

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

In the Matter of:

)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Onondaga-Cortland-Madison BOCES)	File No. SLD 296555
Syracuse, NY)	
)	
)	
Schools and Libraries Universal Service)	
Support Mechanism)	CC Docket No. 02-6
)	

To: Telecommunications Access Policy Division, Wireline Competition Bureau

REQUEST FOR REVIEW

Onondaga-Cortland-Madison BOCES (“OCM BOCES” or “Consortium”) hereby requests that the Commission review the decision of the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company in the above referenced matter.¹

The SLD’s decision should be reversed and the matter remanded to the SLD for further processing because the decision is directly at odds with the Commission’s holding in *Request for Review by Wayland Free Library*.² (Exhibit 1). In *Wayland Free Library*, the Commission affirmed the SLD rule of appellate procedure that states that a funding request rejected because an incorrect FCC Form 470 number was cited will be funded if

¹ Billed Entity Number: 144229; Form 471 Number: 296555
Funding Request Numbers: 794492, 811221, 821841, 827812, 828022, 836937, 837174, 837698, 794293, 794527, 811266, 811486, 827916, 828426, 838260, 838981, 839962, and 841055.

² *Request for Review by Wayland Free Library of the Decision of the Universal Service Administrator*, File Nos. SLD-134324 and SLD-120219, CC Docket Nos. 96-45 and 97-21, DA 01-2706 (Com. Car. Bur. Rel. November 19, 2001).

the applicant provides the correct Form 470 information in its Letter of Appeal.³ That is precisely what happened here. OCM BOCES inadvertently provided incorrect Form 470 numbers to the SLD. That mistake, caused by confusion over how to cite Form 470s for existing contracts, led the SLD to reject millions of dollars worth of Consortium funding requests. In its Letter of Appeal, OCM BOCES gave the SLD the correct Form 470 information. Therefore, under the Commission's *Wayland Free Library* rule, the SLD should have granted the Consortium's appeal.

I. FACTS

Funding Year 2000 -- Form 470 #964340000264145. This form resulted in agreements with several common carriers to provide telecommunications services for the first phase of a large, wide area networking project. The Allowable Contract Date for this Form 470 was January 6, 2000. OCM BOCES signed agreements after that date for wide area telecommunications services and, thereafter, applied for discounts on them for the 2000 Funding Year.

Funding Year 2001 -- Form 470 #417730000337577. This form resulted in agreements for telecommunications services with several carriers for the second phase of the wide area networking project, which added additional school districts. The Allowable Contract Date for this Form 470 was January 16, 2001. After the allowable contract date, OCM BOCES signed agreements for wide area telecommunications services and, thereafter, applied for discounts on them for the 2001 Funding Year.

Funding Year 2002 -- In its Funding Year 2002 Form 471 application, OCM BOCES applied again for discounts on wide area telecommunications services, taking care to divide up its large number of requests properly among existing contracts and service providers. This time, however, because of confusion over the proper Form 470 to cite for an existing contract, OCM BOCES ended up referencing a new Form 470, which it realized later was incorrect. Unfortunately, this uncertainty continued into the SLD Form 471 review process, where OCM BOCES's representative unwittingly gave the

³ *Wayland Free Library* at para. 5.

SLD reviewer two Form 470 numbers that the reviewer, with far more expertise and experience, surely must have known right away would amount to a violation of the Allowable Contract Date rule if that answer was correct.⁴

In its Funding Commitment Decision Letter dated March 10, 2003, the SLD concluded that none of the requests at issue could be funded because there were “28-day Waiting Period” rule violations associated with all of them. Based on the Form 470 numbers that OCM BOCES had given the SLD during the review process, the SLD’s conclusion was correct. However, the *Wayland Free Library* rule clearly gave the Consortium one last chance to set the record straight.

On appeal, therefore, OCM BOCES advised the SLD that it had provided incorrect Form 470 numbers to it previously, albeit inadvertently. In addition, OCM BOCES furnished the SLD with the correct Form 470 number for each of its two sets of funding requests.⁵ See Letters of Appeal dated April 7, 2003, attached hereto as Exhibits 2 and 3, respectively.

