

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review by)	
)	
Waikiki Elementary School)	NEC.471.02-17-00.07200005
Honolulu, 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: January 11, 2002

Released: January 14, 2002

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Waikiki Elementary School (Waikiki), Honolulu, Hawaii.¹ Waikiki seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to deny Waikiki's Funding Year 3 (2000-2001) FCC Form 471 as untimely filed.² For the reasons set forth below, we deny Waikiki's Request for Review.

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.³ In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to SLD a completed FCC Form 470, in which the applicant sets forth its technological needs and the services

¹ Letter from Les Goto, Waikiki Elementary School, to Federal Communications Commission, filed July 6, 2000 (Request for Review). SLD treated Waikiki's request as a Waiver Request. See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Les Goto, Waikiki Elementary School, dated June 20, 2000 (Administrator's Decision on Waiver Request). However, because Waikiki asserts that it filed its application in a timely manner and that SLD is mistaken as to the date the application was filed, we treat Waikiki's request as a Request for Review under our rules. See 47 C.F.R. § 54.719.

² *Id.*

³ 47 C.F.R. §§ 54.502, 54.503.

for which it seeks discounts.³ The Administrator must post the FCC Form 470 on its website, and the applicant is required to wait 28 days before making a commitment with a selected service provider.⁵ Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.⁶ The Commission's rules allow the Administrator to implement an internal filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.⁷ Applications that are received outside this filing window are subject to separate funding priorities under the Commission's rules.⁸ It is to all applicants' advantage, therefore, to file their applications prior to the close of the filing window.

3. For Funding Year 3 applications, the filing window closed on January 19, 2000 at 11:59 p.m. Eastern Standard Time.⁹ According to SLD records, Waikiki filed its FCC Form 471 application (NEC.471.02-17-00.07200005) on February 17, 2000, well past the close of the filing window.¹⁰ Waikiki, however, contends that the Hawaii Department of Education sent its application on January 14, 2000 via Federal Express, in a sealed box, along with over a hundred other applications from Hawaii schools, and that SLD received those other applications within the filing window.¹¹

4. After careful review of the record, we find that Waikiki fails to adequately substantiate its claim. Waikiki argues that it mailed its application along with numerous other applications on January 14, 2000.¹² We observe that the signature on the certification page of the application is dated January 12, 2000, which is consistent with a mailing on January 14, 2000, but does not demonstrate it conclusively. On the other hand, Waikiki fails to provide evidence of mailing the application on that date, such as a receipt from Federal Express. Yet even if Waikiki had provided such a receipt, it would not demonstrate that the FCC Form 471 in question was submitted on that date. In examining the record before us, we find that Waikiki fails to provide evidence necessary to overcome the presumption of accuracy inherent in SLD's procedures for processing applications. SLD places a dated bar code on each FCC Form 471 when it receives it. The bar code on Waikiki's

⁴ 47 C.F.R. § 54.504(b)(1), (b)(3).

⁵ 47 C.F.R. § 54.504(b)(3) and (4); § 54.511.

⁶ 47 C.F.R. § 54.504(c).

⁷ 47 C.F.R. § 54.507(c).

⁸ 47 C.F.R. § 54.507(g).

⁹ SLD web site, What's New (December 6, 1999) <<http://www.sl.universalservice.org/whatsnew/121999.asp>>.

¹⁰ See FCC Form 471, Waikiki Elementary School, filed February 17, 2000 (Waikiki Form 471).

¹¹ Request for Review.

¹² *Id.*

application indicates that SLD received it on February 17, 2000.¹³ In the absence of persuasive evidence to the contrary, we conclude that SLD did receive it on that date.¹⁴ We therefore deny Waikiki's Request for Review.

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 by Waikiki Elementary School, Honolulu, Hawaii, on July 6, 2000 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

¹³ See Waikiki Form 471.

¹⁴ See *Request for Review by Old Town School Department, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-142237, CC Dockets No. 96-45 and 97-21, Order, DA 01-1090 (Com. Car. Bur. rel. April 30, 2001), para. 5 (stating that in the absence of evidence presented by the applicant to the contrary, the Commission accepts the FCC Form 471 in the record as the application which was received by SLD).