

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Petitions for Reconsideration	)	
	)	
Craven County Public School System	)	File No. SLD-172952, 178479
New Bern, North Carolina	)	
	)	
Nash County- Rocky Mount Public School System	)	File No. SLD-201160
Rocky Mount, North Carolina	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: October 7, 2004**

**Released: October 7, 2004**

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

1. Before the Telecommunications Access Policy Division (Division) are three Petitions for Reconsideration filed by and on behalf of Craven County Public School System (Craven County), New Bern, North Carolina and Nash County-Rocky Mount Public School System (Nash County), Rocky Mount, North Carolina, requesting reconsideration of the Division’s order denying a Request for Review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> For the reasons set forth below, we deny the Petitions for Reconsideration.

2. In the *Whiteville Order*, we upheld SLD’s decision to deny funding for month-to-month services following the expiration of a four-year service contract signed in December 1996.<sup>2</sup> In particular, we found that the applicants failed to submit an FCC Form 470 for the month-to-month service and failed to provide sufficient documentation to show the existence of the contract to the end of Funding Year 2000.<sup>3</sup>

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<sup>1</sup> Letter from Michelle Chemotti, Thomas Communications & Technology, to Federal Communications Commission, filed November 27, 2002; Letter from David Henderson, Henderson, Baxter, Taylor & Gatchel, P.A., on behalf of Craven County Public School System, to Federal Communications Commission, filed November 29, 2002; Letter from L Wardlaw Lamar, Valentine, Adams, & Lamar, L.L.P., on behalf of Nash County-Rocky Mount Public School System, to Federal Communications Commission, filed November 29, 2002 (collectively, Petitions for Reconsideration and/or Petitioners). The underlying Request for Review was filed by the North Carolina Office of Information Technology Services, Raleigh, North Carolina, on behalf of several applicants, including Craven County Public Schools and the Nash County-Rocky Mount Public School System. *Request for Review by North Carolina Department of Commerce, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-172952, 201160, 178479, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 21400 (Wireline Comp. Bur. 2002) (*Whiteville Order*).

<sup>2</sup> See *Whiteville Order*.

<sup>3</sup> *Id.*

3. In the Petitions for Reconsideration, Craven County and Nash County supplement the record with a contract addendum, signed on February 15, 2000, that extends the term of the underlying contract to 54 months to coincide with the end of Funding Year 2000.<sup>4</sup> Petitioners maintain that they were not aware of this addendum until November 20, 2002, nearly one month after the release of the *Whiteville Order*.<sup>5</sup>

4. After reviewing the underlying record, we find that Petitioners have not provided any new facts or evidence to support a change in the decisions made in the *Whiteville Order*. Under program rules, contract extensions and contract renewals, whether automatic or voluntary, must be posted for bidding.<sup>6</sup> As a result, the contract addendum signed by the North Carolina Office of Information Technology Services supports our determination in the *Whiteville Order* that the underlying contract expired in December 2000.<sup>7</sup> Because Petitioners failed to submit an FCC Form 470 for the services rendered after December 2000, in contravention of the Commission's competitive bidding requirements, we must deny their Petitions for Reconsideration.

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 Petitions for Reconsideration filed on November 27, 2002 by Craven County Public School System, New Bern, North Carolina; on November 29, 2002 by Henderson, Baxter, Taylor & Gatchel, P.A. on behalf of Craven County Public School System, New Bern, North Carolina; and on November 29, 2002 by Valentine, Adams & Lamar, L.L.P. on behalf of Nash County-Rocky Mount Public School System, Rocky Mount, North Carolina ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>4</sup> See Petitions for Reconsideration.

<sup>5</sup> *Id.*

<sup>6</sup> See, e.g., *Request for Review by Roanoke Rapids Graded 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-222879, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 23514 (Wireline Comp. Bur. 2002); *Request for Review by Cochrane-Fountain City 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-140683, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 16628 (Com. Car. Bur. 2000).

<sup>7</sup> *Id.* at Attachment. The contract addendum “*extends* [the] expiration date from *December 2000* to June 30, 2001.” (emphasis added).