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

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In the Matter of	)	
	)	
Request for Review by	)	
	)	
Mount Carmel School Saipan, Northern Marianas Islands	))	File No. SLD-249524
	)	
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: June 27, 2002 **Released: June 28, 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 Mount Carmel School (Mount Carmel), Saipan, Northern Marianas Islands.[1] Mount Carmel seeks review of a determination by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) that Mount Carmel did not meet the filing deadline for Funding Year 4.[2] For the reasons set forth below, we deny Mount Carmel's Requests for Review.[3]

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 submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its

[1] Letter from Linze McGilvrey, Mount Carmel School, to the Federal Communications Commission, filed September 4, 2001 (Request for Review).

[2] *See* Request for Review. *See also* Letter from Schools and Libraries Division, Universal Service Administrative Company, to Linze McGilvrey, Mount Carmel School, dated August 17, 2001 (Administrator's Decision on 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 Administrator may seek review from the Commission. 47 C.F.R. § 54.719.

[3] Mount Carmel asserts that it filed its FCC Form 471 application before the filing window for Funding Year 4 closed and declines to request a waiver of the filing deadline. Request for Review. We therefore treat Mount Carmel's appeal as a Request for Review.

[4] 47 C.F.R. §§ 54.501–54.503.

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 agreements for eligible services, the applicant must submit a completed FCC Form 471 application to the Administrator.[6] In the FCC Form 471 instructions, SLD has clearly set forth its standards for processing a FCC Form 471 application.[7] Specifically, the FCC Form 471 instructions state that if a school or library does not provide the information requested, "the processing of your application may be delayed or your application may be returned to you without action."[8]

3. Section 54.507(c) of the Commission's rules states that fund discounts will be available on a first-come, first-served basis.[9] The Commission's rules also 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.[10] Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules.[11] It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window. In Funding Year 4, the window closed on January 18, 2001.[12]

4. Applicants may file the FCC Form 471 electronically.[13] In order to have successfully completed the submission of the FCC Form 471 application in Funding Year 4, applicants who filed electronically must also have completed and mailed to SLD the Item 21 description of services, and a paper copy of the Block 6 certification, the latter of which applicants must also have signed.[14] A commitment of support is contingent upon the timely filing of the applicants' completed FCC Form 471.[15] Prior to Funding Year 4, the deadline by which these items had to be received by SLD to be considered within the window was later than the deadline for the filing of the FCC Form 471, so that applicants could file electronically on the last day of the filing window, and mail their certifications and attachments thereafter. However, because in previous years the delivery of a number of applications was significantly delayed by the postal service, SLD, starting in Funding Year 4, directed that all FCC Forms 471 would be deemed filed when

[5] 47 C.F.R. § 54.504(b)(1), (b)(3).

[6] 47 C.F.R. § 54.504(c).

[7] Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (October 2000) (Form 471 Instructions). *See also* 47 C.F.R. § 54.504(c).

[8] Form 471 Instructions at 2.

[9] 47 C.F.R. § 54.507(c).

[10] *Id.*

[11] 47 C.F.R. § 54.507(g).

[12] In Funding Year 4, SLD processed applications as "in-window," if they were postmarked by January 18, 2001. *See* SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for Funding Year 4, <http://www.sl.universalservice.org/reference/471mps.asp> (Funding Year 4 Minimum Processing Standards).

[13] Form 471 Instructions at 4-5.

[14] Block 6 is the section of the FCC Form 471 where applicants must sign the form and make certifications required under program rules. *See* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000).

[15] Form 471 Instructions at 3-6.

postmarked, rather than when received by SLD.[16] This procedural change protects applicants from excessive mail delays. Consequently, SLD notified all potential applicants that all Block 6 certifications and Item 21 attachments must also be postmarked no later than the close of the filing deadline.[17]

5. While Mount Carmel claims it filed its FCC Form 471 within the filing window, it did not submit the Block 6 certification and Item 21 attachments by January 18, 2001.[18] Mount Carmel filed the electronic portion of its FCC Form 471 with SLD before the close of the filing window on January 17, 2001.[19] However, the Block 6 Certification and Item 21attachments were only postmarked on January 26, 2001.[20] On appeal, Mount Carmel School states that it met the filing window deadline.[21] However, Mount Carmel does not address whether it mailed its certification and attachments by the filing deadline. The evidence in the record demonstrates that the Mount Carmel did not file its certification and attachments within the filing window for Funding Year 4. Therefore, Mount Carmel's Request for Review is denied.

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 Request for Review filed by Mount Carmel School, Saipan, Northern Marianas Islands, on September 4, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

[16] *See* SLD website, What's New (November 2, 2000) <http://www.sl/universalservice.org/whatsnew/110200.asp#110200> (SLD Year 4 Change Notice).

[17] *Id.*

[18] FCC Form 471, Mount Carmel School, filed January 17, 2001 (Mount Carmel Form 471) (electronic copy).

[19] *Id.*

[20] *Id.* (priority mail postmark)

[21] Request for Review.