments.

## 14. Annual reporting and recordkeeping cost burden (in thousands of dollars)

The costs identified in this item must exclude the cost of hour burden identified in Item 13.

- Enter the total dollar amount of annualized cost for all respondents of any associated capital or start-up costs.
- Enter recurring annual dollar amount of cost for all respondents associated with operating or maintaining systems or purchasing services.
- Enter total (14.a. + 14.b.) annual reporting and recordkeeping cost burden.
- Enter any cost burden currently approved by OMB for this collection of information. Enter zero (0) if this is the first submission after October 1, 1995.
- Enter the difference by subtracting line d from line c. Record a negative number (d larger than c) within parenthesis.
- Explain the difference. The difference in line e must be accounted for in lines f.1. and f.2.
  - "Program change" is the result of deliberate Federal government action. All new collections and any subsequent revisions or changes resulting in cost changes are recorded as program changes.

## PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two (2) copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17<sup>th</sup> Street, NW Washington, DC

<p>1. Agency/Subagency originating request Federal Communications Commission Common Carrier Bureau</p>	<p>2. OMB control number a. 3060 - 0806</p>
<p>3. Type of information collection (check one)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input checked="" type="checkbox"/> Extension of currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement Instructions</p>	<p>4. Type of review requested (check one)</p> <p>a. <input checked="" type="checkbox"/> Regular Submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by 21 Jul</p> <p>c. <input type="checkbox"/> Delegated</p> <p>5. Will this information collection have a significant impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>6. Requested expiration date</p> <p>a. <input checked="" type="checkbox"/> Three years from approval date</p> <p>b. <input type="checkbox"/> Other: _____</p>
<p>7. Title Universal Service - Schools and Libraries Universal Service Program</p>	
<p>8. Agency form number(s) (if applicable) FCC Forms 470 and 471</p>	
<p>9. Keywords 'reporting requirements, universal service, support, schools, libraries, telecommunications carriers, Telecommunications Act of 1996'</p>	
<p>10. Abstract The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, internet access, and internal connections. The information is used to determine eligibility.</p>	
<p>11. Affected public (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input type="checkbox"/> Individuals or household</p> <p>b. <input checked="" type="checkbox"/> Business or other for-profit</p> <p>c. <input checked="" type="checkbox"/> Not-for-profit institutions</p> <p>d. <input type="checkbox"/> Farms</p> <p>e. <input type="checkbox"/> Federal Government</p> <p>f. <input checked="" type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (check one)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input checked="" type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting hour burden</p> <p>a. Number of respondents <u>60,000</u></p> <p>b. Total annual responses <u>60,000</u></p> <p>    1. Percentage of those responses Collected electronically <u>90</u> %</p> <p>c. Total annual hours requested <u>440,000</u></p> <p>d. Current OMB inventory <u>440,000</u></p> <p>e. Difference (+, -) <u>0</u></p> <p>f. Explanation of difference</p> <p>    1. Program change (+, -) <u>0</u></p> <p>    2. Adjustment (+, -) <u>0</u></p>	<p>14. Annual reporting and recordkeeping cost burden (in thousands of dollars)</p> <p>a. Total annualized capital/startup costs <u>0</u></p> <p>b. Total annual costs (O&amp;M) <u>0</u></p> <p>c. Total annualized cost requested <u>0</u></p> <p>d. Current OMB inventory <u>0</u></p> <p>e. Difference (+, -) <u>0</u></p> <p>g. Explanation of difference</p> <p>    1. Program change (+, -) <u>0</u></p> <p>    2. Adjustment (+, -) <u>0</u></p>
<p>15. Purpose of information collection (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input checked="" type="checkbox"/> Application for benefits</p> <p>b. <input type="checkbox"/> Program evaluation</p> <p>c. <input type="checkbox"/> General purpose statistics</p> <p>d. <input type="checkbox"/> Audit</p> <p>e. <input type="checkbox"/> Program planning or management</p> <p>f. <input type="checkbox"/> Research</p> <p>g. <input checked="" type="checkbox"/> Regulatory or compliance</p>	<p>16. Frequency of recordkeeping or reporting (check all that apply)</p> <p>a. <input checked="" type="checkbox"/> Recordkeeping</p> <p>b. <input checked="" type="checkbox"/> Third Party Disclosure</p> <p>c. <input checked="" type="checkbox"/> Reporting:</p> <p>    1. <input checked="" type="checkbox"/> On occasion</p> <p>    2. <input type="checkbox"/> Weekly</p> <p>    3. <input type="checkbox"/> Monthly</p> <p>    4. <input type="checkbox"/> Quarterly</p> <p>    5. <input type="checkbox"/> Semi-annually</p> <p>    6. <input type="checkbox"/> Annually</p> <p>    7. <input type="checkbox"/> Biennially</p> <p>    8. <input type="checkbox"/> Other</p>
<p>17. Statistical methods: Does this information collection employ statistical methods?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>18. Agency contact (person who can best answer questions regarding the content of this submission).  Name: Adrian Wright  Phone: 202-418-0854</p>

