

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Antioch Unified School District)	File No. SLD-139333
Antioch, California)	
)	
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: February 15, 2001

Released: February 16, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division (Division) has under consideration a Request for Review filed by Antioch Unified School District (Antioch), Antioch, California, on August 21, 2000.¹ Antioch requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company to deny Antioch's application for discounted services under the schools and libraries universal service support mechanism.² For the reasons set forth below, we deny the Request for Review and affirm SLD's denial of Antioch's application.

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 The Commission's rules provide that, with one limited exception for existing, binding contracts, an eligible school, library or consortium that includes eligible schools or libraries must seek

¹ Letter from Michael Gudjohnsen, Director of Purchasing, Antioch Unified School District Purchasing Department, to the Federal Communications Commission, filed August 21, 2000 (Request for Review).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mike Gudjohnsen, Antioch Unified School District, dated July 20, 2000 (Administrator's Decision on Appeal).

³ 47 C.F.R. §§ 54.502, 54.503.

competitive bids for all services eligible for support.⁴ In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services.⁵ The applicant must wait 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant.⁶

3. Because Antioch checked Item 10, in Block 3 of its FCC Form 470, indicating that it sought support only for services provided pursuant to existing, binding contracts, SLD did not post Antioch's request for services to SLD's website.⁷ The contracts for which Antioch seeks support, however, do not meet either of the limited exceptions for existing, binding contracts permitted by the Commission's rules. Antioch seeks support for tariffed services and for contracts entered into in April and July of 1999. Accordingly, consistent with prior Bureau decisions, SLD correctly denied Antioch's requests for support.⁸ The Division, therefore, denies Antioch's Request for Review.

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 Antioch Unified School District, Antioch, California, on August 21, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ 47 C.F.R. §§ 54.504, 54.511(c) (exempting from competitive bidding requirements (1) contracts signed before July 10, 1997, for the life of the contract; and (2) in Year 1 only, contracts signed between July 10, 1997, and the opening of the Administrator's website on January 30, 1998); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, DA 99-1773, 1999 WL 680424 (Com. Car. Bur. 1999), para. 10 (permitting support for contracts signed in a prior funding year pursuant to the Commission's competitive bidding requirements).

⁵ See *Schools and Libraries Universal Service, Description of Services Requested and Certification Form*, OMB 3060-0806 (FCC Form 470).

⁶ 47 C.F.R. § 54.504(c); see *Schools and Libraries Universal Service, Services Ordered and Certification Form*, OMB 3060-0806 (FCC Form 471).

⁷ By checking Item 10, an applicant indicates that the services it is requesting are not subject to competitive bidding because the applicant has an existing, binding contract, as defined in the Commission's rules. Accordingly, SLD will not post those services on its website for competitive bidding.

⁸ See e.g. *Request for Review by Raytown Quality Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-113698, CC Dockets No. 96-45 and 97-21, Order, DA 01-147 (Common Carrier Bur. rel. January 23, 2001).

