

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 )  
)  
Santa Ana Unified School District )  
Santa Ana, California )  
)  
Federal-State Joint Board on )  
Universal Service )  
)  
Changes to the Hoard of Directors of the )  
National Exchange Carrier Association, Inc. )

File No. SLD-328415

CC Docket No. 96-45

CC Docket No. 97-21 ✓

**ORDER**

**Adopted: January 8, 2003**

**Released: January 9, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Santa Ana Unified School District, Santa Ana, California (Santa Ana).<sup>1</sup> Santa Ana requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>2</sup> For the reasons set forth below, we deny the Request for Review.

2. In its decision, SLD returned Santa Ana's FCC Form 471 because it did not comply with minimum processing standards.<sup>3</sup> Specifically, Santa Ana did not indicate the category of service in Block 5, item 11 of the FCC Form 471 for each of the funding requests.<sup>4</sup> Santa Ana argues that SLD should be reversed because Santa Ana's letter appealing the decision

<sup>1</sup> Letter from Karen Aepli, Santa Ana Unified School District, to Federal Communications Commission, tiled July 10, 2002 (Request for Review)

<sup>2</sup> *Id.*

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Karen Aepli, Santa Ana Unified School District, dated February 26, 2002; SLD website, Form 471 Minimum Processing Standards and Filing Requirements for Funding Year 2002, <<http://www.sl.universalservice.org/reference/471mps.asp>> (Funding Year 2002 Minimum Processing Standards)

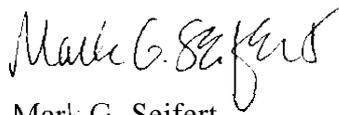
<sup>4</sup> *id.*

was filed in a timely manner and included a corrected FCC Form 471.<sup>5</sup> We find, however, that SLD's decision is consistent with our precedent and affirm substantially for the reasons stated by SLD.<sup>6</sup>

3 Further, construing Santa Ana's argument as a request for a waiver of the FCC Form 471 filing window, we find that a waiver is not appropriate.<sup>7</sup> A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.<sup>8</sup> Santa Ana has not presented any special circumstances warranting a waiver of the filing window.<sup>9</sup> Therefore, we affirm SLD and deny the Request for Review.

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 Request for Review filed by Santa Ana Unified School District, Santa Ana, California on July 10, 2002 IS DENIED.

## FEDERAL COMMUNICATIONS COMMISSION



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

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<sup>5</sup> Request for Review

<sup>6</sup> See *Request for Review by Centerville 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-199778, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 3145 (Com. Car. Bur. 2002). See also *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 5032, para. 12 (2001). Consistent with sections 54.504(c) and 54.507(c) of the Commission's rules, applicants are not permitted to amend completed FCC Forms 471 to change service categories after closure of the filing window deadline. 47 C.F.R. §§ 54.504(c), 54.507(c). See *Request for Review by Free Library of Philadelphia, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-12605, CC Dockets No. 96-45 and 97-21, Order, 15 FCC Rcd 23820, 23822 (Com. Car. Bur. 2000).

<sup>7</sup> The FCC Form 471 filing window closed on January 17, 2001, See Funding Year 2002 Minimum Processing Standards.

<sup>8</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see also *WALT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).

<sup>9</sup> See Request for Review.