

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Joliet Public Schools – District 86)	File No. SLD-149421
Joliet, Illinois)	
)	
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: April 23, 2001

Released: April 24, 2001

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Request for Review filed by Joliet Public Schools District 86 (Joliet), Joliet, Illinois on June 8, 2000, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Joliet seeks review of SLD's denial of a request for discounts for services under the schools and libraries universal service support mechanism.² For the reasons set forth below, we grant Joliet's appeal and remand Joliet's funding application to SLD for further determination in accordance with this order.

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 must seek competitive bids for all services eligible for

¹ Letter from Danielle Gustafson, Joliet Public Schools, to Federal Communications Commission, filed June 8, 2000 (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).

³ 47 C.F.R. §§ 54.502, 54.503.

support.⁴ In accordance with the Commission's rules, SLD posts an applicant's FCC Form 470 specifying requested services on its web site for 28 days prior to the applicant's entering into an agreement for eligible services and submitting its FCC Form 471.⁵

3. Upon receiving Joliet's FCC Form 471, SLD determined that Joliet's FCC Form 471 was signed prior to the 28-day waiting period following the date of posting of Joliet's FCC Form 470 to the SLD web site. Accordingly, by letter dated November 16, 1999, SLD denied Joliet's request for discounts on the ground that the FCC Form 471 was signed prior to the allowable contract date (the date upon which an applicant may enter into an agreement or sign a FCC Form 471) in violation of the Commission's competitive bidding requirement.⁶

4. Joliet appealed the funding commitment decision on November 29, 1999.⁷ On May 11, 2000, SLD affirmed its initial funding decision and denied Joliet's appeal.⁸ SLD explained that Joliet's FCC Form 471 was signed on March 3, 1999, which was prior to the allowable contract date of April 4, 1999. In response, Joliet filed the instant Request for Review with the Commission, seeking review of SLD's decision to deny Joliet's request for discounts.

5. We conclude that SLD erred in denying Joliet's application for discounts for services. We have reviewed the record, including Joliet's FCC Form 471 and related documents. Joliet's FCC Form 470 was posted on March 6, 1999 and had an allowable contract date of April 3, 1999. Although on its face, the FCC Form 471 bears a signature dated March 3, 1999, Joliet provided copies of bids and/or contracts from Ameritech, Larsen Electric Inc., and Gordon Flesch Company, Inc. to show that all the bids and contracts were received after March 3, 1999, and that all the final agreements were entered into on April 3, 1999, the allowable contract date. The documents indicate that Joliet received quotes from Ameritech and Larsen Electric on March 3, 1999, and March 26, 1999, respectively, and that Joliet signed a contract with Gordon Flesch Company on April 3, 1999.

6. The record indicates that no violation of the Commission's rules took place. The documentation provided supports Joliet's claim that Joliet did wait the 28 days required by the Commission's rule before signing its contracts and submitting its FCC Form 471. SLD should have been able to determine that Joliet complied with the 28-day posting rule. Accordingly, we remand Joliet's application and direct SLD to reconsider Joliet's application and, if warranted, to issue a new funding commitment decision letter.

⁴ 47 C.F.R. §§ 54.504, 54.511(c).

⁵ 47 C.F.R. § 54.504(c).

⁶ Letter from Schools and Libraries Division, Universal Service Corporation to Danielle C. Gustafson, Joliet Public Schools, dated November 16, 1999.

⁷ Letter from Danielle C. Gustafson and Louise E. Coleman, Joliet Public Schools District 86, to Schools and Libraries Division, Universal Service Administrative Company, filed November 29, 1999.

⁸ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Danielle Gustafson, Joliet Public Schools, dated May 11, 2000 (Administrator's Decision on Appeal).

7. 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 Joliet Grade School, Springfield, Illinois on June 8, 2000 IS GRANTED, to the extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey
Deputy Chief, Common Carrier Bureau