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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review	)	
	)	
Freeman School District No. 358 Rockford, Washington	))	File No. SLD-257566
	)	
Schools and Libraries Universal Service Support Mechanism	))	CC Docket No. 02-6

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 Freeman School District No. 358, Rockford, Washington (Freeman).[1] Freeman requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[2] For the reasons set forth below, we affirm SLD's decision and deny the Request for Review.

2. By letter dated October 25, 2001, SLD rejected a funding request made by Freeman for Funding Year 2001 of the schools and libraries program because Freeman's application did not include an Item 21 attachment.[3] SLD advised Freeman of the opportunity to resend the Item 21 attachment if the following conditions were met: (1) the Form 471 application itself met the January 18, 2001 filing deadline; (2) SLD received the Form 471 certification from the applicant with a postmark date on or before January 18, 2001; and (3) the applicant certifies that it submitted the Item 21 attachment with a postmark date on or before

[1] Letter from Jan Davis, Freeman School District No. 358, to Federal Communications Commission, filed July 29, 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 (Administrator) may seek review from the Commission. 47 C.F.R. 54.719(c).

[2] *Id.*

[3] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dan Read, dated October 25, 2001. Freeman's Form 471 application and certification page was postmarked on January 18, 2001. The Item 21 attachment is a filing requirement and must accompany the application. *See* SLD website, Minimum Processing Standards and Filing Requirements <http://www.sl.universalservice.org/reference/471mps.asp>

January 18, 2001.[4] SLD further advised Freeman that if an Item 21 attachment was not included with its original application, the application would be denied for failing to meet the filing requirements.[5] In response, Freeman states that the staff member responsible for filing the application neglected to include the Item 21 attachment.[6] Freeman asserts that it sent the Item 21 attachment and a signed certification page to SLD on August 31, 2001, the day it learned that the Item 21 attachment had not been included with the original application.[7] On March 11, 2002, SLD denied Freeman's application.[8] SLD rejected Freeman's Form 471 application for failing to meet the minimum processing standards because it did not submit its Item 21 attachment in a timely manner.[9]

3. Upon review of the record, we conclude that SLD correctly denied Freeman's request for support.[10] In FY 2001, the Form 471 Block 6 certifications and Item 21 attachments had to be postmarked no later than January 18, 2001 in order for the Form 471 to be considered filed in a timely manner. Although Freeman's original Form 471 application and Block 6 certification pages for FY 2001 were postmarked prior to the close of the filing window on January 18, 2001, the record shows that Freeman's Item 21 attachments were not postmarked on or before the filing window deadline. In fact, Freeman admits that its Item 21 attachments were not included with the original application and were submitted on August 31, 2001.[11] In light of the thousands of applications that SLD must review and process each year, it is administratively necessary to require an applicant to be responsible for providing complete and accurate

[4] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dan Read, dated October 25, 2001.

[5] *Id.*

[6] *See* Request for Review. *See also* Letter from Jan Davis, Freeman School District No. 358, to Universal Service Administrative Company, filed August 31, 2001.

[7] *Id.* Freeman also resent the Block 6 certification and signature page from the Form 471 to SLD on August 31, 2001. This submission did not include a certification that the Item 21 attachment was submitted with a postmark date on or before January 18, 2001.

[8] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dan Read, dated March 11, 2002. We note that on March 14, 2002, Freeman forwarded the Item 21 attachment and signed certification page a second time. *See* Letter from Jan Davis, Freeman School District No. 358, to Universal Service Administrative Company, filed March 14, 2002.

[9] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Dan Read, dated July 26, 2002.

[10] *See Request for Review by Charles Gibson, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, Inc., File No. SLD-267921, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 8611 (2002). *See also Request for Review by Watervliet 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-275615, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 15770 (2002) (it is incumbent upon applicants to determine whether their applications are in compliance with program requirements prior to filing).

[11] *See* Letter from Jan Davis, Freeman School District No. 358, to Universal Service Administrative Company, filed October 29, 2001.

information. Further, we have consistently held that it is the applicant who has responsibility ultimately for the timely submission of the application.[12] Applicants must comply with program rules, including the application deadline, in order to be eligible for discounts.

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 Freeman School District No. 358 on July 29, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

[12] *See, e.g., Application for Review by 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 Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 21521 (2003); *Request for Waiver by Center City Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-325719, CC Docket Nos. 96- 45 and 97-21, Order, 17 FCC Rcd 22424 (2003).