

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrative Company by)	
)	
Soille San Diego Hebrew Day School)	
San Diego, California)	File No. SLD-149993
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 96-45
)	
Changes to the Board of Directors of the)	
National Exchange Carrier Association, Inc.)	CC Docket No. 97-21
)	

ORDER

Adopted: January 30, 2001

Released: January 31, 2001

By the Common Carrier Bureau:

1. In this Order, we deny a Letter of Appeal filed by the Soille San Diego Hebrew Day School, San Diego, California (Soille) on June 9, 2000,¹ seeking review of a funding commitment decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) pursuant to a funding request for internal connections.²

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 In accordance with the Commission's rules, the discount available to a particular school is determined by indicators of poverty and high cost.⁴ For purposes of determining the appropriate discount, the

¹ Letter from Rabbi Simcha Weiser, Soille San Diego Hebrew Day School, to the Federal Communications Commission, filed June 9, 2000 (Letter of Appeal).

² See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Nomi Levi, Soille San Diego Hebrew Day School, issued October 12, 1999 (Funding Commitment Decision Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rabbi Simcha Weiser, Soille San Diego Hebrew Day School, issued May 12, 2000 (Administrator's Decision on Appeal).

³ 47 C.F.R. §§ 54.502, 54.503.

⁴ 47 C.F.R. § 54.505(b).

Commission's rules provide that the level of poverty for schools and school districts is measured by the percentage of their student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism.⁵ A school's high cost status is derived from rules that classify it as urban or rural.⁶ The rules provide a matrix reflecting both a school's urban or rural status and the percentage of its students eligible for the school lunch program to establish a school's discount rate, ranging from 20 percent to 90 percent, to be applied to eligible services.⁷

3. In its Funding Year 2 application for discounted internal connections, Soille stated that 156 out of 230 students were eligible for the national school lunch program.⁸ As such, Soille stated that it was eligible for an 80 percent discount for internal connections. In its Funding Commitment Decision Letter, SLD stated that only 72 of Soille's students were eligible for the national school lunch program, and, therefore, Soille was eligible for a 50 percent discount for internal connections.⁹ SLD relied on a list of students provided by Soille showing each student's family income and household size to determine that 72 students were eligible for free and reduced lunch under the federal income eligibility guidelines.¹⁰ Likewise, the Administrator's Decision on Appeal stated that documentation provided by Soille showed that only 72 students were eligible for free and reduced lunch under the federal income eligibility guidelines.

4. In the instant appeal, Soille reiterates its original claim that 156 of its students were eligible for the national school lunch program. Relying on a "ruling of the Assistant Secretary of Education," Soille argues that the granting of a scholarship by a school will qualify a student for free or reduced lunches.¹¹ As discussed above, the United States Department of Agriculture's income eligibility guidelines used in determining eligibility for free and reduced lunches are based on federal income poverty guidelines, not on whether a student receives scholarship money from his or her respective school. Upon review of the all the evidence

⁵ 47 C.F.R. § 54.505(b)(1). Pursuant to sections 9(b)(1) and 17(c)(4) of the National School Lunch Act, 42 U.S.C. § 1758(b)(1) and 42 U.S.C. § 1766(c)(4), the United States Department of Agriculture annually publishes in the Federal Register adjustments to the income eligibility guidelines used in determining eligibility for free and reduced lunches. *See, e.g., Department of Agriculture, Food and Nutrition Service, Child Nutrition Programs—Income Eligibility Guidelines*, 64 Fed. Reg. 15951 (Apr. 2, 1999) (Federal Income Eligibility Guidelines). These eligibility guidelines are based on federal income poverty guidelines and are stated by household size.

⁶ 47 C.F.R. § 54.505(b)(3)(i), (ii).

⁷ 47 C.F.R. § 54.505(c).

⁸ *See* Soille San Diego Hebrew Day School, FCC Form 471 at 2 (filed Apr. 6, 1999).

⁹ *See* Funding Commitment Decision Letter at 5; Administrator's Decision on Appeal at 1.

¹⁰ *See* Facsimile Transmittal from Nomi Levy, Soille San Diego Hebrew Day School, to Romney Biddulph, Universal Service Administrative Company, submitted July 16, 1999.

¹¹ *See id.* Soille did not provide a copy of the ruling.

presented, including supporting documentation provided by Soille, we conclude that the SLD correctly determined that only 72 of Soille's students were eligible for the national school lunch program under the federal income eligibility guidelines. Thus, SLD properly found Soille eligible for a 50 percent discount for internal connections, and we find no merit in Solle's appeal.

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 Letter of Appeal filed on June 9, 2000 by Soille San Diego Hebrew Day School, San Diego, California, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey
Deputy Chief, Common Carrier Bureau