As OCM BOCES informed the SLD on appeal, the correct Form 470 for the funding requests associated with phase one of the wide area services project, #964340000264145, had an Allowable Contract Date of January 6, 2000; the correct Form 470 for the phase two set of requests, #417730000337577, had an Allowable Contract Date of January 16, 2001. In every case, as the extensively documented record before the SLD clearly shows, OCM BOCES entered into the resulting agreement *after* the Allowable Contract Date. Despite these facts and notwithstanding the straightforward and unambiguous *Wayland Free Library* rule, the SLD still rejected the Consortium’s appeal.

⁴ Under the circumstances, we believe that the SLD reviewer should have pointed out this error to the OCM BOCES representative. It would have eliminated the volume of follow-on appellate administrative work that inevitably was going to follow and, moreover, would have resulted in much needed funding going much more quickly to the Consortium. However, the basis for this appeal is *not* that the SLD was obliged to help OCM BOCES correct that error at that time.

⁵ Form 470 # 964340000264145 for FRNs 794492, 811221, 821841, 827812, 828022, 836937, 837174 and 837698. (ACD January 6, 2000); Form 470 #417730000337577 for FRNs 794293, 794527, 811266, 811486, 827916, 82846, 838260, 838981, 839962 and 841055. (ACD January 16, 2001).

Indeed, in its Decision on Appeal dated July 14, 2003 (Exhibit 4), the SLD acknowledged that OCM BOCES had provided it with the correct Form 470 information on appeal. In addition, it found that OCM BOCES had included with its appeal “signature pages for each contract in question to demonstrate that the 28-day waiting period rule was not violated by any of these requests.”⁶ The SLD refused, however, to consider either the correct Form 470 information or the contract signature pages. That, the SLD concluded, was because all of this information was “new,” and program rules prohibited it from accepting any “new information.”⁷

II. DISCUSSION.

In *Wayland Free Library*, the applicant mistakenly gave the SLD incorrect Form 470 numbers. The SLD rejected the requests for this reason, and the applicant appealed. On appeal, even though the applicant had corrected its mistake, the SLD refused to consider the appeal in light of this new information. The applicant filed a request for review, and the Commission reversed the SLD, finding specifically that the SLD must consider “new” Form 470 numbers that applicants provided to it on appeal. The Commission found, in pertinent part, as follows:

Under SLD’s appeal review procedures, SLD will grant appeals when the applicant has cited the wrong FCC Form 470 in a Funding Request Number (FRN) but did have an FCC Form 470 that supports the FRN and cites that correct FCC Form 470 in its appeal to SLD. Because this procedure is applicable here, we find that SLD should have reviewed the funding requests in light of the new FCC Form 470 USCN numbers. We therefore reverse and remand the pending applications for further consideration.

It is evident from the ruling in the *Wayland Free Library* that the Commission is ultimately more concerned about actual compliance with program rules than with the ability of applicants to identify and cite the correct 15-digit Form 470 number from each of six program years. Giving applicants one final opportunity on appeal to set the record

⁶ Administrator’s Decision on Appeal at Explanation paragraphs 1-2.

⁷ *Ibid*

straight strikes an effective balance between achieving the policy objectives of the program and being careful not to place too great an administrative burden on the SLD.

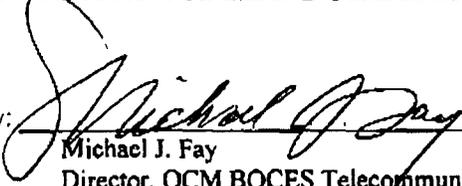
Here and in *Wayland Free Library* the most important facts are virtually identical. OCM BOCES gave the SLD incorrect Form 470 numbers and, as a consequence of that mistake, the SLD rejected its funding requests. On appeal, OCM BOCES corrected its error by providing the correct Form 470 numbers. By refusing to consider the Consortium's appeal in light of the "new" Form 470 numbers, the SLD repeated the exact same procedural error that it had made in *Wayland Free Library*. Therefore, under clear rules of SLD appellate procedure, affirmed specifically by the Commission, this matter should be reversed and remanded to the SLD for further consideration.

III. CONCLUSION

By refusing to consider the correct Form 470 information that OCM BOCES submitted on appeal, the SLD failed to follow its own appeal review procedure. Accordingly, for all of the above reasons, we respectfully request that this matter be reversed and remanded to the SLD with instructions to expedite the processing of all of the funding requests at issue.

Respectfully submitted,

ONONDAGA-CORTLAND-MADISON BOCES

By: 
Michael J. Fay
Director, OCM BOCES Telecommunications Services
6820 Thompson Road PO Box 4754
Syracuse, NY 13221
315-433-8378

September 5, 2003

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Wayland Free Library)	File No. SLD-134324
Wayland, New York)	
)	
South Carolina Budget and Control Board)	File No. SLD-120219
Office of Information Resources)	
Columbia, South Carolina)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: November 19, 2001

Released: November 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. Before the Accounting Policy Division (Division) are Requests for Review filed by Wayland Free Library (Wayland), Wayland, New York, and South Carolina Budget and Control Board, Office of Information Resources (SC), Columbia, South Carolina (collectively, Petitioners).¹ Petitioners seek review of decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), denying requests for discounts under the schools and libraries universal service support mechanism for failure to satisfy the 28-day competitive bidding requirement.² For the reasons discussed below, we grant the pending Requests for Review and remand for further consideration.

¹ See Letter from Marian Crawford, Wayland Free Library, to Federal Communications Commission, filed May 9, 2000 (Wayland Request for Review); *Request for Review of the Decision of the Universal Service Administrator By South Carolina Budget and Control Board, Office of Information Resources*, CC Docket Nos. 96-45 and 97-21, Request for Review, filed July 12, 2000 (SC Request for Review).

² 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).

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 The Commission's rules provide that, with one limited exception, an eligible school, library, or consortium must seek competitive bids for all services eligible for support.⁴ The Commission reasoned that competitive bidding would ensure fiscal responsibility and would be the best means for ensuring that eligible schools and libraries are able to receive services at the most competitive rates.⁵

3. The Commission's competitive bidding rules require that an applicant submit to the Administrator a completed FCC Form 470, in which the applicant lists the services for which it seeks discounts.⁶ The Administrator assigns each FCC Form 470 a unique identifying number, which in Funding Year 2 was called a Universal Service Control Number (USCN). The Administrator must then post the FCC Form 470 on its web site and the applicant is required to wait 28 days before making a commitment to a selected service provider.⁷ The Commission's rules provide a limited exemption from the 28-day competitive bidding requirement for applicants that have pre-existing contracts as defined by the Commission's rules; in this case, the contract need not be subjected to competitive bidding, but must still be identified in an FCC Form 470.⁸ After the FCC Form 470 has been posted for 28 days, and the applicant has selected a service provider, the applicant must submit to the Administrator an FCC Form 471, which lists the services that have been ordered, and cites the FCC Form 470 that presented the service for competitive bidding, or in the case of services based on pre-existing contracts, the FCC Form 470 that presented that contract.⁹

4. In each of the pending applications, SLD issued Funding Commitment Decision Letters, denying a funding request because it found that the request had cited an FCC Form 470

³ 47 C.F.R. §§ 54.502, 54.503.

⁴ 47 C.F.R. § 54.504(a).

⁵ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9078, para. 480 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata, FCC 97-157 (rel. June 4, 1997), *affirmed in part*, *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (affirming *Universal Service First Report and Order* in part and reversing and remanding on unrelated grounds), *cert. denied*, *Celpage, Inc. v. FCC*, 120 S. Ct. 2212 (May 30, 2000), *cert. denied*, *AT&T Corp. v. Cincinnati Bell Tel. Co.*, 120 S. Ct. 2237 (June 5, 2000), *cert. dismissed*, *GTE Service Corp. v. FCC*, 121 S. Ct. 423 (November 2, 2000).

⁶ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (FCC Form 470); 47 C.F.R. § 54.504(b); *Universal Service Order*, para. 575.

⁷ 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (FCC Form 471).

⁸ 47 C.F.R. § 54.511(c); Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (December 1998) (Form 471 Instructions), at 7.

⁹ 47 C.F.R. § 54.504(c); FCC Form 471, Block 5.

that did not support the request.¹⁰ Each of the Petitioners then appealed to SLD, informing SLD that the USCEN cited in the funding request was the result of a clerical error and referring SLD to the correct FCC Form 470 USCEN.¹¹ SLD denied both appeals, on the grounds that the new FCC Form 470 numbers submitted by the Petitioners constituted impermissible new evidence.¹² Each of the Petitioners then submitted a Request for Review, again referring to a USCEN that allegedly supports their funding requests.¹³

5. Under SLD's appeal review procedures, SLD will grant appeals when the applicant has cited the wrong FCC Form 470 in a Funding Request Number (FRN) but did have an FCC Form 470 that supports the FRN and cites that correct FCC Form 470 in its appeal to SLD.¹⁴ Because this procedure is applicable here, we find that SLD should have reviewed the funding requests in light of the new FCC Form 470 USCEN numbers. We therefore reverse and remand the pending applications for further consideration.

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 May 9, 2000 by Wayland Free Library, Wayland, New York, IS GRANTED and this application IS REMANDED to SLD for further action consistent with this opinion.

¹⁰ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Walter A. Taylor, South Carolina Budget and Control Board, Office of Information Resources, dated August 31, 1999, at 4; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marian Crawford, Wayland Free Library, dated November 2, 1999, at 4.

¹¹ Letter from Walter A. Taylor, South Carolina Budget and Control Board, Office of Information Resources, to Schools and Libraries Division, Universal Service Administrative Company, filed September 13, 1999 (SC Appeal to SLD), at 1; Letter from Marian Crawford, Wayland Free Library, to Schools and Libraries Division, Universal Service Administrative Company, filed November 15, 1999 (Wayland Appeal to SLD), at 1.

¹² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Walter A. Taylor, South Carolina Budget and Control Board, Office of Information Resources, dated June 14, 2000, at 1; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Marian Crawford, Wayland Free Library, dated April 25, 2000, at 1.

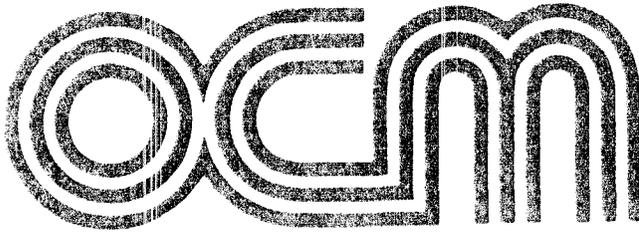
¹³ Wayland Request for Review, at 1; SC Request for Review, at 1-2.

¹⁴ See *Request for Review by Reg 6 & 8 SW/CTRL/W Srvc Co-op, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-199902, CC Dockets No. 96-45 and 97-21, Order, DA 01-2026, para. 6 (Com. Car. Bur. rel. August 29, 2001).

7. IT IS FURTHER ORDERED that the Request for Review filed on July 12, 2000 by South Carolina Budget and Control Board, Office of Information Resources, Columbia, South Carolina, IS GRANTED, and this application IS REMANDED to SLD for further action consistent with this opinion

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau



ONONDAGA • CORTLAND • MADISON
BOCES
TELECOMMUNICATIONS SERVICES

JESSICA F. COHEN, Ph.D.
District Superintendent

April 7, 2003

Letter of Appeal
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Re: 471 Application Number # 296555
Billed Entity Number # 124492
Appeal #1 FRN: 794492, 811221, 821841, 827812, 828022, 836937, 837174, 837698

To Whom It May Concern:

During the application process for E-rate Funding Year 2002, Onondaga-Cortland-Madison (OCM) BOCES applied on behalf of forty-two districts for funding of their telecommunication services.

