

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of a
Decision of the
Universal Service Administrator by
Achieve Telecom Network of MA, LLC
Canton, Massachusetts
Schools and Libraries Universal Service
Support Mechanism
File No. SLD-548906
CC Docket No. 02-6

ORDER

Adopted: December 6, 2010

Released: December 6, 2010

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

1. We grant an appeal filed by Achieve Telecom Network of MA, LLC (Achieve) of a decision by the Universal Service Administrative Company (USAC) denying funding to the Somerville School District, Somerville, Massachusetts (Somerville) under the E-rate program (more formally known as the schools and libraries universal service program). Somerville was denied funding because it did not indicate that it was seeking a contract with a voluntary extension provision when it posted its FCC Form 470, even though Somerville’s contract with its existing service provider contained a voluntary extension provision. As in the Albert Lea Order, however, we find that the older version of the FCC Form 470 Somerville was using in funding year 2003 did not require applicants to disclose whether they were seeking a contract with terms of more than one year. We therefore grant the request for review and remand the underlying application to USAC for processing consistent with this order.

1 Letter from Joy Jackson, President and CEO, Achieve Telecom Network of MA, LLC, to the Federal Communications Commission, CC Docket No. 02-6 (dated May 7, 2008) (Request for Review); Letter from Paul C. Besozzi, Patton Boggs LLC, Attorneys at Law, to the Federal Communications Commission, CC Docket No. 02-6 (dated June 5, 2008) (Request for Review Erratum). Section 54.719(c) of the Commission’s rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

2 Letter from USAC to Joy Jackson, Achieve Telecom Network of MA, LLC (dated Apr. 15, 2008) (Funding Commitment Decision Letter).

3 See Request for Review of the Decision of the Universal Service Administrator by Albert Lea Area Schools, File Nos. SLD-517274, et al., CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4539-40, para. 10 (Wireline Comp. Bur. 2009) (Albert Lea Order); compare Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (October 2004) at 2 (October 2004 FCC Form 470) (requiring applicants to “[c]heck if you are seeking (1) a multiyear contract and/or (2) a contract featuring voluntary extensions”) with Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (May 2003) at 3 (May 2003 FCC Form 470) (noting that applicants “may provide” information on the intent to enter into a multiyear contract or a contract featuring an option for voluntary extensions).

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and 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 Achieve Telecom Network of MA, LLC IS GRANTED and REMANDED to USAC for further consideration in accordance with the terms of this order.

3. IT IS FURTHER ORDERED, pursuant to authority contained in sections 1-4 and 254 of the Communications Act, as amended, 47 U.S.C. §§ 151-154 and 254, and 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 USAC SHALL COMPLETE its review of this application and ISSUE an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau