

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

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Children's Internet Protection Act	)	
	)	

**ORDER**

**Adopted:** July 23, 2003

**Released:** July 24, 2003

By the Commission:

**I. INTRODUCTION**

1. In this Order, we adopt measures to ensure that our implementation of the Children's Internet Protection Act (CIPA) complies with the recent decision of the United States Supreme Court.<sup>1</sup> CIPA requires schools and libraries with "computer Internet access" to certify that they have Internet safety policies and technology protection measures, e.g., software filtering technology, to receive discounts for Internet access and internal connections under the schools and libraries universal service support mechanism (e-rate).<sup>2</sup>

2. Libraries subject to CIPA's filtering requirements that are not currently in compliance with the CIPA filtering requirements must undertake efforts in Funding Year 2003 to comply by Funding Year 2004 in order to receive e-rate funds.<sup>3</sup> Libraries must be in compliance with the

<sup>1</sup> *United States v. American Library Ass'n, Inc.*, No. 02-361, 2003 WL 21433656 (June 23, 2003).

<sup>2</sup> 47 U.S.C. § 254(h)(5)(A), (6)(A). See *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182, 8195-8197, paras. 28-31 (2001) (*CIPA Order*). Section 254(h)(6)(A)(ii) excludes from the requirements of CIPA libraries receiving only telecommunications services. 47 U.S.C. § 254(h)(6)(A)(ii). In this Order, discussion of the CIPA filtering requirements as applied to libraries, library consortium members or billed entities refers to libraries receiving e-rate funds for Internet access and internal connections.

<sup>3</sup> We find good cause to make the implementation timing modifications without notice and comment rulemaking. The actions we take in this Order are intended to bring implementation of CIPA into compliance with the judgment of the Supreme Court. Because the Court reversed the lower court decision and found section 254(h)(6) constitutional and because of the need to implement the Court's judgment quickly, we find notice and comment unnecessary and impractical. In addition, because Funding Year 2003 started July 1, 2003, quick action is necessary to inform libraries of their obligations and implement such changes.

CIPA requirements by Funding Year 2004, except to the extent such libraries are eligible for and receive a waiver of the CIPA requirements pursuant to section 254(h)(6)(E)(ii)(III).<sup>4</sup> We direct the Administrator in consultation with the Wireline Competition Bureau (Bureau) to implement the necessary procedural changes, including changes to the current CIPA-related certifications required of applicants. We take these steps to respond promptly to the Supreme Court's decision and to ensure that the schools and libraries universal service support mechanism continues to operate in accordance with federal law.

## II. BACKGROUND

### A. The Schools and Libraries Universal Service Mechanism

3. Pursuant to section 254 of the Communications Act of 1934, as amended (the Act), the Commission established the schools and libraries universal service support mechanism, known as the e-rate program.<sup>5</sup> Under that mechanism, eligible schools and libraries and consortia that include eligible schools and libraries (collectively, recipients) may receive eligible telecommunications services, Internet access, and internal connections at discounted rates.<sup>6</sup> Eligible entities must apply to receive such discounts on an annual basis, with the funding year extending from July 1 to June 30.<sup>7</sup>

4. The Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) administers the schools and libraries support mechanism under the direction of the Commission.<sup>8</sup> After an applicant for discounted services under the schools and libraries support mechanism has entered into agreements for eligible services with one or more service providers, it must file with SLD an FCC Form 471 application.<sup>9</sup> The FCC Form 471

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<sup>4</sup> See *infra* para. 14.

<sup>5</sup> 47 U.S.C. §§ 151 *et seq.*; see *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 (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 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).

<sup>6</sup> 47 C.F.R. §§ 54.502, 54.503.

<sup>7</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Fifth Order on Reconsideration and Fourth Report and Order in CC Docket No. 96-45, 13 FCC Rcd 14915 (1998).

<sup>8</sup> *Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, *Federal-State Joint Board on Universal Service*, CC Docket Nos. 97-21 and 96-45, Third Report and Order in CC Docket No. 97-21 and Fourth Order on Reconsideration in CC Docket No. 97-21 and Eighth Order on Reconsideration in CC Docket No. 96-45, 13 FCC Rcd 25058 (1998).

<sup>9</sup> See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2002) (FCC Form 471).

notifies SLD of the services that have been ordered and indicates the amount of discounts sought.<sup>10</sup> SLD then issues a funding commitment decision letter indicating the discounts, if any, to which the applicant is entitled. After the funding year begins and the discounted service commences, the approved recipient of discounted services submits to SLD an FCC Form 486, which indicates that the service has begun and specifies the service start date.<sup>11</sup> After receiving the FCC Form 486, SLD will accept invoices from the service provider and issue disbursements to the provider in cumulative amounts up to the amount of the discount awarded.<sup>12</sup>

## B. CIPA and NCIPA

5. In 2001, Congress established new conditions on the use of computers with Internet access in two separate acts, CIPA, which added sections 254(h)(5) and (h)(6), and the Neighborhood Children's Internet Protection Act (NCIPA), which added section 254(l).<sup>13</sup> Pursuant to section 254(h)(6), which governs libraries, no library may receive universal service discounts unless the authority with responsibility for administration of the library makes certain certifications, and ensures the use of such computers in accordance with the certifications.<sup>14</sup> Specifically, applicants are required to certify that they are enforcing a policy of Internet safety as defined in NCIPA, and that their policy of Internet safety also includes the use of a "technology protection measure," including filtering software, that is in accordance with requirements specified in the CIPA provisions.<sup>15</sup> Under NCIPA, libraries are required to adopt and implement an Internet safety policy that addresses: (1) access by minors to inappropriate material on the Internet; (2) the safety and security of minors when using electronic communications; (3) unauthorized access; (4) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and (5) measures designed to restrict minors' access to material harmful to minors.<sup>16</sup>

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<sup>10</sup> 47 C.F.R. § 54.504(c).

<sup>11</sup> Schools and Libraries Universal Service, Receipt of Service Confirmation Form, OMB 3060-0853 (September 2002) (FCC Form 486); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (September 2002) (Form 486 Instructions). In addition, an early filing option exists for applicants whose services begin on or before July 1 of the funding year. *See* FCC Form 486.

<sup>12</sup> *See* FCC Form 486; Form 486 Instructions.

<sup>13</sup> *See* Neighborhood Children's Internet Protection Act (NCIPA), Pub. L. 106-554 §§ 1731 *et seq.*

<sup>14</sup> Hereinafter we will refer collectively to all of the persons specified in the statute as responsible for making these certifications on behalf of participating libraries as "entities." In the case of a library, certifying entities include a "library, library board, or other authority with responsibility for administration of a library." *See, e.g.*, 47 U.S.C. § 254(h)(6)(A)(i).

<sup>15</sup> 47 U.S.C. §§ 254(h)(5), 254(h)(6). These software filters are designed to block access to Internet sites containing sexually explicit or otherwise objectionable material. *See American Library Ass'n, Inc. v. United States*, 201 F.Supp.2d 401, 428-430 (E.D.Pa.2002).

<sup>16</sup> *See* NCIPA, Pub. L. 106-554 § 1732, codified at 47 U.S.C. § 254(l).

6. To implement these new provisions, the Commission amended its rules in 2001, adding the CIPA and NCIPA requirements as section 54.520.<sup>17</sup> The *CIPA Order* also added new certifications for CIPA and NCIPA to the FCC Form 486 beginning in Funding Year 2001.<sup>18</sup> For those recipients that are in a consortium and are subject to CIPA's requirements, the Commission adopted rules requiring those consortium members to submit certifications on an FCC Form 479 to the consortium leader, referred to as the billed entity, who must retain them. The consortium leader then certifies compliance with CIPA requirements on behalf of its membership on the FCC Form 486.<sup>19</sup>

7. Subsequently, upon a challenge by the American Library Association and others, a three-judge district court held that requiring public libraries to use filtering technology violated the First Amendment of the United States Constitution.<sup>20</sup> It issued an order on May 31, 2002 holding section 254(h)(6) facially unconstitutional and permanently enjoining the Commission from withholding federal funds from any public library for failure to comply with the provision.<sup>21</sup>

8. In compliance with the district court's injunction, the Commission issued an order on June 28, 2002 suspending enforcement of those portions of section 54.520 of its rules implementing section 254(h)(6) as applicable to libraries,<sup>22</sup> pending Supreme Court action.<sup>23</sup> In addition, the Commission directed the Administrator to adopt measures to ensure that Funding Year 2001 library applicants would not be penalized for non-compliance with section

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<sup>17</sup> 47 C.F.R. § 54.520.

<sup>18</sup> See *CIPA Order*; 47 C.F.R. § 54.520.

<sup>19</sup> *CIPA Order*, 16 FCC Rcd at 8194, para. 25.

<sup>20</sup> *American Library Association Inc. v. United States*, 201 F. Supp.2d 401 (E.D. Pa. 2002). Section 1741(a) of CIPA, 114 Stat. 2763A-351, provides expedited review for constitutional challenges by a three-judge district court pursuant to 28 U.S.C. § 2284.

<sup>21</sup> *Id.* at 496.

<sup>22</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 12433 (2002) (specifically suspending enforcement of section 54.520(c)(2)(i) and (iii), (c)(3), (d), and (g)(1) of its rules as applied to libraries, 47 C.F.R. § 54.520(c)(2)(i) and (iii), (c)(3), (d), and (g)(1)) (*CIPA Suspension Order*). Specifically, the Commission suspended enforcement of section 54.520(c)(2)(i) and (iii), 54.520(c)(3) and 54.520(d) to the extent that these provisions require any library to filter or certify to such filtering under 47 U.S.C. § 254(h)(6). The Commission also suspended enforcement of section 54.520(g)(1) as it applies to all libraries. See *id.*

<sup>23</sup> *United States v. American Library Ass'n, Inc.*, No. 02-361, 2003 WL 21433656; see *American Library Ass'n, Inc. v. United States*, 201 F. Supp.2d 401; see also 47 U.S.C. § 254(h)(6). Section 1741(b) of CIPA provides for review of a decision finding any provision of CIPA unconstitutional "as a matter of right by direct appeal to the Supreme Court."

254(h)(6).<sup>24</sup>

9. On June 23, 2003, the Supreme Court issued its opinion reversing the judgment of the District Court and finding that CIPA, on its face, is constitutional. The Supreme Court found that CIPA does not induce libraries to violate the Constitution because public libraries' Internet filtering software can be disabled at the request of any adult user and, therefore, does not violate their patrons' First Amendment rights.<sup>25</sup> In upholding CIPA, the Supreme Court emphasized "the ease with which patrons may have the filtering software disabled," and that a patron who encounters a blocked site ... need only ask a librarian to unblock it (or at least in the case of adults) disable the filter."<sup>26</sup> The plurality also highlighted the government's acknowledgment at oral argument that "a patron would not 'have to explain ... why he was asking a site to be unblocked or the filtering to be disabled.'"<sup>27</sup> Pursuant to Supreme Court rules, the decision in *U.S. v. American Library Association* will become effective no earlier than July 18, 2003.<sup>28</sup>

### III. DISCUSSION

10. Consistent with the Supreme Court decision, as of the effective date of this Order,<sup>29</sup> we lift the suspension of enforcement of those sections of 54.520 of our rules which implemented the section 254(h)(6) requirement that libraries have Internet filtering technology to receive discounts for Internet access and internal connections under e-rate. Specifically, we lift the suspension of enforcement of sections 54.520(c)(2)(i) and (iii), 54.520(c)(3), 54.520(d), and 54.520(g)(1) of our rules as applied to libraries. In addition, we modify section 54.520(f) and (g) to conform with the revised timeline for the implementation of section 254(h)(6) of the Act, as

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<sup>24</sup> See *CIPA Suspension Order*, 17 FCC Rcd at 12447-8, paras. 14-18.

<sup>25</sup> *United States v. American Library Ass'n*, 2003 WL 21433656 at \*8. See also *id.* at \*11 (Kennedy, J., concurring), at \*14 (Breyer, J., concurring).

<sup>26</sup> *United States v. American Library Ass'n*, 2003 WL 21433656 at \*8 (plurality opinion). See also *id.* at \*11 (Kennedy, J., concurring), at \*14 (Breyer, J., concurring). *United States v. American Library Ass'n*, 2003 WL 21433656 at \*8 (plurality opinion). See also *id.* at \*12 (Breyer, J., concurring) ("As the plurality points out, the Act allows libraries to permit any adult patron access to an 'overblocked' Web site; the adult patron need only ask a librarian to unblock the specific Web site or, alternatively, ask the librarian, 'Please disable the entire filter.'"); *id.* at \*10 (Kennedy, J., concurring) (underscoring the government's representation that "on the request of an adult user, a librarian will unblock filtered material or disable the Internet software filter without significant delay").

<sup>27</sup> *Id.* at \*8 (quoting Tr. Of Oral Arg. 4).

<sup>28</sup> Under the Supreme Court's rules, its decisions do not become effective until the Court sends a certified copy of the judgment to the lower court. The Court does not send the certified copy until at least 25 days after the entry of judgment. Sup. Ct. R. 45.

