

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
SEED School)	File No. SLD-194747
Washington, DC)	
)	
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: August 31, 2001

Released: September 4, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by SEED School (SEED School), Washington, DC.¹ SEED School requests that the Commission review its application for discounts under the schools and libraries universal service support mechanism. For the reasons discussed below, we dismiss SEED School’s Request for Review because its issues are moot.

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.² In order to receive discounts on eligible services, the Commission’s rules require that the applicant submit to the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.³ The Administrator must post the FCC Form 470 on its website, and the applicant is required to wait 28 days before making a commitment

¹ Letter from Thomas J. Downey, SEED School, to Federal Communications Commission, filed April 21, 2000 (Request for Review).

² 47 C.F.R. §§ 54.502, 54.503.

³ 47 C.F.R. §§ 54.504(b)(1), (b)(3).

with a selected service provider. Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.⁵ The Commission's rules allow the Administrator to implement an internal filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.⁶ Applications that are received outside this filing window are subject to separate funding priorities under the Commission's rules.⁷ It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window. The filing window for Funding Year 3 opened on November 10, 1999, and closed on January 19, 2000 at 11:59 pm EST.⁸

3. The record shows SEED School attempted to electronically file its FCC Form 471 requesting discounted services for Funding Year 3 on the USAC website on January 19, 2000, in advance of the 11:59 pm EST deadline. The record also demonstrates that the USAC server became inoperative while SEED School was attempting to file its application, making it impossible for SEED School to complete its FCC Form 471 filing before the January 19, 2000, 11:59 pm close of the window. SEED School was able to successfully file its FCC Form 471 electronically on January 20, 2000.⁹ On April 19, 2000, SEED School filed this Request for Review seeking to have its FCC Form 471 considered an "in window" application.¹⁰

4. On February 2, 2001, SLD issued a Funding Commitment Decision Letter to SEED School regarding the requests for discounts at issue in this Request for Review.¹¹ Thus, upon review of the record, we find it is appropriate to dismiss SEED School's Request for Review.

⁴ 47 C.F.R. §§ 54.504(b)(3) and (4); § 54.511.

⁵ 47 C.F.R. § 54.504(c).

⁶ 47 C.F.R. § 54.507(c).

⁷ 47 C.F.R. § 54.507(g).

⁸ See SLD website, SLD Announces Availability of New Forms, <<http://www.sl.universalservice.org/whatsnew/101999.asp>>

⁹ FCC Form 471, SEED School, filed January 19, 2000.

¹⁰ See *supra*, FN 1.

¹¹ See Letter from Schools and Libraries Division, Universal Service Administrative Company, to John Ciccone, SEED School, dated February 2, 2001.

5. 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 Requests for Review filed by SEED School, Washington, DC on April 21, 2000, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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