

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

In the Matter of	)	
	)	
Request for Review	)	
	)	
Aberdeen School District No. 5	)	File No. SLD-327601
Aberdeen, Washington	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: November 23, 2004**

**Released: November 24, 2004**

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

1. Aberdeen School District No. 5, Aberdeen, Washington (Aberdeen) seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> The decision denied Aberdeen's Funding Year 2002 application for discounted services under the schools and libraries universal service mechanism on the ground that Aberdeen violated the Commission's competitive bidding requirements.<sup>2</sup> For the reasons set forth below, we deny Aberdeen's Request for Review.

2. The Commission's rules require applicants to make bona fide requests for services by filing with the Administrator an FCC Form 470.<sup>3</sup> There are three categories of services for which applicants may request support: telecommunications services, Internet access, and internal connections. In Funding Year 2002, applicants were required to provide SLD with information about the category of services they were requesting. Specifically, in FCC Form 470,<sup>4</sup> Item 8 was to be completed for requests for telecommunications services, Item 9 was to be completed for requests for Internet access, and Item 10 was to be completed for requests for internal connections.

<sup>1</sup> Letter from Michael R. Williams, Aberdeen School District No. 5, to Federal Communications Commission, filed July 10, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michael R. Williams, Aberdeen School District No. 5, dated June 24, 2002 (Administrative Decision on Appeal).

<sup>3</sup> 47 C.F.R. § 54.504(b); Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (FCC Form 470).

<sup>4</sup> Instructions for Completing the Schools and Libraries Universal Service Description of Services Requested and Certification Form (FCC Form 470), OMB 3060-0806 (September 1999) (Form 470 Instructions).

3. Upon submission of the FCC Form 470 to SLD, each request is posted to the Administrator's web site for all potential competing service providers to review. The applicant must then wait at least 28 days before entering into an agreement for services and submitting an FCC Form 471, which requests support for eligible services.<sup>5</sup> To demonstrate compliance with the competitive bidding requirements, the applicant must, in connection with each funding request, cite an FCC Form 470 seeking the same category of service later contracted for and reflected in the FCC Form 471.<sup>6</sup>

4. On November 17, 2000, Aberdeen submitted an FCC Form 470 to SLD for Funding Year 2001.<sup>7</sup> Aberdeen completed Item 9 of the FCC Form 470, and left Items 8 and 10 blank. In doing so, Aberdeen indicated to SLD that it was requesting only "Internet access services."<sup>8</sup> In accordance with the Commission's rules, that request was posted to SLD's web site to solicit bids.<sup>9</sup> On January 17, 2002, Aberdeen filed an FCC Form 471 and cited its Funding Year 2001 FCC Form 470 as the establishing Form 470.<sup>10</sup> In Item 11, Block 5 of the FCC Form 471 ("Category of Service"), Aberdeen designated its request as "telecommunications services."<sup>11</sup> The service contract attached to the FCC Form 471 explained that the agreement was for "transport and/or an Ethernet interface for customer's local area network and/or wide area network applications."<sup>12</sup>

5. Upon review of the funding request, SLD determined that the request was not consistent with the establishing FCC Form 470.<sup>13</sup> Thus, SLD found that Aberdeen's request was not posted correctly on SLD's web site for competitive bidding and, consequently, denied its request for funding.

6. In the instant Request for Review, Aberdeen asserts that it inadvertently changed Block 5, Item 11 of the FCC Form 471 from "Internet Access" to "Telecommunications Services."<sup>14</sup> Aberdeen states that its FCC Form 471 was not filed for new services; rather, it was filed for services under an existing contract that received support in Funding Year 2001.<sup>15</sup>

7. The Wireline Competition Bureau has previously held that it is administratively necessary to require an applicant to be responsible for providing complete and accurate information in its

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<sup>5</sup> 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (FCC Form 471).

<sup>6</sup> Instructions for Completing the Schools and Libraries Universal Service Description of Services Requested and Certification Form (FCC Form 471), OMB 3060-0806 (September 1999), at 19 (FCC Form 471 Instructions).

<sup>7</sup> FCC Form 470, Aberdeen School District No. 5, filed November 17, 2000.

<sup>8</sup> *Id.*

<sup>9</sup> 47 C.F.R. § 54.504(b), (c); FCC Form 471.

<sup>10</sup> FCC Form 471, Aberdeen School District No. 5, January 17, 2002 (Aberdeen FCC Form 471).

<sup>11</sup> Aberdeen FCC Form 471, Block 5.

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

<sup>13</sup> *See* Administrative Decision on Appeal.

<sup>14</sup> Request for Review.

<sup>15</sup> *Id.*

FCC Form 471.<sup>16</sup> It is impractical, if not impossible, for SLD to review each application and notify applicants of errors prior to the close of the filing window. If applicants were permitted to correct their applications after the window closed, it would eliminate any incentive to avoid making unauthorized service requests or to comply with the SLD's document demands in a timely fashion. Moreover, it could jeopardize SLD's ability to accurately apply the rules of priority in years where requests for funding exceed the annual funding cap.<sup>17</sup> Because Aberdeen did not list its request as one for Internet access on its FCC Forms 470 and 471 consistently, it failed to satisfy the Commission's competitive bidding requirements. Consequently, we must deny its Request for Review.

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 by Aberdeen School District No. 5, on July 10, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>16</sup> 47 C.F.R. § 54.504 *et seq.*; 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 Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 18435 (Com. Car. Bur. 2001).

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