

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

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Crawford County Public Library)	File No. SLD-203679
English, Indiana)	
)	
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: January 11, 2002

Released: January 14, 2002

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has before it a Request for Review filed by Crawford County Public Library (Crawford), English, Indiana, seeking review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company.¹ SLD returned without consideration Crawford’s Funding Year 3 application for discounted services under the schools and libraries universal service support mechanism because it omitted certain information required under SLD’s minimum processing standards.² Specifically, Crawford omitted information in Item 22 of Block 5, the Entity or Entities Receiving Service, for both of its funding requests.³ For the reasons discussed below, we deny the 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

¹ Letter from Janet LaBreche, Crawford County Public Library, to Federal Communications Commission, filed August 9, 2000 (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 the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Janet LaBreche, Crawford County Public Library, dated May 15, 2000.

³ *Id.*; FCC Form 471, Crawford County Public Library, filed January 19, 2000 (Crawford Form 471), at Block 5.

discounts for eligible telecommunications services, Internet access, and internal connections.⁴ The Commission's rules require that the applicant make a bona fide request for services by filing with the Administrator an FCC Form 470,⁵ which is posted to the Administrator's website for all potential competing service providers to review.⁶ After the FCC Form 470 is posted, the applicant must wait at least 28 days before entering an agreement for services and submitting an FCC Form 471, which requests support for eligible services.⁷ SLD reviews the FCC Forms 471 that it receives and issues funding commitment decisions in accordance with the Commission's rules.

3. Every funding year, SLD establishes and notifies applicants of a "minimum processing standard" to facilitate the efficient review of the thousands of applications requesting funding.⁸ When an applicant submits an FCC Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program.⁹ In Funding Year 3, SLD added to the minimum processing standards the requirement that applicants identify, in Item 22 of each Block 5 funding request, the specific entity receiving a service or, if that service is shared by more than one entity, the applicant list the Block 4 worksheet number that identifies the entities sharing the service.¹⁰

4. In *Naperville*, the Commission determined that, under the totality of the circumstances, SLD should not have returned an application without consideration for failure to meet SLD's minimum processing standards.¹¹ In *Naperville's* case, the Commission specifically found that "(1) the request for information was a first-time information requirement on a revised

⁴ 47 C.F.R. §§ 54.502, 54.503.

⁵ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (FCC Form 470).

⁶ 47 C.F.R. § 54.504(b); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9078, para. 575 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata, FCC 97-157 (rel. June 4, 1997), *affirmed in part, Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (affirming *Universal Service First Report and Order in part and reversing and remanding on unrelated grounds*), *cert. denied, Celpage, Inc. v. FCC*, 120 S. Ct. 2212 (May 30, 2000), *cert. denied, AT&T Corp. v. Cincinnati Bell Tel. Co.*, 120 S. Ct. 2237 (June 5, 2000), *cert. dismissed, GTE Service Corp. v. FCC*, 121 S. Ct. 423 (November 2, 2000).

⁷ 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (FCC Form 471).

⁸ See, e.g., SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for FY3, <<http://www.sl.universalservice.org/reference/471mps.asp>> (*Minimum Processing Standards*).

⁹ *Minimum Processing Standards*.

¹⁰ *Id.*

¹¹ *Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-203343, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 5032, paras. 12 (2001) (*Naperville*).

form, thereby possibly leading to confusion on the part of the applicants; (2) the omitted information could be easily discerned by SLD through examination of other information included in the application; and (3) the application is otherwise substantially complete.”¹²

5. Upon review of the record in the Request for Review, we conclude that, under the totality of the circumstances, Crawford’s application was appropriately returned for failure to satisfy minimum processing standards. Although Item 22, Block 5, was a new information request in Funding Year 3, we find that the information to be provided in Item 22, the entity or entities receiving service, was not easily discernable from other information in the application.

6. Each funding request is presented on a separate Block 5 of the FCC Form 471.¹³ For each Block 5, an applicant specifies in Item 22 which entity or group of entities listed in the applicant’s Block 4 worksheets will receive the service.¹⁴ In Block 4, an entity is listed together with its associated discount rate. Groups of entities that will be receiving shared services are listed with their average rate.¹⁵ In *Naperville*, the Commission found that, although the Block 5 funding request at issue did not specify the entities that would receive service, the discount rate requested in the funding request was uniquely attributable to the average discount rate of all of the schools, as calculated on an accompanying Block 4 worksheet.¹⁶ Thus, it was clear that the funding request sought shared services for the district schools. Here, in contrast, the discount rate sought for both of the requests, 75%, is the rate attributable to two different libraries in Block 4.¹⁷ Because the requested discount rate was not uniquely associated with a particular site or group of sites presented in the Block 4 worksheets accompanying the application, SLD could not determine, based on the discount rate, what entity or entities would be receiving the requested services. We find that the information was not easily discernable from information in the application, and that the totality of the circumstances do not warrant relief. Accordingly, we affirm SLD’s rejection of the application.

7. Accordingly, IT IS ORDERED, 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),

¹² *Id.*, para. 16.

¹³ FCC Form 471, Block 5.

¹⁴ *Id.*

¹⁵ The Block 4 worksheet generally requires the applicant to list all the entities receiving a service for which discounts are sought. *See* FCC Form 471, Block 4. In those situations where an applicant is seeking discounts for a service to be shared by a group of schools within the district, the worksheet calculates the weighted average discount of those schools which is then applied to the shared service. *Id.* Where a school district is seeking multiple shared services for different groups of schools within its district, the applicant must complete a different Block 4 worksheet for each group, labeling the worksheets "A-1", "A-2", and so forth. In this situation, separate Block 4 worksheets are required because the weighted average discount will vary from group to group. *Id.* The FCC Form 471 requests that the applicant identify the Block 4 worksheet for a particular group at Item 22 of the Block 5 worksheet used to request the discounted services to be received by that group. *Id.*

¹⁶ *Naperville*, para. 13.

¹⁷ Crawford Form 471, Block 4, Entity No. 130539.

that the Request for Review filed by Crawford County Public Library, English, Indiana, on August 9, 2000 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
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Common Carrier Bureau