The Funding Commitment Decision Letter, dated March 10, 2003 stated that funding was denied for Funding Request Numbers 794492, 811221, 821841, 827812, 828022, 836937, 837174, and 837698. It stated that the grounds for denial were that a contract for a new service was signed prior to the required 28-day waiting period computed from the date of the posting of the Form 470 to the SLD website.

Upon review of this application it was discovered that the wrong 470 number was inadvertently referenced for this application. The appropriate 470 number is 964340000264145. This 470 (964340000264145) has an Allowable Contract Date of January 6, 2000, which is days before a contract was signed for any of the above referenced funding request numbers. To illustrate that a new service was not signed prior to the required 28-day waiting period, attached please find copies of the signature page for each contract in question. To further demonstrate that the bidding period was not violated, the Request For Proposal covering all services in question that was prepared, submitted to various vendors and posted on the Central New York Regional Information Center website (www.cnyric.org/erate) as per the 470 is enclosed. (Please reference Year 3 RFP Information A).

The Form 470 Application Number (Item 12) and the Allowable Vendor Selection/Contract date (Item 17) are not Minimum Processing Standards items on a Block 5. Therefore, OCM BOCES is requesting that the funding for FRN: 794492, 811221, 821841, 827812, 828022, 836937, 837174, and 837698 be approved as submitted. This will enable OCM BOCES and their forty-two component school districts to receive vital funding for their telecommunications services.

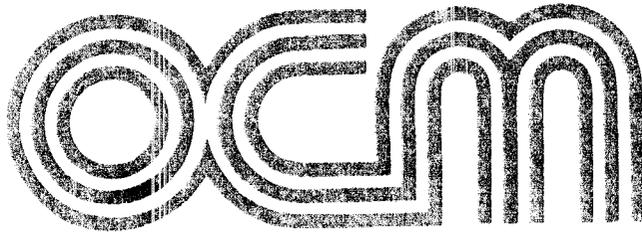
Thank you for your attention to this matter.

Yours truly,

A handwritten signature in cursive script that reads 'Kathleen A. Smith'.

Kathleen A. Smith

Enclosure



ONONDAGA • CORTLAND • MADISON
BOCES
TELECOMMUNICATIONS SERVICES

JESSICA F. COHEN, Ph.D.
District Superintendent

April 7, 2003

Letter of Appeal
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Re: Form 471 Application Number # 296555
Billed Entity Number # 124492
Appeal #2 FRN: 794293, 794527, 811266, 811486, 827916, 828426, 838260, 838981, 839692,
841055

To Whom It May Concern:

During the application process for E-rate Funding Year 2002, Onondaga-Cortland-Madison (OCM) BOCES applied on behalf of forty-two districts for funding of their telecommunication services.

The Funding Commitment Decision Letter, dated March 10, 2003, stated that funding was denied for Funding Request Numbers: 794293, 794527, 811266, 811486, 827916, 828426, 838260, 838981, 839692, and 841055. It stated that the grounds for denial were that a contract for a new service was signed prior to the required 28-day waiting period computed from the date of the posting of the Form 470 to the SLD website.

Upon review of this application, it was discovered that the wrong Form 470 number was inadvertently referenced for this application. The appropriate Form 470 number is 417730000337577. This Form 470 (417730000337577) has an Allowable Contract Date of January 16, 2001, which is days before a contract was signed for any of the above referenced funding request numbers. To illustrate that a new service was not signed prior to the required 28-day waiting period, attached please find copies of the signature page for each contract in question. To further demonstrate that the bidding period was not violated, the Request For Proposal covering all services in question that was prepared, submitted to various vendors and posted on the Central New York Regional Information Center website (www.ocmboces.org/cnyric/erate) as per the Form 470 is enclosed. (Please reference Year 4 RFP Information B).

