

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review
Tuba City Regional Health Care Corporation
Rural Health Care Universal Service
Support Mechanism
File No. RHCD-11311
WC Docket No. 02-60

ORDER

Adopted: April 29, 2010

Released: April 29, 2010

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this order, we deny a request for review of a decision by the Universal Service Administrative Company (USAC), denying funding for discounted services under the rural health care universal service support mechanism to Tuba City Regional Health Care Corporation (Tuba City). We find that after changing service providers, Tuba City failed to timely submit a new FCC Form 466 before the June 30 filing deadline.

II. BACKGROUND

2. Under the rural health care universal service support mechanism, eligible rural health care providers and consortia that include eligible rural health care providers may apply for discounts for eligible telecommunications services and Internet access. To obtain discounted telecommunications service, applicants must make a bona fide request for telecommunications and/or Internet services by filing an FCC Form 465 with USAC. USAC posts the FCC Form 465 to its website for telecommunications carriers to review. Applicants must then wait at least 28 days before entering into a service agreement and submitting FCC Form 466 (for telecommunications services) and/or FCC Form 466-A (for Internet services). Applicants use the FCC Form 466 and/or Form 466-A to verify the type of services ordered and to certify that the selected service provider selected is the most cost-effective. For

1 Letter from Elda Coffey, Tuba City Regional Health Care Corporation, to Federal Communications Commission, WC Docket No. 02-60 (filed Jan. 23, 2006) (Tuba City Appeal). 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).

247 C.F.R. § 54.601.

347 C.F.R. § 54.603.

4Id.

5Id.

funding year 2004 (July 1, 2004 to June 30, 2005), the deadline for submission to USAC of all required forms, including FCC Forms 466 and 466-A, was June 30, 2005.⁶ After reviewing the funding requests, USAC issues funding decisions in accordance with the Commission's rules.

3. All service providers that wish to participate in the rural health care program must obtain a Service Provider Identification Number (SPIN) from USAC.⁷ A SPIN is a unique number that USAC assigns to each service provider that files an FCC Form 498 to register with USAC as a carrier or service provider that receives support from the universal service support mechanisms.⁸ The SPIN is USAC's tool to ensure that support is directed to the correct service provider.

4. *Tuba City Appeal.* On July 15, 2004, Tuba City filed its FCC Form 466 for funding year 2004, selecting Winstar Communications, LLC as its service provider for telecommunications services.⁹ On October 1, 2004, Tuba City changed service providers to Telespectra, LLC, but did not submit a SPIN change request to notify USAC.¹⁰ During a phone conversation on December 10, 2004, Tuba City informed USAC that it had changed service providers.¹¹ At that time, USAC instructed Tuba City that it must submit a new FCC Form 466 to cover service provided by its new service provider.¹² From December 2004 through May 2005, USAC and Tuba City engaged in several communications concerning Tuba City's funding year 2004 funding requests.¹³ Tuba City submitted a new FCC Form 466 on August 3, 2005.¹⁴ USAC denied Tuba City's funding request on October 3, 2005, stating that Tuba City had failed to submit a new FCC Form 466 by the June 30, 2005 deadline for filing all forms with USAC for funding year 2004.¹⁵ On October 11, 2005, Tuba City sought an appeal of this decision from USAC.¹⁶ USAC denied Tuba City's appeal on January 19, 2006.¹⁷ Tuba City then filed the instant request for

⁶ 47 C.F.R. § 54.623(c)(1)(2005).

⁷ See USAC website, Step 1: Obtain a Service Provider Information Number (Form 498), <http://www.usac.org/rhc/service-providers/step01/obtain-service-provider-id.aspx> (last visited Apr. 29, 2010).

⁸ The Commission and USAC developed the Service Provider Identification Number and Contact Form, FCC Form 498, to collect information from carriers and service providers that receive support from the universal service programs. See Instructions for Completing the Service Provider Identification Number and Contact Information Form (FCC Form 498), OMB 3060-0824 (May 2006). See also USAC website, USAC Forms, <http://www.usac.org/fund-administration/forms/> (last visited Apr. 29, 2010).

⁹ FCC Form 466, Tuba City (filed July 15, 2004).

¹⁰ See Rural Health Care Contact Log, Tuba City Funding Year 2004 Funding Request (entry dated Dec. 10, 2004) (Contact Log).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ FCC Form 466, Tuba City (filed Aug. 3, 2005).

¹⁵ Letter from USAC, Rural Health Care Division, to Elda Coffey, Tuba City Regional Health Care Corporation, (dated Oct. 3, 2005) (Funding Decision).

¹⁶ E-mail from Elda Coffey, Tuba City Regional Health Care Corporation, to USAC, Rural Health Care Division, (dated Oct. 11, 2005).

¹⁷ Letter from USAC, Rural Health Care Division, to Elda Coffey, Tuba City Regional Health Care Corporation, (dated Jan. 19, 2006).

review with the Commission, stating that it filed its original FCC Form 466 before the June 30th deadline, but that it was unable to file a new FCC Form 466 before the deadline because it received necessary information from its new service provider after the June 30th deadline.¹⁸

III. DISCUSSION

5. We deny Tuba City's appeal. For funding year 2004, the rural health care program filing window began July 1, 2004, and ran until June 30 of the following year; thus applicants have a 365-day filing window.¹⁹ In this case, because of the program's year-long filing window, when USAC informed Tuba City on December 10, 2004, that it needed to file an additional FCC Form 466, Tuba City still had more than six months to make that filing and timely request funding. Thus, despite its failure to submit a SPIN change request, Tuba City was not barred from receiving program discounts. The record shows that during the period between December 2004 and June 30, 2005, Tuba City and USAC discussed Tuba City's funding requests, and USAC informed Tuba City of the need to file an additional FCC Form 466. Given that USAC provided Tuba City with timely guidance on the application process, and that Tuba City had adequate time to submit an additional FCC Form 466 before the filing deadline, we find that USAC properly denied Tuba City's funding request. We therefore uphold USAC's decision and deny Tuba City's request for review.

IV. ORDERING CLAUSE

6. ACCORDINGLY, IT IS ORDERED that, 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 pursuant to authority delegated in 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), the appeal filed by Tuba City Regional Health Care Corporation, Tuba City, Arizona, on January 23, 2006, IS DENIED.

7. IT IS FURTHER ORDERED that, pursuant to the authority delegated in section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
Chief
Wireline Competition Bureau

¹⁸ Tuba City Appeal at 1.

¹⁹ See 47 C.F.R. §§ 54.623(c)(1), (c)(3) (2005).