

**Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Georgetown Public Library)	File No. SLD-220422
Georgetown, Illinois)	
)	
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: January 29, 2002**Released: January 30, 2002**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Georgetown Public Library (Georgetown), Georgetown, Illinois, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Georgetown seeks review of SLD's denial of its application for discounts under the schools and libraries universal service support mechanism.² For the reasons set forth below, we grant Georgetown's Request for Review and remand its application to SLD for further consideration.

2. Under the school 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 Linda Davidson, Georgetown Public Library, to Federal Communications Commission, filed October 9, 2001 (Request for Review).

² 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).

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 Further, the instructions for the FCC Form 471 state that the date of signature on the Block 6 certification page of the FCC Form 471 "CANNOT be earlier than any Allowable Contract Date you cited in Item (17) of any Block 5 submitted with this application."⁷

3. Georgetown's Funding Year 4 FCC Form 470 was posted to SLD's website on November 13, 2000 with an allowable contract date of December 11, 2000.⁸ Georgetown filed its FCC Form 471 on December 12, 2000, seeking discounts for telecommunication services.⁹ By letter dated July 23, 2001, SLD denied Georgetown's funding request.¹⁰ SLD explained that a contract for new service was signed prior to the expiration of the 28-day waiting period computed from the date of the posting of Georgetown's FCC Form 470 to SLD's website.¹¹

4. Georgetown then appealed to SLD. In its appeal, Georgetown states that in preparing the FCC Form 471, the wrong date was inadvertently entered.¹² Georgetown stated that it filed its application online and enclosed a copy of that application citing the date (December 12, 2000) printed at the bottom as the date that it actually signed its FCC Form 471.¹³ Georgetown also enclosed a copy of its mail receipt.¹⁴

⁴ 47 C.F.R. §§ 54.504, 54.511(c).

⁵ See Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (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 (September 1999) (FCC Form 471).

⁷ Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form, OMB 3060-0806 (FCC Form 471) (September 1999) (FCC Form 471 Instructions), at 26.

⁸ FCC Form 470, Georgetown Public Library, filed November 13, 2000.

⁹ FCC Form 471, Georgetown Public Library, filed December 12, 2000.

¹⁰ Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Linda Davidson, Georgetown Public Library, dated July 23, 2001.

¹¹ *Id.*

¹² Letter from Linda Davidson, Georgetown Public Library, to Schools and Libraries Division, Universal Service Administrative Co., filed July 30, 2001.

¹³ *Id.*

¹⁴ *Id.* The certified mail receipt is dated December 14, 2000.

5. On June 26, 2001, SLD denied Georgetown's appeal.¹⁵ SLD explained that in its FCC Form 470 Receipt Notification Letter, SLD notified Georgetown that the earliest date upon which Georgetown could submit its FCC Form 471 was December 11, 2000. SLD stated that Georgetown however signed the form on December 8, 2000. SLD stated that FCC rules require that except under limited circumstances, all FCC Forms 470 received must be posted on SLD's website for 28 days and applicants must carefully consider all bids received before selecting a vendor and submitting a FCC Form 471. SLD denied Georgetown's funding request because Georgetown's application did not comply with the competitive bidding requirement that the FCC Form 470 be posted on the website for 28 days prior to the signing and submission of the FCC Form 471.

6. Upon consideration of the record, we conclude that SLD erred in denying the Georgetown's application. In Funding Year 3, applicants could file their FCC Form 471s by using the on-line application process available on SLD's web site to file their FCC Form 471s electronically.¹⁶ Applicants that filed their FCC Form 471s electronically had to print out a Block 6 certification page at the end of the on-line application filing process and then, after signing and dating the certification page, were required to separately submit it by mail.¹⁷ Georgetown filed its FCC Form 471 application online and printed a Block 6 Certification for mailing to SLD. The actual date of printing was indicated at the bottom of the Block 6 Certification page. Although Georgetown's FCC Form 471 application, on its face, bears a signature date prior to the expiration of the 28-day waiting period, the date stamp on the signature page demonstrates that the signature date entered by the applicant was erroneous. We find that Georgetown's application was signed after the expiration of the 28-day waiting period.

7. The record thus demonstrates that there was no violation of the Commission's rules. The evidence available from the FCC Form 471 supports the claim that Georgetown did wait the 28 days required by the Commission's rule before submitting its FCC Form 471. Because there was evidence within the application to support the pending Request for Review, we find it appropriate to reverse SLD and remand Georgetown's application for further consideration.

¹⁵ Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Linda Davidson, Georgetown Public Library, dated October 1, 2001.

¹⁶ FCC Form 471 Instructions, at 5.

¹⁷ FCC Form 471 Instructions, at 24.

8. 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 October 9, 2001, by the Georgetown Public Library, Georgetown Illinois, IS GRANTED to the extent provided herein, and Georgetown's application IS REMANDED to SLD for further consideration consistent with this Order.

FEDERAL COMMUNICATIONS COMMISSION

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