

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Requests for Review of the Decision of the
Universal Service Administrator by
South Country Central School District
East Patchogue, New York
Schools and Libraries Universal Service
Support Mechanism
File No. SLD-139055
CC Docket No. 02-6

ORDER

Adopted: July 25, 2012

Released: July 25, 2012

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

1. In this order we dismiss an appeal filed by South Country Central School District (South Country) seeking review of a decision made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program) to deny South Country E-rate funds for wide area network (WAN) services that USAC found to be ineligible for funding. We dismiss as moot the appeal based on our finding that South Country submitted a different application the same funding year using the same contract for services and received E-rate funding for those services.

2. South Country requested E-rate funding in funding year 1999 for leased wide area network services from Cablevision Lightpath. South Country indicated that it was seeking E-rate discounts for "WAN Telecom Services" and Internet access but requested funding for these recurring and non-recurring services as internal connections on its FCC Form 471. USAC denied the request finding that South Country sought E-rate support for ineligible WAN construction costs. USAC also denied South

1 Letter from Mark Schissler, South Country Central School District, to Office of the Secretary, Federal Communications Commission (dated May 10, 2000) (Request for Review). Section 54.719(c) of our 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 The funding request included a non-recurring installation fee of \$514,730.00 and recurring monthly service charges of \$6768.40 for OC-3 WAN service (\$5782.50 per month), Internet local loop service (\$460.90 per month), and Internet access service (\$525.00 per month). FCC Form 471, South Country Central School District, filed April 2, 1999, Attachment - Cablevision Lightpath Contract, signed March 31, 1999 (Cablevision Lightpath Contract).

3 FCC Form 471, File No. SLD-139055, South Country Central School District, Block 5-Services Ordered, filed April 2, 1999.

4 Letter from USAC, Schools and Libraries Division, to Sally Neumann, South Country Central School District dated Nov. 2, 1999 (Funding Commitment Decision Letter) (finding that 30% or more of the funding request included a request for WAN construction which is an ineligible product or service).

Country's appeal of that funding decision. During the pendency of its appeal with USAC, South Country resubmitted its request for these same services under a new application number seeking the same services, for the same funding year, under the telecommunications services category.⁵ That funding request was approved.⁶

3. In light of the fact that South County received E-rate support for the requested services for the funding year at issue in South County's appeal, albeit under a different funding request, we dismiss South County's appeal as moot.

4. 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 sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 54.722(a), that the request for review filed by South Country Central School District, East Patchogue, New York, on May 10, 2000 IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ FCC Form 471, File No. SLD-209311, South Country Central School District, Block 5-Services Ordered, filed March 31, 2000 (requesting WAN telecommunications contract under the same Cablevision Lightpath Contract that was attached to South Country's application for File No. SLD-139055). In fact, the contract with Cablevision Lightpath for the WAN services that was part of South Country's first funding request is identical to the contract South Country used in its second request that USAC approved and funded. *See* Cablevision Lightpath Contract.

⁶ *See* USAC website, Funding Request Data Retrieval Tool, <http://www.slforms.universalservice.org/DRT/Default.aspx#o>, last visited July 25, 2012.