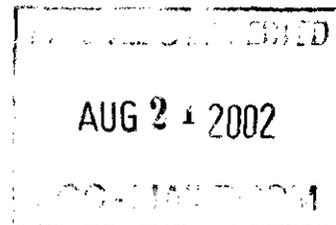


Before the  
Federal Communications Commission  
Washington, DC 20554



In the Matter of )  
)  
Requests for Waiver by )  
)  
Chrisman Public Library )  
Chrisman, Illinois )  
)  
Overton Public School District )  
Overton, Nebraska )  
)  
Federal-State Joint Board on )  
Universal Service )  
)  
Changes to the Board of Directors of the )  
National Exchange Carrier Association, Inc. )

File No. SLD-267310

File No. SLD-292834

CC Docket No. 96-45 ✓

CC Docket No. 97-21

**ORDER**

**Adopted: August 14, 2002**

**Released: August 15, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division are two requests to waive FCC Form 471 filing deadlines established by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) for discount applications under the schools and libraries universal service mechanism.<sup>1</sup> The requests were filed by Chrisman Public Library (Chrisman), Chrisman, Illinois; and Overton Public School District (Overton), Overton, Nebraska.<sup>2</sup> For the reasons set forth below, we deny the Requests for Review.

2. Chrisman and Overton both request a waiver of the FCC Form 471 application deadline because of a mistake by the applicant regarding the certification of the application. In Chrisman, the applicant failed to provide the signature of the authorizing individual, and asserts

<sup>1</sup> 47 C.F.R. §§ 54.502, 54.503.

<sup>2</sup> Letter from Mary E. Galway, Chrisman Public Library, to the Federal Communications Commission, filed January 16, 2002 (requesting waiver of Funding Year 2001 deadline) (Chrisman Request); Letter from D. Clayton, Overton Public School District, to the Federal Communications Commission, filed April 16, 2002 (requesting waiver of Funding Year 2002 deadline) (Overton Request) (collectively, Requests for Review). Funding periods are now described by the year in which the funding period starts. Both applicants appealed for to SLD for a waiver of the filing deadline, were denied, and now appeal to the Commission. 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).

that the omission was an error in proofreading, and “not an error of substance.”<sup>3</sup> In Overton, the applicant failed to mail the Block 6 Certification and Signature until after the deadline had passed.<sup>4</sup> Both applicants support their waiver appeal by citing the special funding needs of their institution.<sup>5</sup>

3. The Commission may waive provisions of its rules, but only where special circumstances warrant a deviation from the general rule, and strict compliance with the rule would be inconsistent with the public interest.<sup>6</sup> We have held that signature certification is fundamental to the administration of the SLD program.<sup>7</sup> SLD relies on the signature certification to establish authority of the signer to represent the applicant. This precedent has led us to deny waivers where certification is submitted late, or not at all.<sup>8</sup> There is no evidence in the record that Chrisman took this important step to complete its application, nor that Overton did so in a timely manner. We also have held that the assertion of financial need does not meet the requirement of special circumstances that warrant a waiver of the Commission's rules.<sup>9</sup> We conclude that the circumstances presented by Overton and Chrisman are insufficient to warrant a deviation from the general rule.

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<sup>3</sup> Chrisman Request at 1.

<sup>4</sup> Overton Request at 1.

<sup>5</sup> *Id.*; Chrisman Request at 1.

<sup>6</sup> 47 C.F.R. § 1.3; *see also* *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio*, 418 F.2d 1153, 1158 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

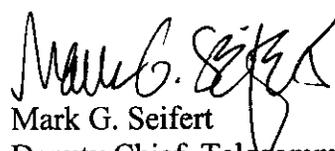
<sup>7</sup> *Request for Review by New Hartford Central School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Dockets Nos. 96-45 and 97-21, Order, 16 FCC Rcd 19329 (Com. Car. Bur. 2001), para. 6.

<sup>8</sup> *Request for Review by the Information Technology Department, State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Dockets Nos. 96-45 and 97-21, Order (Com. Car. Bur. 2002), paras. 11-13.

<sup>9</sup> *See Request for Review by Northern Waters Library Service, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-183124, CC Docket Nos. 96-45 and 97-21, Order, DA 02-227, para. 7 (Com. Car. Bur. rel. Jan. 30, 2002).

4. 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 Requests filed by Chrisman Public Library, Chrisman, Illinois, and Overton Public School District, Omaha, Nebraska, on January 16, and April 16, 2002, respectively, ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert

Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau