

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

In the Matter of)
)
Kcquesr for Review of the Decision of the)
Universal Service Administrative)
Company by)
)
Jefferson County School District) File No. SLD-220093
Charles Town, West Virginia) (FRNs 573031, 573158, 599687, 599885,
) and 618219)
)
Federal-State Joint Board on Universal) CC Docket No. 96-45
Service)
)
Changes to the Board of Directors of the) CC Docket No. 97-21✓
National Exchange Carrier Association, Inc.)

ORDER

Adopted: November 7, 2002

Released: November 8, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review tiled by the Jefferson County School District (Jefferson County), Charles Town, West Virginia. Jefferson County seeks review of funding commitment decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) in regards to the above-captioned requests for support in Funding Year 2001 of the schools and libraries universal service program. For the reasons set forth below, we affirm SLD's rejection and deny Jefferson County's Request for Review.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for

1 Letter from Nathaniel Hawthorne on behalf of the Jefferson County School District, to the Federal Communications Commission, tiled September 4, 2001 (Request for Review),

See Request for Review. 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). Previously, this funding period was referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. Thus, the funding period which began on July 1, 2001 and ended on June 30, 2002, previously referred to as Funding Year, is now called Funding Year 2001. The funding period which began on July 1, 2001 and ends on June 30, 2003, is now called Funding Year 2002, and so on.

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 an applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth the school's technological needs and the services for which it seeks discounts.⁴ Once the school has complied with the Commission's competitive bidding requirements and signed a contract for the eligible services, it must file an FCC Form 471 application to notify the Administrator, among other things, of the services that have been ordered, the carrier with whom the school has signed the contract, and an estimate of funds needed to cover the discounts to be given for eligible services.⁵

3. Jefferson County appeals five funding decisions to the Commission.⁶ In its FCC Form 471, Jefferson County requested, among other things, funding for local telecommunications service from Citizens Telecommunications Company (Citizens) for the pre-discount amount of \$128,550 (FRN 573031), funding for cellular telephone service from Hardy Cellular Telephone Company for the pre-discount amount of \$3,720 (FRN 573158), funding for cellular telephone service from Highland Cellular, Inc. for the pre-discount amount of \$5,400 (FRN 599687), funding for paging service from Highland Paging Inc. for the pre-discount amount of \$6,840 (FRN 599885), and funding for telecommunications service from Citizens for \$12,000 (FRN 618219).⁷ SLD issued a Funding Commitment Decision Letter to Jefferson County on August 7, 2001, denying each of these funding requests because the "applicant has not provided sufficient documentation to determine the eligibility of this item."⁸

4. In its Request for Review, Jefferson County asks the Commission to overturn SLD's determination, arguing that Jefferson County had "provided all documentation requested." In support of this assertion, Jefferson County has provided a copy of an electronic

³ 47 C.F.R. §§ 54.402, 54.503

⁴ 47 C.F.R. § 54.504(b)(1), (b)(3).

⁵ 47 C.F.R. § 54.504(c).

⁶ In its Request for Review, Jefferson County also appealed SLD's denial of its funding request for Internet access services to be provided by the Regional Education Service Agency of West Virginia (RESA). *See* Request for Review. On January 11, 2002, however, Jefferson County filed a request to withdraw its appeal concerning the RESA Internet access services. *See* Letter From Nathaniel Hawthorne on behalf of Jefferson County School District, to Federal Communications Commission, filed January 11, 2002. This Order only addresses those funding requests that were not specifically withdrawn by Jefferson County.

FCC Form 471, Jefferson County, School District, filed January 16, 2001 (Jefferson County Form 471) (**Block 5**, FRNs 573031, 573158, 599687, 599885, and 618219).

⁸ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Paul Karas, Jefferson County School District, dated August 7, 2001 (Funding Commitment Decision Letter).

⁷ Request for Review at 2

mail from SLD to Jefferson County's representative in the application process, Paul Karas.¹⁰ In this correspondence, SLD indicated that "[n]umerous applications and FRNs remain outstanding and unsupported," and provided a list of applications that required additional documentation." Jefferson County contends that, because SLD did not specifically ask for additional documentation regarding Jefferson County in this correspondence, there were therefore no outstanding issues regarding Jefferson County." Furthermore, Jefferson County includes a copy of an email from SLD to Paul Karas, in which SLD, among other things, seeks a "bill from the service provider justifying the monthly charge" for FRN 573031.¹³ On May 22, 2001, Jefferson County faxed, among other things not relevant here, a copy of a local phone bill from Citizens Telecommunications Company totaling \$9,381.04, to justify FRN 573031.

5. We have reviewed Jefferson County's appeal and conclude that Jefferson County has not shown that its request was improperly denied. Given the enormous volume of applications and other submissions that SLD processes and reviews each year, it is necessary for SLD to put in place measures to ensure prompt resolution of applications. One such measure in place is an administrative procedure that applicants from whom SLD solicits additional information necessary to complete their application respond with that information within seven days of being contacted.¹⁴ The policy has been necessary in order to prevent applicants from unduly delaying the application process. Here, SLD requested specific documentation from Jefferson County on April 26, 2001, and directed that it be provided within seven days." Jefferson County did not respond until May 22, 2001 and then only as to FRN 573031, despite being contacted again by SLD on April 30, 2001, and May 4, 2001.¹⁶ Under SLD's seven-day procedure, it properly did not consider the late information, and therefore correctly denied the funding requests. Finally, the fact that SLD did not seek specific information regarding Jefferson County in its July 16, 2001 correspondence is irrelevant, because the seven-day time frame for providing additional documentation had long since expired at that point.

¹⁰ See Request for Review, Attachment B (copy of electronic mail transmission from John Piznak, Schools and Libraries Division, Universal Service Administrative Company, to Paul Karas, dated July 16, 2001

¹¹ *Id.*

¹² Request for Review at 2

¹³ Request for Review, Attachment A (electronic mail from Alice Carmody, Schools and Libraries Division, Universal Service Administrative Company to Paul Karas, dated April 30, 2001) (May 30 Electronic Mail).

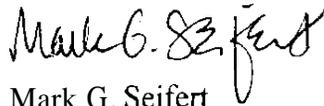
¹⁴ See *Request for Review, by Nefesh Academy, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-27881, CC Dockets No. 96-45 and 97-21, Order, DA 99-2284 (Com. Car. Bur. rel. October 22, 1999)(citing seven-day rule). See also SLD Website, Reference Area, "Program Integrity Assurance (PIA)," <http://www.universalservice.org/reference/6pia.asp>.

¹⁵ See Universal Service Administrative Company, Schools and Libraries Division, Review Activity Log (entry for April 26, 2001) (Review Activity Log),

¹⁶ May 30 Electronic Mail; Review Activity Log (entry for May 4, 2001).

6. 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 on September 5, 2001 by the Jefferson County School District, Charles Town, West Virginia, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



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