

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
St. Stanislaus Kostka Grade School
Chicago, Illinois
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-142493
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: February 2, 2001

Released: February 5, 2001

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration a Letter of Appeal by St. Stanislaus Kostka School (St. Stanislaus), Chicago, Illinois filed on May 15, 2000, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). St. Stanislaus seeks review of SLD's denial of its application for discounts for Internet access under the schools and libraries universal service support mechanism. For the reasons set forth below, we grant St. Stanislaus' appeal and remand St. Stanislaus' 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. By letter dated October 19, 1999, SLD informed St. Stanislaus that St. Stanislaus' request for internet access was denied because St. Stanislaus had not provided sufficient documentation to

1 Letter from Sister Susan Curtin, St. Stanislaus Kostka Grade School, to Federal Communications Commission, filed May 15, 2000 (Letter of Appeal).

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.

determine the eligibility of the request.<sup>4</sup> In response, St. Stanislaus filed an appeal with SLD on November 19, 1999.<sup>5</sup> On April 14, 2000, SLD affirmed its initial funding decision and denied St. Stanislaus' appeal.<sup>6</sup> St. Stanislaus subsequently filed the instant Letter of Appeal with the Commission.

3. St. Stanislaus appeals SLD's decision to deny its funding request based on SLD's determination that St. Stanislaus failed to provide additional information to support its application. St. Stanislaus maintains that it attempted to provide the necessary documentation to SLD, but SLD failed to specify what additional information was required for the application. We have reviewed the record, and we conclude that the record does not show that SLD adequately communicated the nature of the requested information to St. Stanislaus. Accordingly, we remand St. Stanislaus' application to SLD for further consideration.<sup>7</sup>

4. 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 appeal filed by the St. Stanislaus Kostka School, Chicago, Illinois on May 15, 2000 IS GRANTED to the extent provided herein. We direct the Schools and Libraries Division to review St. Stanislaus' funding application and, if warranted, to issue a revised Funding Commitment Decision Letter in accordance with the above-stated decision.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief, Common Carrier Bureau

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<sup>4</sup> Letter from Schools and Libraries Division, Universal Service Administrative Co., to Timothy McGinness, St. Stanislaus Kostka School, dated October 19, 1999.

<sup>5</sup> Letter from Sister Susan Curtin, Principal, St. Stanislaus Kostka Grade School, to Schools and Libraries Division, Universal Service Administrative Co., dated November 16, 1999.

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Co., to Sister Susan Curtin, St. Stanislaus Kostka, dated April 14, 2000.

<sup>7</sup> We do not suggest that the circumstances require a decision in St. Stanislaus' favor, but find only that under the circumstances, SLD's failure to explain the basis for its request requires remand.