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

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Morrisville-Eaton Central School System)	File No. SLD-156206
Morrisville, New York)	
)	
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 17, 2002

Released: January 18, 2002

By the Accounting Policy Division, Common Carrier Bureau:

1. Before the Accounting Policy Division (Division) is a Request for Review filed by Morrisville-Eaton Central School System (Morrisville-Eaton), Morrisville, New York.¹ Morrisville-Eaton seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), which rejected Morrisville-Eaton's Funding Year 2 application for discounts under the schools and libraries universal service mechanism because it failed to satisfy SLD's minimum processing standards.² For the reasons set forth below, we dismiss the Request for Review as untimely.

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 The Commission's rules require that the applicant make a bona fide request for services by filing

¹ Letter from Gregory M. Beall, Morrisville-Eaton Central School System, to Federal Communications Commission, filed October 11, 2000 (Request for Review).

² *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).

³ 47 C.F.R. §§ 54.502, 54.503.

with the Administrator an FCC Form 470,⁴ which is posted to the Administrator's web site for all potential competing service providers to review.⁵ After the FCC Form 470 is posted, the applicant must wait at least 28 days before entering an agreement for services and submitting an FCC Form 471, which requests support for eligible services.⁶ SLD reviews the FCC Forms 471 that it receives and issues funding commitment decisions in accordance with the Commission's rules.

3. 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 ensure that the Administrator receives their applications prior to the close of the filing window. In Funding Year 2, the application filing window closed on March 31, 2000.⁹

4. To further facilitate the efficient review of the thousands of applications requesting funding, every funding year, SLD establishes and notifies applicants of "minimum processing standards."¹⁰ When an applicant submits an FCC Form 471 that fails the minimum processing standards, SLD automatically returns the application to the applicant without

⁴ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (December 1998) (FCC Form 470).

⁵ 47 C.F.R. § 54.504(b); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9078, para. 575 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata, FCC 97-157 (rel. June 4, 1997), *affirmed in part, Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (affirming *Universal Service First Report and Order* in part and reversing and remanding on unrelated grounds), *cert. denied, Celpage, Inc. v. FCC*, 120 S. Ct. 2212 (May 30, 2000), *cert. denied, AT&T Corp. v. Cincinnati Bell Tel. Co.*, 120 S. Ct. 2237 (June 5, 2000), *cert. dismissed, GTE Service Corp. v. FCC*, 121 S. Ct. 423 (November 2, 2000).

⁶ 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 1998) (FCC Form 471).

⁷ 47 C.F.R. § 54.507(c).

⁸ 47 C.F.R. § 54.507(g).

⁹ The filing window for Funding Year 2 initially closed on April 6, 1999. *See Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-NEC.471.04-13-00.31900001, CC Dockets No. 96-45 and 97-21, Order, DA 01-1251, n.8 (Com. Car. Bur. rel. May 23, 2001). However, it was later determined that funds were available in excess of what had been requested by applicants who filed within the original window. On March 1, 2000, SLD announced that it would re-open the filing window to permit additional applications. *See id.*; *see also* SLD web site, What's New (March 2000), <<http://www.sl.universalservice.org/whatsnew/032000.asp#consideryr2>>. The re-opened window ("Second Window") closed on March 31, 2000. *See* SLD web site, What's New (March 2000), <<http://www.sl.universalservice.org/whatsnew/032000.asp#consideryr2>>.

¹⁰ *See, e.g.*, SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for FY2, <<http://www.sl.universalservice.org/reference/471mps.asp>> (*Minimum Processing Standards*).

considering the application for discounts under the program.¹¹ While an applicant may submit a corrected application to SLD where it has omitted information required by the minimum processing standards, the postmark date of that corrected form will be the filing date of the application for the purpose of the filing window deadline.¹² Thus, where a minimum processing standard correction is submitted after the close of the filing window, the FCC Form 471 is not entitled to in-window priority and will generally be ineligible for funding for that reason.

5. Where SLD rejects an application for failure to satisfy its minimum processing standards, the applicant has the right, under the Commission's regulations, to seek review of that decision either from the Administrator or the Commission.¹³ However, a party must seek such review within 30 days of the date on which the decision was issued.¹⁴

6. Morrisville-Eaton submitted an application for Funding Year 2 discounts on May 11, 1999.¹⁵ On July 14, 2000, SLD issued a Rejection Letter, stating that the entire FCC Form 471 was being returned because it did not meet SLD's minimum processing standards.¹⁶ Morrisville-Eaton subsequently submitted a corrected FCC Form 471, but in a decision dated July 31, 2000, SLD also rejected this corrected application, stating that it had been filed after the close of the Funding Year 2 filing window on March 31, 2000.¹⁷ Morrisville-Eaton filed its Request for Review on October 11, 2000.¹⁸

7. We find that Morrisville-Eaton's October 11, 2000 Request for Review was filed more than 30 days after the issuance of both the July 14, 2000 First Rejection Letter and the July 21, 2000 Second Rejection Letter.¹⁹ Thus, it is not a timely challenge to either decision, and must be dismissed on those grounds.

¹¹ *Minimum Processing Standards*.

¹² *Minimum Processing Standards*.

¹³ 47 C.F.R. § 54.719.

¹⁴ 47 C.F.R. § 54.720. Due to recent disruptions in the reliability of the mail service, the appeal period has been extended to 60 days for Requests for Review seeking review of decisions issued on or after August 13, 2001. *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 26, 2001; erratum rel. December 28, 2001; second erratum rel. January 4, 2002).

¹⁵ FCC Form 471, Morrisville-Eaton Central School District, filed May 11, 1999.

¹⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Gregory M. Beall, Morrisville-Eaton Central School District, dated July 14, 2000 (First Rejection Letter).

¹⁷ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Gregory M. Beall, Morrisville-Eaton Central School District, dated July 21, 2000 (Second Rejection Letter).

¹⁸ *See* Request for Review.

¹⁹ Request for Review; First Rejection Letter; Second Rejection Letter.

8. ACCORDINGLY, IT IS HEREBY 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 Morrisville-Eaton Central School System, Morrisville, New York, on October 11, 2000 IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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