

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Requests for Review of
Decisions of the
Universal Service Administrator by
Iberia Parish School Board
Iberia, Louisiana
South Pike School District
Magnolia, Mississippi
Schools and Libraries Universal Service
Support Mechanism
File No. SLD-532585
File No. SLD-479648
CC Docket No. 02-6

ORDER

Adopted: April 15, 2015

Released: April 15, 2015

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

1. We deny the Requests for Review from the Iberia Parish School Board (Iberia Parish) and South Pike School District (South Pike) seeking review of decisions 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).1 USAC found that Iberia Parish and South Pike violated E-rate rules by transferring equipment purchased with E-rate support from schools that were not closing within three years of purchase.2 We affirm USAC’s finding that these applicants violated the E-rate program’s equipment transfer rules.

2. E-rate recipients may transfer equipment purchased with E-rate support from the entities specified on their FCC Form 471 funding request to other eligible entities if either (1) three years have passed since the equipment was purchased or (2) the equipment is being transferred from a school or library that closed.3 If the transfer occurs from a location that has closed, the transferring entity must

1 See Letter from Dianne LeBlanc, Supervisor of Technology, Iberia Parish School District, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed April 21, 2010) (Iberia Parish Request for Review); Letter from John Ivey, Technology Coordinator, South Pike School District, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 96-45 and 02-6 (filed Jan. 8, 2010) (South Pike Request for Review). Section 54.719 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.

2 See Letter from USAC, Schools and Libraries Division, to Dianne LeBlanc, Iberia Parish School Board (dated Mar. 29, 2010); Letter from USAC, Schools and Libraries Division, to John Ivey, South Pike School District (dated Aug. 31, 2009).

3 See 47 C.F.R. § 54.513(c) (2006); Schools and Libraries Third Report and Order, 18 FCC Rcd at 26924, paras. 27-28. In 2010, the equipment transfer rules that had been codified in 47 C.F.R. § 54.513(c) were moved to 47 C.F.R. § 54.513(d).

notify USAC of the transfer.⁴

3. Iberia Parish transferred internal connections equipment that had been purchased with E-rate funds from North Lewis Elementary School, a school that was not closing, to several other schools.⁵ South Pike transferred internal connections equipment purchased with E-rate support from South Pike High School and Magnolia Elementary School, both of which were not closing, to a new computer room in the district office as a part of upgrades to the district's network.⁶ It is undisputed that these transfers were made within three years of purchase.⁷ In each case, USAC learned of the transfers during an E-rate audit of the district.

4. Upon review of the record, we find that Iberia Parish and South Pike violated E-rate rules by transferring equipment within three years of purchase from schools that were not closing, and we therefore deny the Requests for Review from Iberia Parish and South Pike.

5. 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, 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), the Requests for Review filed by Iberia Parish School Board, New Iberia, LA, and South Pike School District, Magnolia, MS, are DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ See 47 C.F.R. § 54.513(c) (2006); *Schools and Libraries Third Report and Order*, 18 FCC Rcd at 26924, para. 28.

⁵ See Iberia Parish Request for Review at 1.

⁶ See South Pike Request for Review. See also South Pike School District, FCC Form 471 No. 479648, Item 21 Attachments – GKR Systems Inc. d/b/a Venture Technologies (filed Feb. 18, 2005).

⁷ The equipment at issue in the Iberia Parish appeal was installed at North Lewis Elementary, on September 15, 2007 and had been moved to other schools by the time a USAC audit was conducted in 2009. See Service Certification for SLD Invoices, signed by Dianne LeBlanc (dated October 26, 2007) and School and Libraries Beneficiary Audit Report, Iberia Parish School Board, Beneficiary No. 139260 (dated Oct. 5, 2009); the equipment in the South Pike appeal was installed at South Pike High School and Magnolia Elementary School on November 15, 2006 and had been moved to the district office by the time of a USAC audit in 2008. See Service Certification for SLD Invoices, signed by John Ivey (dated March 21, 2007) and Schools and Libraries Beneficiary Audit Report, South Pike School District, Beneficiary No. 128719 (dated November 12, 2008).