

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Requests for Review of Decisions of the)	
Universal Service Administrator by)	
)	
Allendale Public School)	SLD-NEC.471.01-18-00.4901108
Allendale, Michigan)	
)	
Aliamanu Elementary School)	SLD-200174
Honolulu, Hawaii)	
)	
Pearl Harbor Kai Elementary School)	SLD-200045
Honolulu, Hawaii)	
)	
Saint Mary Magdalene School)	SLD-179563
Joliet, Illinois)	
)	
Tussey Mountain School District)	SLD-202593
Saxton, Pennsylvania)	
)	
Wahiawa Elementary School)	SLD-200151
Wahiawa, Hawaii)	
)	
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 27, 2001

Released: February 28, 2001

By the Deputy Chief, Common Carrier Bureau:

1. The Common Carrier Bureau (Bureau) has before it Requests for Review of decisions of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company, filed by the above-captioned applicants for discounted services under the schools and libraries

universal service support mechanism.¹ SLD returned without consideration the application underlying each Request for Review for failing to meet the requirement under SLD's minimum processing standards that applicants complete Item 22 of FCC Form 471.² For the reasons discussed below, this Order grants the Requests for Review and remands to SLD for further review the applications filed by these applicants.

2. In *Naperville*, the Commission determined that SLD should not have returned an application without consideration for failure to meet SLD's minimum processing standards where "(1) the request for information was a first-time information requirement on a revised form, thereby possibly leading to confusion on the part of the applicants; (2) the omitted information could be easily discerned by SLD through examination of other information included in the application; and (3) the application is otherwise substantially complete."³ Upon review of the record in each of the Requests for Review, we conclude that each presents circumstances factually similar to those in *Naperville* and meets the standards articulated in *Naperville*. Accordingly, we remand the applications to SLD for processing pursuant to the Commission's rules.⁴

¹ Letter from Paul A. Mulder, Allendale Public Schools, to Federal Communications Commission, filed July 3, 2000; Letter from Lisa Rankin, Tussey Mountain School District, to Federal Communications Commission, filed July 14, 2000; Letter from John A. Witkowski, Saint Mary Magdalene School, to Federal Communications Commission, filed July 5, 2000; Letter from K. Kim, State of Hawaii Department of Education (on behalf of Aliamanu Elementary School, Pearl Harbor Elementary School, and Wahiawa Elementary School), to Federal Communications Commission, filed July 24, 2000 (collectively, Requests 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 Paul Mulder, Allendale Public Schools, dated April 21, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Lisa Rankin, Tussey Mountain School District, dated March 28, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to John Witkowski, St. Mary Magdalene School, dated March 10, 2000; Letter from Schools and Libraries Division, Universal Service Company, to John Sosa, Wahiawa Elementary School, dated April 20, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to John Sosa, Pearl Harbor Kai Elementary School, dated April 6, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to John Sosa, Aliamanu Elementary School, dated March 28, 2000.

³ *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Dockets No. 96-45 and 97-21, Order, FCC 01-73 (rel. February x, 2001).

⁴ We note that our decision today does not guarantee that the applications will be granted upon processing by SLD. This order addresses only whether SLD should consider these applications.

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 Requests for Review filed by the named parties to this Order ARE REMANDED to the Schools and Libraries Division for further consideration as provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey
Deputy Chief, Common Carrier Bureau