

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Waiver by)	
)	
Sacramento City Unified School District)	File Nos. SLD-242477, SLD-242426,
Sacramento, California)	SLD-241593
)	
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 3, 2001

Released: December 4, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Waiver Request filed by Sacramento City Unified School District (Sacramento), Sacramento, California.¹ Sacramento seeks a waiver of the Commission’s rules governing discounts for services under the schools and libraries universal service support mechanism.² For the reasons set forth below, we grant Sacramento’s Waiver Request.

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 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 (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 Form 470 on its website, and the applicant is required to wait 28 days before making a commitment

¹ Letter from Sally Savona, Sacramento City Unified School District, filed August 3, 2001.

² *Id.*

³ 47 C.F.R. §§ 54.502, 54.503.

⁴ 47 C.F.R. § 54.504(b)(1), (b)(3).

with a selected service provider.⁵ 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 (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.⁶ The Commission's rules allow the Administrator to implement an internal filing period ("filing window") for the Form 471 applications that treats all schools and libraries filing within that period as if their applications were received simultaneously.⁷ Applications that are postmarked outside this filing window are subject to separate funding priorities under the Commission's rules.⁸ It is to all applicants' advantage, therefore, to ensure that prior to the close of the filing window, they either file their Forms 471 electronically, or mail them to the Administrator.

3. Sacramento requests a waiver of the Funding Year 4 application window, which closed on January 18, 2001 at 11:59 p.m. Eastern Standard Time.⁹ Sacramento provides evidence in its Waiver Request that it postmarked its FCC Forms 471 on January 18, 2001.¹⁰ We therefore conclude that Sacramento filed its application within the filing window.

4. Waiver of our rules is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.¹¹ Because Sacramento provides evidence that it postmarked its application within the filing window, we find that good cause exists to grant Sacramento's Waiver Request.

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

⁶ 47 C.F.R. § 54.504(c).

⁷ 47 C.F.R. § 54.507(c).

⁸ 47 C.F.R. § 54.507(g).

⁹ Waiver Request; SLD web site, What's New (November, 2000) <<http://www.sl.universalservice.org/whatsnew/112000.asp>>.

¹⁰ Waiver Request, Attachments. The overnight courier Fedex picked up Sacramento's FCC Forms 471 on January 18, 2001. *Id.*

¹¹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Waiver Request filed by Sacramento City Unified School District, Sacramento, California on August 3, 2001 IS GRANTED to the extent provided herein, and Sacramento's application is REMANDED to SLD for further consideration in light of this decision.

FEDERAL COMMUNICATIONS COMMISSION

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