

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Capitol Region Library Council	)	File No. SLD-262091
Windsor, Connecticut	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: May 10, 2002**

**Released: May 13, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division (Division) has under consideration a Request for Review filed by Capitol Region Library Council (Capitol Region), Windsor, Connecticut.<sup>1</sup> Capitol Region seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) for Funding Year 4 of the schools and libraries support mechanism to allow consideration of its application as timely filed within the filing window. For the reasons that follow, we deny Capitol Region's Request for Review.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>2</sup> In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.<sup>3</sup> Once the applicant has

<sup>1</sup> Letter from Kenneth Sutton, Capitol Region Library Council, to Federal Communications Commission, dated July 13, 2001 (Request for Review); *see also* Letter from Kenneth Sutton, Capitol Region Library Council, to Schools and Libraries Division, Universal Service Administrative Company, dated April 13, 2001 (SLD Appeal).

<sup>2</sup> 47 C.F.R. §§ 54.501, 54.502.

<sup>3</sup> 47 C.F.R. § 54.504(b)(1), (b)(3).

complied with the Commission's competitive bidding requirements and entered into agreements for eligible services, the applicant must submit a completed FCC Form 471 application to the Administrator.<sup>4</sup> The Commission's rules allow the Administrator to implement an initial filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.<sup>5</sup> Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules.<sup>6</sup> It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window.

3. On January 16, 2001 Capitol Region manually submitted a FCC Form 471 seeking discounts for Funding Year 4.<sup>7</sup> The application consisted of 6 Blocks of information represented on 35 pieces of paper.<sup>8</sup> Capitol Region's Blocks 1 through 4 and Block 6 were on the proper Funding Year 4 FCC Form 471 indicated by the October 2000 date in the lower right hand corner. However, the 31 pages representing the applicant's Block 5 information were not on the Funding Year 4 form.<sup>9</sup> Accordingly, on March 23, 2001, SLD sent Capitol Region a letter stating that SLD declined to accept Capitol Region's FCC Form 471 because Capitol Region's Form 471 failed to meet minimum processing standards for Year 4.<sup>10</sup> Specifically, SLD rejected its FCC Form 471 because Capital Region had not used the correct OMB-approved FCC Form 471 for Funding Year 4.<sup>11</sup>

4. On April 13, 2001, Capitol Region filed an appeal with SLD.<sup>12</sup> In its appeal to SLD, Capitol Region asserted that it had indeed used the correct FCC Form 471, including the correct Funding Year 4 Block 5. Capital Region stated that it created additional space for the 31 pages representing its Block 5 information by photocopying a proper Funding Year 4 version of a blank Block 5.<sup>13</sup> Capitol Region contends that the OMB-approved date, of October 2000 in the lower right hand corner, was cut off from the application page during the photocopying process.<sup>14</sup> Capitol Region requested that SLD consider its submitted FCC Form 471 as complete

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<sup>4</sup> 47 C.F.R. § 54.504(c).

<sup>5</sup> 47 C.F.R. § 54.507(c).

<sup>6</sup> 47 C.F.R. § 54.507(g).

<sup>7</sup> FCC Form 471, Capitol Region Library Council, filed January 16, 2001.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*; see also Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Year 4 Form 471).

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Schools and Libraries Division, to Capitol Region Library Council, dated March 23, 2001 (Minimum Processing Standards Letter).

<sup>12</sup> SLD Appeal, at 1.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

and timely filed.<sup>15</sup> SLD issued an Administrator's Decision on Appeal on June 21, 2001, stating that it could not consider Capitol Region's request.<sup>16</sup> Capitol Region then filed the instant Request for Review, again asserting that it used the correct form requesting that the FCC Form 471 it submitted for Funding Year 4 be considered complete and timely filed.<sup>17</sup>

5. We are not persuaded by Capitol Region's assertion that it used the correct OMB approved FCC Form 471 for Funding Year 4. The record demonstrates that Capitol Region submitted Blocks 1-4 and 6 on the correct Funding Year 4 FCC Form 471, but did not use the correct form for Block 5. Specifically, Capitol Region's application was missing Item 19(b) on Block 5, which was included in the OMB-approved Year 4 FCC Form 471.

6. The FCC Form 471 instructions inform an applicant that if a school does not provide the information requested on the form, "the processing of your application may be delayed or your application may be returned to you without action."<sup>18</sup> The Wireline Competition Bureau has previously upheld this requirement as a minimum processing standard and we find no reason to depart from this precedent.<sup>19</sup> Consequently, based on the record before us, we find that Capitol Region has failed to demonstrate that it submitted the correct Funding Year 4 FCC Form 471 application in compliance with the required minimum processing standards for Funding Year 4.<sup>20</sup> We further, conclude that, Capitol Region has failed to make a showing warranting relief and we deny its Request for Review.

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<sup>15</sup> *Id.*

<sup>16</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Capitol Region Library Council, dated June 21, 2001.

<sup>17</sup> Request for Review, at 1.

<sup>18</sup> *Id.* at 2.

<sup>19</sup> *See Request for Review by Fair Lawn Board of Education*, CC Docket No. 96-45 and 97-21, Order, DA 01-1504 (Com. Car. Bur. rel. June 27, 2001).

<sup>20</sup> *See Request for Review by Old Town School Department, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-142237, CC Dockets No. 96-45 and 97-21, Order, DA 01-1090 (Com. Car. Bur. rel. April 30, 2001) (stating that in the absence of evidence presented by the applicant to the contrary, the Commission accepts the FCC Form 471 in the record as the application which was received by SLD).

7. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed August 2, 2001 by Capitol Region Library Council, Windsor, Connecticut IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau