

Before the  
Federal Communications Commission  
Washington, DC 20554

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In the Matter of	)	
	)	
Request for Review	)	
	)	
Saint Vincent's Home School	)	File No. SLD-335335
Fall River, Maine	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: February 5, 2004**

**Released: February 6, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Saint Vincent's Home School, Fall River, Maine (Saint Vincent's).<sup>1</sup> Saint Vincent's requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company.<sup>2</sup> For the reasons set forth below, we grant the Request for Review and remand Saint Vincent's application to the SLD for further processing.

2. In its Request for Review, Saint Vincent's argues that its completed FCC Form 471 (Form 471) application was timely filed on January 17, 2002, the Funding Year 2002 Form 471 filing window deadline.<sup>3</sup> As evidence of its assertion, Saint Vincent's attaches a copy of its Express Mail Receipt from the United States Postal Service (Postal Service), dated January 17, 2002.<sup>4</sup> In the alternative, Saint Vincent's requests a waiver of the Funding Year 2002 Form 471 filing window deadline.<sup>5</sup> Saint Vincent's states that it appears that its original Form 471 application was not delivered to SLD, and after it learned of this, it re-submitted the completed application.<sup>6</sup> Saint Vincent's argues that the circumstances leading up to its application package

<sup>1</sup> Letter from Paul Michael, Saint Vincent's, to Federal Communications Commission, filed August 5, 2002 (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 Universal Service Administrative Company may seek review from the Commission. 47 C.F.R. 54.719(c).

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

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at attachment.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

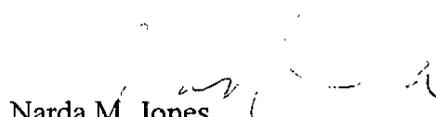
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not being delivered was beyond its control and that its re-submitted application should be accepted.<sup>7</sup>

3. We find that Saint Vincent's provides documentation indicating that its Form 471 application package was postmarked prior to the close of the filing window deadline. We therefore grant Saint Vincent's request for review and remand the matter to SLD, so that Saint Vincent's Form 471 may be processed as a timely application.

4. 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 by Saint Vincent's on August 5, 2002 IS GRANTED and Saint Vincent's application is REMANDED to SLD for further consideration.

FEDERAL COMMUNICATIONS COMMISSION



Narda M. Jones

Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>7</sup> *Id.*