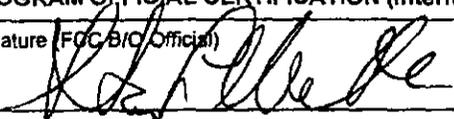
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OIRA DOCKET LIBRARY

OMB CONTROL NUMBER: 3060- 0806	TITLE Universal Service - Schools and Libraries Universal Service Program
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**19. Certification for Paperwork Reduction Act Submission**

**A. PROGRAM OFFICIAL CERTIFICATION (Internal FCC Use Only)**

(1) Signature (FCC BIC Official) 	(2) Date 7/10/00
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On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b)(3), appear at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under section 5 CFR 1320.8(b)(3) about:
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory)
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number.
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

**B. SENIOR OFFICIAL OR DESIGNEE CERTIFICATION**

(1) Signature (FCC OMD) 	(2) Date JUL 21 2000
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## SUPPORTING STATEMENT

FCC Universal Service Forms: FCC Form 470 and Form 471.

### A. Justification

1. On November, 8, 1996, the Joint Board released a recommended Decision in which it made recommendations to assist and counsel the Commission in the creation of an effective universal support mechanism that would ensure that the goals of affordable, quality service and access to advanced services are met by means that enhance competition. On May 8, 1997, the Commission adopted rules providing discounts on all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit FCC Forms 470 and 471.

#### a. Submission of FCC Form 470 "Description of Service Requested and Certification."

Schools and libraries ordering telecommunications services, Internet access, and internal connections under the universal service discount program must submit a description of the services desired to the Administrator. Schools and libraries may use the same description they use to meet the requirement that they generally face to solicit competitive bids. The Administrator will post those Form 470 forms that request new services on a website for all potential competing service providers to see and respond to as if they were requests for proposals (RFPs). 47 C.F.R. § 54.505(b)(2), 47 C.F.R. § 54.504 (b)(3). Pursuant to section 254(h) of the Telecommunications Act of 1996, 47 U.S.C. § 254 (h), schools and libraries must certify under oath that: (1) the school or library is an eligible entity under section 254(h)(4); (2) the services requested will be used solely for education purposes; (3) the services will not be sold, resold, or transferred in consideration for money or any other thing of value; and (4) if the services are being purchased as part of an aggregated purchase with other entities, the identities of all co-purchasers and the portion of the services being purchased by the school or library. 47 C.F.R. § 54.504(b)(2). For schools ordering telecommunications services at the individual school level (i.e., primarily non-public schools), the person ordering such services should certify to the Administrator the percentage of students eligible in that school for the national school lunch program (or the other acceptable indicators of economic disadvantage determined by the Commission). This requirement arises in the context of determining which schools are eligible for greater discounts being offered to economically disadvantaged schools. For schools ordering telecommunications services at the school district level, the person ordering such services for the school district should certify to the Administrator the number of students in each of its schools eligible for the national school lunch program (or the other acceptable

indicators of economic disadvantages). This requirement also arises in the context of determining which schools are eligible for greater discounts being offered to economically disadvantaged schools. 47 C.F.R. § 54.505(b)(1). Schools and libraries must also certify that they have developed a technology plan that has been approved by an authorized entity. The technology plan should demonstrate that the applicant will be able to deploy any necessary hardware, software, and wiring, and to undertake any necessary teacher training required to use effectively the services ordered pursuant to the section 254(h) discount. 47 C.F.R. § 54.504(b)(2).

b. Submission of FCC Form 471 "Services Ordered and Certification."

Schools and libraries that have ordered telecommunication services, Internet access, and internal connections under the Universal Service Mechanism for Schools and Libraries must file FCC Form 471 with the Administrator. Form 471 requires schools and libraries to list all services that have been ordered and the funding needs for the current funding year. 47 C.F.R. § 54.504(b)(2). This form also gathers information from schools and libraries about the technology currently available to the entity and what is made possible by their application for universal service fund discounts.

