

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Little Flower School
Cincinnati, Ohio
Schools and Libraries Universal Service
Support Mechanism
File No. SLD-496130
CC Docket No. 02-6

ORDER

Adopted: March 30, 2011

Released: March 30, 2011

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

1. We grant an appeal filed by Little Flower School (Little Flower) of a decision by the Universal Service Administrative Company (USAC) reducing a discount sought in an application for services under the E-rate program for funding year 2006. Specifically, USAC reduced funding because the applicant's requested discount level was not supported by sufficient documentation after Little Flower inadvertently submitted the wrong document to USAC during the review process. On appeal to USAC, Little Flower provided USAC with the correct survey it sent to students, but USAC denied the appeal because, at the time, USAC did not accept new information on appeal. Consistent with the Academia Claret Order and other precedent, we grant the appeal and remand the underlying application to USAC for further action consistent with this order. We direct USAC to use the documentation that Little Flower submitted with its appeal to demonstrate support for Little Flower's discount level.

1 See Letter from Linda Westendorf, Little Flower School, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Jun. 19, 2006) (Little Flower 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 USAC may seek review from the Commission. 47 C.F.R. § 54.719(c). The E-rate program is more formally known as the schools and libraries universal service program.

2 See Letter from USAC, Schools and Libraries Division, to Linda Westendorf, Little Flower School (dated Sep. 19, 2006) (Administrator's Decision on Appeal).

3 Little Flower Request for Review at 1. Little Flower submitted a sample survey to USAC that was missing the home address line for the students. Id.

4 See Administrator's Decision on Appeal at 1.

5 See Requests for Review of the Decision of the Universal Service Administrator by Academia Claret, Puerto Rico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-401699, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10703 (Wireline Comp. Bur. 2006) (Academia Claret Order); see also Requests for Review of Decisions of the Universal Service Administrator by Explore Knowledge Academy Charter School, et al., (continued...)

2. We emphasize, however, the limited nature of this decision. Although we grant this appeal, this order does not alter the obligation of participants in the E-rate program to comply with the Commission's rules. We continue to require E-rate applicants to submit complete and accurate information to USAC as part of the application review process.

3. ACCORDINGLY, IT IS 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 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 Little Flower School, Cincinnati, Ohio, IS GRANTED and the underlying application IS REMANDED to USAC for further consideration in accordance with the terms of this order.

4. 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 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 Universal Service Administrative Company SHALL COMPLETE its review of the underlying application and ISSUE an award or a denial based on a complete review and analysis no later than 60 calendar days from the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION

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

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Schools and Libraries Universal Service Support Mechanism, File No. SLD-521433, CC Docket No. 02-6, Order, 25 FCC Rcd 17022 (Wireline Comp. Bur. Dec. 6, 2010).