

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Solomon Schechter Day School of)	File No. SLD-132804
Boston, Massachusetts)	
)	
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 16, 2001

Released: February 20, 2001

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by the Solomon Schechter Day School of Greater Boston (Solomon Schechter), Boston, Massachusetts, on May 4, 2000, pursuant to 47 C.F.R. § 54.719(c).¹ Solomon Schechter seeks review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company, denying in part Solomon Schechter's request for funding of internal connection services. For the reasons discussed below, we grant the appeal in part and remand to SLD for further consideration.

2. Solomon Schechter requests review of a decision by SLD to reduce the amount of Solomon Schechter's funding request because SLD concluded that components of the request included elements of an ineligible Wide Area Network (WAN).² Under our rules and program precedent, certain components with WAN applications, however, may be eligible depending on

¹ Letter from Claire Caine, Solomon Schechter, to the Federal Communications Commission, filed May 4, 2000 (Request for Review). 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).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Claire Caine, Solomon Schechter School of Greater Boston, dated October 26, 1999 (Funding Commitment Decision Letter); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Claire Caine, Solomon Schechter School of Greater Boston, dated April 24, 2000 (Administrator's Decision on Appeal).

the nature of their use.³ It is unclear to what extent, if any, SLD examined the intended use of the components at issue. For example, in its Request for Review, Solomon Schechter indicates that the proposed connection would be via another building that is apparently part of the same school.⁴ Connections between multiple instructional buildings that comprise a single school would generally be considered internal connections rather than part of a WAN.⁵ Nothing in the record before us indicates whether the other building is an instructional building comprising part of the same school. Accordingly, we shall remand to SLD for further consideration.

3. 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 Solomon Schechter School of Greater Boston, Boston, Massachusetts, on May 4, 2000 IS GRANTED to the extent provided herein. We direct the Schools and Libraries Division to review Solomon Schechter's funding application and, if warranted, to issue a revised Funding Commitment Decision Letter in accordance with the above-stated decision.

FEDERAL COMMUNICATIONS COMMISSION

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

³ See, e.g., *Request for Review by Terral School District 3, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-118223, CC Dockets No. 96-45 and 97-21, Order, 15 FCC Rcd 17969 (Com. Car. Bur. 2000).

⁴ Request for Review.

⁵ *Federal-State Joint Board on Universal Service, Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge*, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, and 95-72, Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, 13 FCC Rcd 5318 (1997). We note that a connection that crosses a public right-of-way creates a rebuttable presumption that the connection is not an internal connection. See *id.*