The Form 470 Application Number (Item 12) and the Allowable Vendor Selection/Contract date (Item 17) are not Minimum Processing Standards items. Therefore, OCM BOCES is requesting that the funding for FRN: 794293, 794527, 811266, 811486, 827916, 828426, 838260, 838981, 839692, and 841055 be approved as submitted. This will enable OCM BOCES and their forty-two component school districts to receive vital funding for their telecommunications services.

Thank you for your attention to this matter.

Yours truly,

Kathleen A. Smith

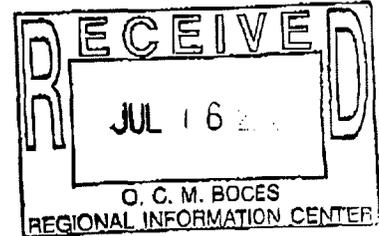
Enclosure



Administrator's Decision on Appeal - Funding Year 2002-2003

July 14, 2003

Kathleen A. Smith
Onondaga-Cortland-Madison BOCES
6820 Thompson Road
PO Box 4754
Syracuse, NY 13221



Re: Billed Entity Number: 124492
471 Application Number: 296555
Funding Request Number(s): 794492, 811221, 821841 827812, 828022,
836937, 837174, 837698, 794293, 794527,
811266, 811486, 827916, 828426, 838260,
838981, 839962, 841055
Your Correspondence Dated: April 7, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2002 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 794492, 811221, 821841 827812, 828022, 836937,
837174, 837698, 794293, 794527, 811266, 811486,
827916, 828426, 838260, 838981, 839962, 841055

Decision on Appeal: **Denied in full**
Explanation:

- Your appeal letter states that the wrong Form 470 numbers were inadvertently referenced for this application. The appropriate Form 470 number for funding request numbers 794492, 811221, 821841, 827812, 828022, 836937, 837174 and 837898 is # 964340000264145. The appropriate Form 470 number for funding request numbers 794293, 794527, 811266, 827916, 828426, 838260, 838981, 839962 and 841055 is # 417730000337577. You have enclosed signature pages for each contract in question to demonstrate that the 28-day waiting period was not violated on any of these requests.

- During the initial review process for this application you were contacted by SLD and alerted to a problem with the date sequence for these funding requests. You were asked if the cited Form 470's were the establishing Form 470's for the services requested and also if the contract award dates were correct for all funding requests. You responded to that request with an email dated 10/08/02 and informed SLD that the establishing Year 5 Form 470 was #729440000373179 and the establishing Year 4 Form 470 was #417730000337577. These Form 470 numbers did not resolve the contract date problem. The contract award date on the funding requests is prior to the allowable contract date on the cited Form 470's. On appeal you have stated that the wrong Form 470 numbers were referenced and have provided additional Form 470 numbers to correct the date sequence discrepancy with your letter of appeal. However, program rules do not allow new information to be accepted on appeal that was not provided during the initial review process. Consequently, the appeal is denied.
- You signed contract/made arrangements for new services prior to the expiration of the 28-day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. See 47 C.F.R. §§ 54.504; 54.511(a), (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the date after which the applicant may sign a contract with the vendor it selects. See 47 C.F.R. § 54.504(b)(4). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997). New services include tariff telecommunications services that are NOT subject to an existing, binding, written contract.
- The Item 21 attachments you provided in support of your Form 471 application or documentation provided during review of your application show that you signed a contract/made arrangements for new services prior to the end of the 28-day posting period. In your Receipt Notification Letter, SLD notified you that the earliest date upon which you could sign a contract or enter into an agreement (your Allowable Contract Date) was 12/6/01 for 470 #729440000373179 and 1/16/01 for 470# 417730000337577. You have not claimed during the initial review that this Form 471 relates to different Form 470's other than those indicated above. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days prior to your signing a contract for services or entering into an agreement for new services.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company