

*Number of Respondents:* 60,000.

*Estimated Time Per Response:* 4.5 hours.

*Frequency of Response:* On occasion reporting requirements, third party disclosure requirement and recordkeeping requirement.

*Total Annual Burden:* 440,000 hours.

*Total Annual Cost:* N/A.

*Needs and Uses:* The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. The FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, Internet access and internal connections. The date is used to determine eligibility. The Commission revised the FCC Form 471 and instructions to make it possible to read with electronic readers, to update references to current deadlines and relevant statutes, and to clarify explanations to make the form generally easier to understand. The information collection requirements remain unchanged.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 96-45, 97-21; FCC 02-315]

### Application for Review by Henrico County School District, Richmond, Virginia; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission denies the application for review seeking review of an Order issued by the Common Carrier Bureau (Bureau) on delegated authority and affirm the decision of the Bureau. In the Order, the Bureau upheld the decision of the Schools and Libraries Division of the Universal Service Administrative Company, which denied Henrico County School District's Funding Year 1999 application for discounts under the schools and libraries universal service mechanism.

#### FOR FURTHER INFORMATION CONTACT:

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**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in CC Docket Nos. 96-45 and 97-21 released on November 20, 2002. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC, 20554.

1. Before the Commission is an application for review filed by Henrico County Public Schools (Henrico), Richmond, Virginia, seeking review of an Order issued by the Common Carrier Bureau (Bureau) on delegated authority. In the Order, the Bureau upheld the decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company, which denied Henrico's Funding Year 1999 application for discounts under the schools and libraries universal service mechanism. For the reasons set forth below, we deny the application for review and affirm the decision of the Bureau.

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. 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. Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services. Approval of the application is contingent upon the filing of FCC form 471, and funding commitment decisions are based on information provided by the school or library in this form.

3. On March 29, 2000, Henrico filed an FCC form 471 for Funding Year 1999 including 10 funding requests, each seeking discounted internal connections. It did not file an FCC form 470 in Funding Year 1999. Henrico's FCC form 471 referenced FCC form 470

App. No. 952970000283996, a Funding Year 2000 form 470 that was posted to SLD's website on December 20, 1999 (Year 2000 form 470). Henrico also relied on this Year 2000 form 470 in support of its Funding Year 2000 applications for discounts, which were filed on January 19, 2000. On July 17, 2000, SLD rejected Henrico's Funding Year 1999 application for discounts because Henrico had not specified a Funding Year 1999 FCC form 470 in connection with its Funding Year 1999 funding requests. Henrico then sought review of this SLD decision.

4. Before the Bureau, Henrico argued that reliance on a Funding Year 2000 FCC form 470 in support of a Funding Year 1999 service request was permissible because "[n]owhere in your correspondence, procedures or instructions does it stipulate that the [Funding Year 1999] application must be based on a [Funding Year 1999] 470 form." The Bureau found, however, that, with one exception inapplicable to Henrico, an FCC form 470 seeking services in one year could not be used to satisfy the requirement of competitive bidding for service requests in another Funding Year.

5. In its application for review before the Commission, Henrico argues that it should be permitted to rely on the Funding Year 2000 form 470 because, at the time it electronically posted its FCC form 470 for Funding Year 1999, SLD had switched to an on-line application system for Funding Year 2000 that only permitted the posting of Funding Year 2000 FCC form 470s. Henrico asserts that it was therefore "impossible to post a Year [1999] form 470 to the SLD website," and argues that its Funding Year 1999 application should therefore not be denied for its failure to do so.

6. Section 1.115(c) of the Commission's Rules provides that "[n]o application for review will be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass." We find that Henrico did not raise its present argument in the request for review to the Bureau. In that pleading, Henrico merely asserted that, under program procedures, it was not required to use a Funding Year 1999 FCC form 470 to post a Funding Year 1999 service request. Now it argues that using a Funding Year 1999 FCC form 470 was impossible at the specific time during which it sought to post a request. The former argument asserts a general right to use a Funding Year 2000 form to post Funding Year 1999 requests, while the latter argument suggests such use should be deemed permissible under the limited circumstances present at the