Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Panhandle Public Library Cooperative System Marianna, Florida	)	File No. SLD-254360
	)	
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: June 6, 2002 **Released: June 7, 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 the Panhandle Public Library Cooperative System (Panhandle), Marianna, FL, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[1] Panhandle seeks review of SLD's denial of its application for discounts under the schools and libraries universal service support mechanism.[2] For the reasons set forth below, we grant Panhandle's Request for Review and we remand Panhandle's application to 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.[3] In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to SLD 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 complied with the

[1] Letter from Laura Massie, Panhandle Public Library Cooperative System, to Federal Communications Commission, filed August 15, 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.

[4] 47 C.F.R. § 54.504 (b)(1), (b)(3).

the Block 6, Item 36 was a copy.[14] The Rejection Letter encouraged Panhandle to resubmit a corrected FCC Form 471 Block 6 Certification.[15]

6. Panhandle resubmitted its FCC Form 471 Block 6 Certification with an original signature on March 14, 2001.[16] Panhandle attached a letter to its amended Block 6 stating that it had inadvertently mailed to SLD its copy of the certification page and filed the original page with its records.[17] On July 17, 2001, SLD informed Panhandle that its FCC Form 471 application was received after the 2001-2002 filing window had closed.[18] SLD also indicated that it was holding Panhandle's application, pending final processing of those applications which were received within the filing window.[19] Subsequently on July 24, 2001, SLD informed Panhandle that its application would not be considered for discount funding because sufficient funds were not available for applications filed outside of the filing window.[20]

7. Panhandle then filed the instant Request for Review with the Commission.[21] Panhandle states that it filed its FCC Form 471 on-line before the January 18, 2001 filing window deadline and its Block 6 Certification was mailed on January 17, 2001.[22] Panhandle states, upon receiving the Rejection Letter from SLD, it mailed the correct certification page the same day. Panhandle again maintains that it mailed its copy of the signed form instead of the original page. In addition, Panhandle asserts that the copy of the signature received before the deadline should be proof that its certification was properly signed.[23]

8. We have reviewed the record before us and conclude that Panhandle's Request for Review should be granted and its application with the photocopied signature should be processed. In the *New Hartford Order,* the Common Carrier Bureau determined that a photocopied or stamped signature made with the intent to certify an application constitutes a

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[14] *Id.*

[15] *Id.*

[16] FCC Form 471 Block 6 Certification, Panhandle Public Library Cooperative System, filed March 14, 2001.

[17] *See id.*, Attachment.

[18] Postcard from Schools and Libraries Division, Universal Service Administrative Company, to Panhandle Public Library Cooperative System, dated July 17, 2001.

[19] *Id.*

[20] Postcard from Schools and Libraries Division, Universal Service Administrative Company, to Panhandle Public Library Cooperative System, dated July 24, 2001.

[21] Request for Review.

[22] *Id.*

[23] *Id.*

valid signature certification under FCC rules.[24] The Bureau found that a photocopied signature is a binding act that signifies the intent of the party to be bound by the program rules, and therefore meets the Minimum Processing Standard for an original ink signature. Thus, we find that Panhandle's application should be processed in accordance with the precedent established in the *New Hartford Order*. Therefore, we remand Panhandle's application to SLD for further processing in accordance with this Order.

9. 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 the Panhandle Public Library Cooperative System on August 15, 2001, IS GRANTED to the extent provided herein, and Panhandle's application is REMANDED to SLD for further processing in accordance with this decision.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert

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

[24] *Request for Review by New Hartford Central School District Federal Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Dockets Nos. 96-45 and 97-21, Order, 16 FCC Rcd 19329 (Com. Car. Bur. 2001) (*New Hartford Order*).

Commission's competitive bidding requirements and entered into agreements 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.[5] Using information provided by the applicant in its FCC Form 471, the Administrator determines the amount of discounts for which the applicant is eligible.[6]

3. 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.[7] Section 54.507(c) of the Commission's rules states that fund discounts will be available on a first-come-first-served basis.[8] Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules.[9] In Funding Year 4 the filing window closed on January 18, 2001.[10]

4. 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.[11] These minimum processing standards are designed to 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.

5. Panhandle filed its Funding Year 4, FCC Form 471 electronically on January 17, 2001.[12] On March 6, 2001, SLD informed Panhandle that its FCC Form 471 did not meet Minimum Processing Standards and therefore would not be processed.[13] Specifically, SLD stated that Panhandle's application did not contain an original signature, rather the signature in

[5] 47 C.F.R. § 54.504(c).

[6] 47 C.F.R. § 54.504(c).

[7] 47 C.F.R. § 54.507(c).

[8] *Id.*

[9] 47 C.F.R. § 54.507(g).

[10] *See* SLD's website, at <http://www.sl.universalservice.org >.

[11] 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).

[12] FCC Form 471, Panhandle Public Library Cooperative System, filed January 17, 2001.

[13] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Laura Massie, Panhandle Public Library Cooperative System, dated March 6, 2001 (Rejection Letter).