Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Youth Consultation Services	)	File No. SLD-154248
Newark, New Jersey	)	
	)	
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: December 1, 2000 **Released: December 4, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division (Division) has under consideration a Letter of Appeal filed by Youth Consultation Services (YCS), Newark, New Jersey, on May 10, 2000.[1] YCS requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company to deny YCS' application for discounted services under the schools and libraries universal service support mechanism.[2] For the reasons set forth below, we deny the Letter of Appeal and affirm SLD's denial of YCS' application.

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 for existing, binding contracts, an eligible school, library or consortium that includes eligible schools or libraries must seek

[1] Letter from Kathleen M. Bravo, Youth Consultation Service, to the Federal Communications Commission, filed May 10, 2000 (Letter of Appeal).

[2] Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kathleen Bravo, Youth Consultation Services, dated September 14, 19999 (Funding Commitment Decision Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kathleen Bravo, Youth Consultation Services, dated May 5, 2000 (Administrator's Decision on Appeal).

[3] 47 C.F.R. §§ 54.502, 54.503.

competitive bids for all services eligible for support.[4] In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services.[5] The applicant must wait 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant.[6]

3. Upon review of the record, the Division concludes that SLD correctly denied YCS' request for support. YCS' FCC Form 471, in Block 5, Items 15 and 16, indicated that YCS entered into agreements with its service provider on April 1, 1999, prior to its allowable contract date of April 2, 1999. A contract award date that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules.[7] The Common Carrier Bureau has consistently denied requests for review by applicants that had similarly violated the Commission's competitive bidding rules.[8] The Division, therefore, denies YCS' Letter of Appeal.

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 appeal filed by Youth Consultation Services, Newark, New Jersey, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

[4] 47 C.F.R. §§ 54.504, 54.511(c).

[5] *See* Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (FCC Form 470).

[6] 47 C.F.R. § 54.504(c); *see* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (FCC Form 471).

[7] *See Minor High School*, CC Docket Nos. 96-45 and 97-21, Order, DA 00-1612 (rel. July 20, 2000), para. 5. Here, YCS' FCC Form 471, in Block 5, Items 15 and 16, indicates that YCS entered into agreements with its service provider on April 1, 1999, prior to its allowable contract date of April 2, 1999.

[8] *See Currituck County Schools*, CC Docket Nos. 96-45 and 97-21, Order, DA 00-625 (rel. March 23, 2000); *Gustine Independent School District*, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2534 (rel. November 16, 1999).