

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Livingston Parish School District
Livingston, Louisiana
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD-144581
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: February 16, 2001 Released: February 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division (Division) has under consideration a Request for Review filed by Livingston Parish School District (Livingston Parish), Livingston, Louisiana, on May 26, 2000. Livingston Parish requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company to deny Livingston Parish's application for discounted services under the schools and libraries universal service support mechanism. For the reasons set forth below, we deny the Request for Review and affirm SLD's denial of Livingston Parish'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. 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 J. Rogers Pope, Livingston Parish School District, to the Federal Communications Commission, filed May 26, 2000 (Request for Review).

2 Letter from Schools and Libraries Division, Universal Service Administrative Company, to J. Rogers Pope, Livingston Parish School District, dated March 8, 1999 (Funding Commitment Decision Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to J. Rogers Pope, Livingston Parish School District, dated May 2, 2000 (Administrator's Decision on Appeal).

3 47 C.F.R. §§ 54.502, 54.503.

competitive bids for all services eligible for support.<sup>4</sup> In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, a FCC Form 470 requesting services.<sup>5</sup> 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.<sup>6</sup>

3. Upon review of the record, the Division concludes that SLD correctly denied Livingston Parish's request for support. A signature date on an FCC Form 471 or on a service provider agreement that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules.<sup>7</sup> We find that a contract award date on FCC Form 471 that predates the expiration of the 28-day posting period similarly violates the Commission's competitive bidding rules.

4. In the case of this Applicant the allowable contact date was April 2, 1999.<sup>8</sup> On its FCC Form 471, Livingston Parish lists March 25, 1999 as the contract award date to vendor Com-Net.<sup>9</sup> This contract award date is seven days before the expiration of the 28-day waiting period. The Common Carrier Bureau has consistently denied requests for review by applicants that had similarly violated the Commission's competitive bidding rules.<sup>10</sup> The Division, therefore, denies Livingston Parish's Request for Review.

5. Applicant argues that the April 2, 2000 letter from vendor Com-Net demonstrates that the March 25, 1999 date on FCC Form 471 was a typographical error and that no violation of the 28-day waiting period occurred.<sup>11</sup> We disagree. The April 2, 1999 letter referenced by

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<sup>4</sup> 47 C.F.R. §§ 54.504, 54.511(c).

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

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

<sup>7</sup> See *Request for Review by Minor High School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 13790, 13792, para. 5. (Com. Car. Bur. 2000).

<sup>8</sup> FCC Form 470, Livingston Parish School District, filed March 5, 1999; see SLD web site, <<http://www.sl.universalservice.org/forms/ReviewAll.aspx>>

<sup>9</sup> FCC Form 471, Livingston Parish School District, filed April 2, 1999.

<sup>10</sup> See *Request for Review by Cathedral Grade School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2953 (Com. Car. Bur. rel. December 21, 1999); *Request for Review by Currituck County Schools Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 5564 (Com. Car. Bur. rel. March 23, 2000); *Request for Review by Gustine Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2534 (Com. Car. Bur. rel. November 16, 1999).

<sup>11</sup> Letter from Vincent Thibodaux, Com-Net Services, Inc., dated April 2, 1999.

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Livingston Parish is not a contract for service or an agreement letter signed by both parties. Moreover, that letter is silent on the date of agreement; it only asserts that service will commence on or after the date of the letter.<sup>12</sup> Consequently, we find Livingston Parish's argument unpersuasive and in the absence of other evidence in the record we find that the Applicant violated the 28-day waiting period with regard to the Com-Net vendor.

6. 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 by Livingston Parish School District, Livingston Louisiana, on May 26, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Katherine L. Schroder  
Chief, Accounting Policy Division  
Common Carrier Bureau

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<sup>12</sup> *Id.*