

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Adopted: October 30, 2008  
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Mel Blackwell  
Vice President, Schools and Libraries Division  
Universal Service Administrative Company  
2000 L Street, N.W.  
Suite 200  
Washington, D.C. 20036

Dear Mel:

We recently received an email inquiry from your staff member, Leslie Fullwood, regarding the possible resolution of several appeals that were not included in the *Advanced Education Services Order*, released on December 12, 2007.<sup>1</sup> In the *Advanced Education Services Order*, the Wireline Competition Bureau (Bureau) granted the appeals of thirteen consortia, which the Bureau found had provided evidence of their authority to represent their respective consortium members. We believe the two appeals discussed below are candidates for additional review by USAC based on the directives in the *Advanced Education Services Order*.

On March 2, 2006, Midwestern Intermediate Unit IV (Midwestern Intermediate) filed an appeal with the Commission for Funding Year 2005 (Application No. 475076). On March 3, 2006, Midwestern Intermediate filed another appeal with the Commission for Funding Year 2005 (Application No. 472803). These applications were denied by USAC because the consortium failed to submit Letters of Agency (LOA) signed and dated prior to the certification of the consortium's FCC Forms 471. The Bureau specifically addressed this matter in the *Advanced Education Services Order*.<sup>2</sup> The Bureau found that USAC had not provided sufficient notice for consortia applicants to comply with its new policy for Funding Year 2005.<sup>3</sup> In fact, the appeals of four other Funding Year 2005 applications regarding this same issue filed by Midwestern Intermediate were granted in that Order.<sup>4</sup>

Thus, USAC should review the Midwestern Intermediate applications based on the directives in the *Advanced Education Services Order*. Our guidance is limited to the LOA issue only. If there are other issues with these applications that would result in a denial or request for further information, we direct USAC to act accordingly. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or Midwestern Intermediate's applications.<sup>5</sup> We

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<sup>1</sup> *Requests for Review of Decisions of the Universal Service Administrator by Advanced Education Services, et al.*, CC Docket No. 02-6, Order, 22 FCC Rcd 21513 (2007) (*Advanced Education Services Order*).

<sup>2</sup> *See id.* at 22516, para. 7.

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

<sup>4</sup> *Id.* at 22511, Appendix (Midwestern Intermediate Unit IV Application Nos. 471267, 472515, 472637, and 475163).

<sup>5</sup> Additionally, nothing in this letter is intended: (1) to authorize or require payment of any claim that previously may have been released by a service provider or applicant, including in a civil settlement or plea agreement with the

remind USAC of its obligation to independently determine whether the disbursement of universal service funds would be consistent with program requirements, Commission rules and orders, or applicable statutes and to decline to disburse funds where this standard is not met.

Sincerely,

Dana R. Shaffer  
Chief  
Wireline Competition Bureau

cc: Leslie Fullwood, USAC  
Catriona Ayer, USAC

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United States; or (2) to authorize or require payment to any person or entity that has been debarred from participation in the E-rate program.