

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Davis School District	)	File No. SLD-223665
Farmington, Utah	)	
	)	
Federal-State Joint Board on	)	WC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	WC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: April 10, 2002**

**Released: April 11, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed Davis School District (Davis), Farmington, Utah, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> Davis seeks review of SLD’s denial of its application for discounts under the schools and libraries universal service support mechanism.<sup>2</sup> For the reasons set forth below, we deny Davis’ 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.<sup>3</sup> In order to receive discounts on eligible services, the Commission’s rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its

<sup>1</sup> Letter from Richard Lemon, Davis School District, to Federal Communications Commission, filed December 20, 2001 (Request for Review).

<sup>2</sup> *Id.* 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).

<sup>3</sup> 47 C.F.R. §§ 54.502, 54.503.

technological needs and the services for which it seeks discounts.<sup>4</sup> Once the applicant has complied with the Commission's competitive bidding requirements and signed a contract for eligible services, it must file an FCC Form 471 to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has signed the contract, and an estimate of funds needed to cover the discounts to be given for eligible services.<sup>5</sup> Using information provided by the applicant in its FCC Form 471, the Administrator determines the amount of discounts for which the applicant is eligible.

3. At the start of an application review, SLD utilizes what it calls "minimum processing standards" to facilitate the efficient review of the thousands of applications requesting funding.<sup>6</sup> These minimum processing standards require an applicant to provide at least the basic data necessary for SLD to initiate review of the application under statutory requirements and Commission rules. When an applicant submits an FCC Form 471, SLD performs an initial visual inspection of the application to determine if the application has omitted an item required by the minimum processing standards. In such a case, SLD automatically returns the application to the applicant without considering the application for discounts under the program.<sup>7</sup> Both the minimum processing standards and the automatic return for failure to comply are explained in a document available on SLD's website, from SLD's fax-on-demand service, and from SLD customer services representatives at its toll-free number.<sup>8</sup>

4. If an application is rejected for failure to meet minimum processing standards, the applicant can submit a corrected application. However, the complete corrected application must be received by SLD within the filing window for the application to be treated as an in-window application. If the applicant fails to submit a corrected application within the window, the applicant will be subject to different funding priorities and may not receive any funding if there are insufficient funds remaining to satisfy demand by out-of-window applicants.

5. Davis' Funding Year 4 FCC Form 471 was rejected for failing to meet Minimum Processing Standards.<sup>9</sup> Specifically, Davis submitted an unsigned FCC Form 471 Block 6 Certification page.<sup>10</sup>

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<sup>4</sup> 47 C.F.R. § 54.504 (b)(1), (b)(3).

<sup>5</sup> 47 C.F.R. § 54.504(c).

<sup>6</sup> 47 C.F.R. § 54.504(c); see SLD website, Form 471 Minimum Processing Standards and Filing Requirements for FY 3, <<http://www.sl.universalservice.org/reference/471mps.asp>> (Minimum Processing Standards).

<sup>7</sup> Minimum Processing Standards.

<sup>8</sup> Minimum Processing Standards.

<sup>9</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard Lemon, Davis School District, dated January 19, 2001 (Rejection Letter).

<sup>10</sup> *Id.*

6. Davis filed an appeal with SLD admitting that its Block 6 was unsigned.<sup>11</sup> Davis explained that it had inadvertently retained the signed copy of the form and mailed to SLD a blank form.<sup>12</sup> Davis also enclosed a signed Block 6 and noted that all of its application materials and attachments were timely filed within the filing window.<sup>13</sup>

7. SLD denied Davis' appeal by letter dated November 28, 2001.<sup>14</sup> SLD stated that consistent with the Commission's *South Barber Order*, the signature certification is fundamental to the administration of program.<sup>15</sup> SLD stated that it relies on the signature certification to establish the authority of the signer to represent the applicant and it ultimately satisfies the program's policy objective of binding the applicants and service providers to the program requirements. SLD explained that failing to submit the certification omits the legally binding act that signifies compliance with program rules.

8. In response, Davis filed the current Request for Review with the Commission.<sup>16</sup> Davis asserts that the *South Barber Order* does not apply to its application because the required signature was on twenty other FCC Form 471 applications sent in the same package and this establishes the "authority of the signer to represent the applicant."<sup>17</sup> Davis states that no other signature has been used on its applications since the beginning of the E-rate program.<sup>18</sup> Davis further states that its application was submitted within the filing window and the signature page was forwarded to SLD as soon as it discovered that it had the signed copy in its records. Finally, Davis notes that it had complied with all requests from SLD, that it made no corrections to its FCC Form 471 and is not requesting any additional funding.<sup>19</sup>

9. We have reviewed the record before us and conclude that SLD properly rejected Davis' FCC Form 471. As noted in the Administrator's Decision on Appeal, the Common Carrier Bureau has previously affirmed the requirement of a signature in Block 6 of the FCC

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<sup>11</sup> Letter from Richard Lemon, Davis School District, to Schools and Libraries Division, Universal Service Administrative Company, filed February 28, 2001.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard Lemon, Davis School District, dated November 28, 2001 (Administrator's Decision on Appeal).

<sup>15</sup> *Id.* See also *Request for Review by South Barber Unified School District 255, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, DA 01-2233 (rel. September 27, 2001) (*South Barber Order*).

<sup>16</sup> Request for Review.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

Form 471 as a Minimum Processing Standard. Davis has presented no evidence that leads to a departure from this standard. The signature certification is fundamental to the administration of the schools and libraries program because it assists in the efficient administration of the program. It is administratively appropriate for SLD to require applicants to adhere to applicable program rules and application requirements.<sup>20</sup>

10. We also note that each application for funding is reviewed on its own merits. Thus, Davis' assertion that twenty other applications mailed in the same package were properly signed has no bearing on the outcome on the Davis application at issue in this appeal. Likewise, we find no merit to Davis' argument that there has been no other signatory to its application forms since the inception of the E-rate program. The Commission's emphasis on the importance of the signature certification applies to each application for discounts.

11. It is incumbent upon applicants to determine whether each of their applications are in compliance with program requirements prior to filing, including providing the required signatures. Applicants that fail to follow program rules, run the risk that their applications may not be considered for funding. The burden of ensuring that complete and accurate information is provided properly rests with the applicants themselves. We therefore conclude that Davis has failed to make a showing warranting relief and, therefore, its Request for Review must be denied.

12. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed December 20, 2001, by Davis School District, Farmington, Utah, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>20</sup> See generally Universal Service Administrative Company, Schools and Libraries Program, Reference Area: Form 471 Minimum Processing Standards and Filing Requirements, <<http://www.sl.universalservice.org/reference/471mps.asp>> (outlining the manual and online filing requirements for FCC Form 471).