2. All schools and libraries planning to order services eligible for universal service discounts must file FCC Forms 470 and 471. The purpose of this information is to help determine which schools and libraries are eligible for the greater discounts. Schools and libraries must certify to the Administrator that they have developed an approved technology plan via Form 471. This requirement is designed to help schools and libraries avoid the waste that might arise from requests for services that the schools and libraries would be unable to use for the educational purposes intended.
3. Applicants will be able to electronically file or mail their submissions. Copies of the forms will be available via the Administrator's website.
4. There will be no duplication of information. The information sought is unique to each respondent and similar information is not already available.
5. Entities directly subject to the requirements in the forms are primarily schools and libraries. The forms have been designed to impose the least possible burden on the respondents.
6. Failing to collect the information, or collecting it less frequently, would prevent the Commission from implementing section 254 of the 1996 Act and ensuring that the goals of affordable service and access to advanced services are met by means that enhance, rather than distort, competition.
7. Applicants are required to retain certain filings for five years. The records are needed in case the applicant is audited. If an applicant is audited, it should be able to demonstrate to the auditor how the entries in its application were provided.

8. Pursuant to 5 CFR 1320.8, the Commission placed a notice in the Federal Register. See 65 FR 3234, January 20, 2000. (Copy attached). No comments were received.
9. There will be no payments or gift to respondents.
10. The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request confidential treatment of such information under section 0.459 of the Commission's rules.
11. There are no questions of a sensitive nature with respect to the information collected.
12. The following represents the hour burden on the collections of information:
  - a. Submission of FCC Form 470 "Description of Service Requested and Certification."
    - (1) Number of respondents: Approximately 50,000 public school districts, private schools and public library systems.
    - (2) Frequency of response: On occasion. Each school and library must submit FCC Form 470, describing the services desired, to the Administrator.
    - (3) Annual burden per response: 4 hours. The total annual hour burden is 200,000 hours. This estimate includes the time needed for complying with the record retention requirement.
    - (4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$8,000,000.
    - (5) Explanation of calculation: We estimate that this obligation will take approximately 4 hours and will occur once a year for 50,000 schools and libraries.  $50,000$  (number of respondents)  $\times$   $1$  (number of submissions required)  $\times$   $4$  (hours to prepare form, including time for reading instructions)  $\times$   $\$40$  per hour (including administrative staff time and overhead) =  $\$8,000,000$ .
  - b. Submission of FCC Form 471 "Services Ordered, Certification, and Termination."
    - (1) Number of respondents: Approximately 60,000 public school districts, private schools and public library systems.
    - (2) Frequency of response: On occasion. Each school and library must submit FCC Form 471, describing the services desired, to the Administrator.
    - (3) Annual burden per response: 4 hours. The total annual hour burden is 240,000 hours. This estimate includes the time need for complying with the record retention requirement.
    - (4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$9,600,000.
    - (5) Explanation of calculation: We estimate that this obligation will take approximately 4 hours and will occur once a year for 60,000 schools and libraries.  $60,000$  (number of respondents)  $\times$   $1$  (number of submissions

required) x 4 (hours to prepare form, including time for reading instructions) x \$40 per hour (including administrative staff time and overhead) = \$9,600,000.

Total Annual Burden = 200,000 + 240,000 = 440,000 burden hours.

13. (1) Total capital start-up costs component annualized over its expected useful life: \$0. The collections will not require the purchase of additional equipment.  
(2) Total operation and maintenance and purchase of service component: \$0. The collections will not result in additional operation or maintenance expenses.
  14. There will be few, if any costs to the Commission because notice and enforcement requirements are already part of Commission duties. Moreover, there will be minimal cost to the Federal government since an outside party will administer this program.
  15. The public burden for the collections contained herein continues to be 440,000 burden hours. The collections are necessary to implement the universal service discount program for schools and libraries.
  16. The Commission will make the information required by 47 C.F.R. § 54.504 publicly available on the Internet. Other non-proprietary information will likely be made publicly available although the Commission does not have specific plans for doing so at this time.
  17. The Commission seeks continued approval to not display the expiration date for OMB approval of the information collections. Display of the expiration date on the forms and instructions would not be in the public interest because, after the six-month approval period, we would have to destroy all of the unused forms bearing the six-month expiration date. This would constitute waste and would not be cost effective.
  18. Applicants are required to retain certain records longer than three years. Applicants must retain records to be able to demonstrate to the auditor how the entries in their application were provided.
- B. Collections of Information Employing Statistical Methods.

The Commission does not anticipate that the collection of information will employ statistical methods.

