

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

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| In the matter of |) | |
| |) | |
| Request for Review of the Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Fayetteville Public Library |) | File No. SLD-229568 |
| Fayetteville, Arkansas |) | |
| |) | |
| 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: July 9, 2002

Released: July 10, 2002

By the: Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has before it a Request for Review filed by the Fayetteville Public Library (Fayetteville), Fayetteville, Arkansas, challenging a denial by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) of Fayetteville's application for discounts in Funding Year 2001 under the schools and libraries universal service support mechanism.¹ For the reasons set forth below, we grant the Request for Review, and we remand Fayetteville's application to SLD for further processing in accordance with this Order.

2. Under the universal service support mechanism, eligible libraries may apply for discounts for certain telecommunications services, Internet access, and internal connections.² The Commission's rules require that the applicant submit to SLD a completed FCC Form 470 stating the applicant's technological requirements. Subsequently, the applicant also must file

¹ Letter from Steven Thomas, Fayetteville Public Library, to Federal Communications Commission, filed September 12, 2001 (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). In prior years, this funding period was referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. Thus, the funding period which begins on July 1, 2001 and ends on June 30, 2002, previously known as Funding Year 4, is now called Funding Year 2001.

² 47 C.F.R. §§ 54.502, 54.503.

with SLD a FCC Form 471 stating the services and carrier selected, and the funds needed.³

3. Fayetteville submitted Funding Year 2001 FCC Forms 470 and 471 in a timely manner.⁴ On January 19, 2001, the day after the close of the filing window, SLD notified Fayetteville that its FCC Form 471 did not meet minimum processing standards because it "does not contain an original signature. The signature in Block 6, Item 36 is a copy, stamp or blank."⁵ The Funding Year 2001 FCC Form 471 instructions for the Item 30 signature block require "the authorized person to sign the FCC Form 471 with an original, ink signature."⁶ The instructions state that "NO COPIES OF SIGNATURES WILL BE ACCEPTED (emphasis in original)."⁷ Fayetteville resubmitted its FCC Form 471 with an original signature, but SLD subsequently notified Fayetteville that the application was received after the deadline, and that it would not be funded.⁸ Fayetteville appealed to SLD for a waiver of the deadline, but SLD declined to grant the waiver.⁹

4. The issue, then, is whether the photocopied signature on the timely FCC Form 471 constitutes sufficient authorization under our rules. We conclude that it does. In *New Hartford*, the Wireline Competition Bureau held that a photocopied signature constitutes a valid signature for purposes of certifying a FCC Form 471.¹⁰ We find no reason in the record before us to deviate from this precedent. Thus, we find that the photocopied signature on Fayetteville's Funding Year 2001 FCC Form 471 meets minimum processing standards, and direct the Administrator to process Fayetteville's application.

³ 47 C.F.R. §54.504

⁴ FCC Form 470, Fayetteville Branch Library, filed November 22, 2000; and FCC Form 471, Fayetteville Branch Library, File No. SLD-229568, filed January 11, 2001.

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Steven Thomas, Fayetteville Branch Library, dated January 19, 2001.

⁶ Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (September 1999), at 26.

⁷ *Id.*

⁸ Letter from Steven Thomas, Fayetteville Public Library, to Schools and Libraries Division, dated January 20, 2001; Letter from Steven Thomas, Fayetteville Public Library, to Schools and Libraries Division, filed August 8, 2001 (SLD Appeal Letter); Request for Review.

⁹ SLD Appeal Letter; Letter from Schools and Library Division, Universal Service Administrative Company, to Steven Thomas, Fayetteville Public Library, dated August 20, 2001.

¹⁰ *Request for Review by New Hartford Central School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Docket Nos. 96-45 and 97-21, Order, DA 01-2536 (Com. Car. Bur. November 2, 2001) (*New Hartford*).

5. 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 September 12, 2001 by Fayetteville Public Library, Fayetteville, Arkansas, IS GRANTED and this matter is remanded to the Administrator for further processing.

FEDERAL COMMUNICATIONS COMMISSION

Mark Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau