

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Caribou Regional Technology Center
Caribou, Maine
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-201115
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: October 31, 2001

Released: November 2, 2001

By the Common Carrier Bureau:

1. The Common Carrier Bureau (Bureau) of the Federal Communications Commission has under consideration a Request for Review from Caribou Regional Technology Center (Caribou), Caribou, Maine. Caribou challenges the denial of its application for Funding Year 3 of the schools and libraries universal service support mechanism by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). For the reasons that follow, we grant Caribou's Request for Review.

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. In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts. Once the applicant has complied with the Commission's competitive bidding requirements and entered into agreements

1 Letter from Lynn McNeal, Caribou Regional Technology Center, to Federal Communications Commission, filed July 31, 2000 (Request for Review); see also Letter from Lynn McNeal, Caribou Regional Technology Center, to Universal Service Administrative Company, Schools and Libraries Division, filed July 5, 2000 (SLD Appeal).

2 47 C.F.R. §§ 54.502, 54.503.

3 47 C.F.R. § 54.504(b)(1), (b)(3).

for eligible services, the applicant must submit a completed FCC Form 471 application to the Administrator.⁴

3. In the FCC Form 471 instructions, SLD has clearly set forth its standards for processing a FCC Form 471 application.⁵ Specifically, the Form 471 Instructions for Item 34, the signature certification block, requires, “the authorized person to sign the Form 471 with an original, ink signature,” and it further states in capitalized letters for emphasis that, “no copies of signatures will be accepted.”⁶ The FCC Form 471 Instructions further state that if a school or library does not provide the information requested on this form, “the processing of your application may be delayed or your application may be returned to you without action.”⁷

4. SLD received Caribou’s manually submitted Funding Year 3 FCC Form 471 on January 17, 2000, within the Funding Year 3 filing window.⁸ However, SLD returned Caribou’s application without processing it because the application failed to meet SLD’s minimum processing standards.⁹ SLD informed Caribou, that its application had failed minimum processing standards because its FCC Form 471 Block 6 signature certification was rubber stamped.¹⁰ On a SLD postcard dated June 20, 2000, SLD notified Caribou that their Form 471 would be considered as an out of window application for discounted services.¹¹ Subsequently, attached to a letter dated July 5, 2000, Caribou resubmitted the signature block of its FCC Form 471 with an original handwritten signature.

5. In support of its Request for Review, Caribou argues that it properly submitted a complete FCC Form 471 to SLD before the January 19, 2000 window.¹² Caribou also asserts

⁴ 47 C.F.R. § 54.504(c).

⁵ Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (Funding Year 3 FCC Form 471 Instructions), OMB 3060-0806 (September 1999).

⁶ *Id.* at 26 (emphasis altered).

⁷ *Id.*

⁸ In Funding Year 3 the filing window closed on January 19, 2000. *See generally* Universal Service Administrative Company (USAC), Schools and Libraries Program, Reference Area: Form 471 Minimum Processing Standards and Filing Requirements, <<http://www.sl.universalservice.org/reference/471mps.asp>>; *see also* FCC Form 471, Caribou Regional Technology Center, filed January 17, 2000.

⁹ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Caribou Regional Technology Center, dated February 16, 2000 (stating that the applicant, Caribou, did not meet minimum processing standards and their FCC Form 471 could not be processed).

¹⁰ *Id.*

¹¹ Postcard from Schools and Libraries Division, Universal Service Administrative Company, to Caribou Regional Technology Center, postmarked June 20, 2000 (stating that Caribou’s FCC Form 471 was received after the January 19, 2000 filing window).

¹² Request for Review, at 1. On appeal to the Commission, it is unclear whether Caribou is arguing that its application was timely filed within the filing window under program rules, or whether its application is untimely and seeking a waiver of the filing window. Because we grant Caribou’s Request for Review, we need not address Caribou’s arguments related to a request for a waiver of our rules.

that the rubber stamp signature constitutes a valid signature.¹³ For the reasons stated below, we grant Caribou's Request for Review because we agree that an original rubber stamp signature constitutes a valid signature certification under FCC rules.

6. The Commission's rules authorize SLD to establish and implement filing periods and program standards for FCC Form 471 applications and minimum processing standards for the signature certification. We note that the signature certification is fundamental to the administration of the schools and libraries program. SLD relies on the signature certification to establish the authority of the signer to represent the applicant. Signature certifications are binding acts that ultimately satisfy the program's policy objective of binding the applicants and service providers to the program requirements. Therefore, we find that the original signature certification requirement is essential in that it protects the program from fraud and waste, serves as an additional means of holding applicants accountable for their representations, and assists in the efficient administration of the program.

7. Based on the facts before us, we find that Caribou's initially submitted FCC Form 471 with a rubber stamp signature was made with the intent to certify its FCC Form 471. Caribou initially submitted a FCC Form 471 with a rubber stamp signature certification. It is settled under federal and common law that when a person attaches his name or causes it to be attached to a document with the intention of signing it, the document is regarded as "signed" in writing.¹⁴ It is also well settled that a signature may be affixed by writing by hand, printing, stamping, or by various other means.¹⁵ A printed name on an instrument that is intended to have the force of a signature is valid and thus will have the intended force and effect as though the name were written in the person's own handwriting.¹⁶ The Uniform Commercial Code (UCC) definition of a signature includes "any symbol executed or adopted by a party with a present intention to authenticate a writing."¹⁷ We find these precedents instructive in our determination that Caribou's stamped signature was a signature made with the intent to certify its FCC Form 471 application. In the present case, we conclude that a rubber stamp signature is a binding act that signifies the intent of the party to be bound by the program rules. Based on this analysis, an original stamped signature meets the minimum processing standard for an original ink signature. We therefore grant its Request for Review.

¹³ Request for Review, at 1; SLD Appeal, at 1.

¹⁴ *Denunzio Fruit Co. v. Crane*, 79 F. Supp. 117, 128 & n.16 (1948); *United States v. Tasher*, 453 F.2d 244 (10th Cir. 1972).

¹⁵ *Carna v. Bessemer Cement Co.*, 558 F. Supp. 706, 708 (1983); 80 C.J.S. *Signatures* § 7 (1953).

¹⁶ *Id.* at 708. For additional support, see *Denunzio Fruit Co. v. Crane*, 79 F. Supp. 117, 128 (1948) (citing *Smith v. Greenville County*, 188 S.C. 349, 199 S.E. 416, 419) ("A signature may be written by hand, printed, stamped, typewritten, engraved, photographed, or cut, from one instrument and attached to another, and a signature lithographed on an instrument by a party is sufficient for the purpose of signing it; it being immaterial with what kind of instrument a signature is made.").

¹⁷ Uniform Commercial Code, § 21-2 (2d ed. 1980).

8. 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 July 31, 2000 by Caribou Regional Technology Center, Caribou, Maine IS GRANTED and this matter is remanded to USAC for further processing.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey
Deputy Chief, Common Carrier Bureau