6712-01

**FEDERAL COMMUNICATIONS COMMISSION**

Notice of Public Information Collection(s) being Submitted to OMB for Review and Approval.

**July 20 2000**

**SUMMARY:** The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before **[insert date 30 days from publication in Federal Register]**. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

**OMB Control Number:** 3060-0783

**Title:** 47 CFR Section 90.176, Coordination Notification Requirements on Frequencies Below 512 MHz

**Form Number:** N/A

**Type of Review:** Extension of a currently approved collection

**Respondents:** Business or other for-profit entities

**Number of Respondents:** 15

**Estimate Time Per Response:** 0.25 hours (multiple responses/annum)

**Frequency of Response:** On occasion reporting requirements; Third party disclosure

**Total Annual Burden:** 975 hours

**Total Annual Costs:** None

**Needs and Uses:** The reporting requirement in 47 CFR Section 90.176 is a result of comments sought in the Report and Order and Further Notice of Proposed Rule Making in PR Docket No. 92-235 and requires each Private Land Mobile frequency coordinator to provide, within one business day, a listing of their frequency recommendations to all other frequency coordinators in their respective pool, and, if requested, an engineering analysis. This requirement is necessary to avoid situations where harmful interference is created because two or more coordinators recommend the same frequency in the same area at approximately the same time to different applicants.

**OMB Control Number:** 3060-0806

**Title:** Universal Service – Schools and Libraries Universal Service Program

**Form Numbers:** FCC 470 and 471

**Type of Review:** Extension of a currently approved collection

**Respondents:** Not-for-profit institutions; Business or other for-profit entities; and State, local, or Tribal Government

**Number of Respondents:** 60,000

**Estimate Time Per Response:** 7.3 hours (avg.)

**Frequency of Response:** Recordkeeping; On occasion reporting requirements; Third party disclosure

**Total Annual Burden:** 440,000 hours

**Total Annual Costs:** None

**Needs and Uses:** The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, Internet access, and internal connections.

**FEDERAL COMMUNICATIONS COMMISSION**

**Magalie Roman Salas,  
Secretary.**

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Judy Boley  
Federal Communications Commission  
445 12th Street SW.  
Room 1-C804  
Washington, DC 20554

09/01/2000

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 07/21/2000.

TITLE: Universal Service - Schools and Libraries  
Universal Service Program

AGENCY FORM NUMBER(S): FCC-470,FCC-471

ACTION : Approved  
OMB NO.: 3060-0806  
EXPIRATION DATE: 09/30/2003

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	60,000	440,000	0
New	60,000	440,000	0
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

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OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

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Sent electronically, 09/05/2000 14:13:04

PAPERWORK ACTION SUMMARY

01 SEP 2000  
PAGE 1

OMB NUMBER: 3060-0806

EXP DATE : 3 Yrs

TITLE : Universal Service - Schools and Libraries Universal Service Program

ACTION TAKEN: Approved

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CHANGES FROM AGENCY SUBMISSION:

NONE  
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NEW TERMS OF CLEARANCE: NONE

NOTES: This collection is used by the Commission to determine the  
eligibility of schools and libraries ~~to receive~~ for the universal service fund.  
No public comments received.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURES AND DATES:

DESK OFFICER

OIRA

Edward C. Grayson \_\_\_\_\_

DATE: 9/1/00

DATE: \_\_\_\_\_

PAPERWORK REVIEW WORKSHEET

21 JUL 2000  
PAGE 1

OMB NUMBER : 3060-0806  
REVIEW TYPE: Regular  
I.C. TYPE : Extension

RECEIVED: 07/21/2000  
DUE DATE: 09/19/2000  
DESK OFFICER: Edward C. Springer

AGENCY : Federal Communications Commission  
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TITLE: Universal Service - Schools and Libraries Universal Service  
Program

AGENCY FORM NUMBER(S): FCC-470,FCC-471

KEYWORDS: REPORTING REQUIREMENTS  
UNIVERSAL SERVICE  
SUPPORT  
SCHOOLS  
LIBRARIES  
TELECOMMUNICATIONS CARRIERS  
TELECOMMUNICATIONS ACT OF 1996

ABSTRACT: The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, internet access, and internal connections. The information is used to determine eligibility.

OBLIGATION TO RESP: P Required for benefits

SMALL ENTITIES: No  
STATISTICAL METHODS: No

AFF PUB: P Not-for-profit institutions  
Business or other for-profit  
State, Local or Tribal Government

PURPOSE: P Appl for benefits  
Reg or compliance

REQUIREMENTS: Recordkeeping  
Third party disclosure  
Reporting frequency:  
On occasion