<sup>29</sup> This Order and the accompanying rules shall be effective upon the later of publication in the Federal Register, approval of the revised FCC Forms 486 and 479, or the effective date of the Supreme Court decision. We direct the Bureau to release a Public Notice announcing the effective date of this Order, when it is known.

described herein.

11. Consistent with the implementation framework established by Congress, libraries receiving e-rate discounts for Internet access or internal connections shall have one year from July 1, 2003, which is the start of Funding Year 2003, to come into compliance with the filtering requirements of CIPA. When Congress enacted CIPA in 2001, it recognized that it may take libraries a significant amount of time to procure and install the Internet filtering technology required to comply with CIPA. Accordingly, CIPA allows libraries either to certify (1) that they are in compliance with CIPA or (2) that they are “undertaking such actions, including any necessary procurement procedures, to put in place” the required policy measures to comply with CIPA for the next funding year.<sup>30</sup> Given that the Supreme Court decision was issued on June 23, 2003 and will be effective no sooner than July 18, 2003, we believe that it is unrealistic to expect all libraries to be in a position to certify compliance with CIPA for Funding Year 2003, which began July 1, 2003.<sup>31</sup> In order to comply with the statute’s Internet filtering requirement, many libraries must prepare a budget for the purchase of software and related costs, design, procure and/or order software appropriate for their systems, install the software and implement a procedure for unblocking the filter upon request by an adult. This process, as Congress recognized, would almost certainly take some time to complete.<sup>32</sup> Therefore, we conclude that allowing libraries this time period to comply with CIPA filtering requirements is consistent with Congress’s intent in enacting CIPA and with the public interest.

12. During Funding Year 2003, all libraries that receive discounts for Internet access or internal connections must certify that they are either compliant with CIPA or undertaking efforts to be in compliance by the time the libraries commence services for Funding Year 2004. Libraries that are not in compliance with CIPA for Funding Year 2003 and will not be undertaking efforts during Funding Year 2003 to comply with CIPA by Funding Year 2004 may not receive e-rate funds for Internet access or internal connections for Funding Year 2003.<sup>33</sup>

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<sup>30</sup> 47 U.S.C. § 254(h)(6)(E)(ii)(II)(aa). CIPA provides that a library that does not have in place the policy of Internet safety and technology protection measures required by section 254(h) and intends to receive support for Internet access and internal connections shall certify “for the first program year after the effective date of this subsection in which it is applying for funds” that it is “undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary . . . .” 47 U.S.C. § 254(h)(6)(E)(ii)(II). (“[F]or the second program year after the effective date of this subsection in which it is applying for funds under this subsection, [the entity] shall certify that it is in compliance with [the relevant provisions].”).

<sup>31</sup> Some libraries may have voluntarily installed filtering software consistent with CIPA requirements prior to July 1, 2003. Such libraries would be able to certify that they are in compliance with CIPA for Funding Year 2003.

<sup>32</sup> See 47 U.S.C. § 254(h)(6)(E)(ii)(II).

<sup>33</sup> We do not, however, require such libraries and library consortium members to return e-rate funds received for Internet access or internal connections during the part of Funding Year 2003 prior to the effective date of this Order. Libraries, including library consortium members that are not in compliance with CIPA for Funding Year 2003 and will not be undertaking efforts during Funding Year 2003 to comply with CIPA by Funding Year 2004 may receive e-rate funds for Internet access or internal connections on a pro rata basis for the portion of Funding Year 2003 during which this Order is not effective, *i.e.*, from July 1, 2003 until the effective date of this Order.

Such libraries may receive e-rate funds only for telecommunications services.<sup>34</sup> All libraries that have not filed an FCC Form 486 prior to the effective date of this Order<sup>35</sup> must file the revised FCC Form 486.<sup>36</sup> All libraries that filed the September 2002 version of the FCC Form 486 prior to the effective date of this Order and will receive discounts for Internet access or internal connections for Funding Year 2003 must also refile using the revised FCC Form 486.<sup>37</sup> The deadline for submitting all revised FCC Form 486s remains the same for all libraries – the later of 120 days after the Service Start Date or 120 days after the date of the Funding Commitment Decision Letter.<sup>38</sup> Libraries that filed the September 2002 version of the FCC Form 486 for Funding Year 2003 prior to the effective date of this Order and that receive e-rate funds only for telecommunications services are not required to file a revised FCC Form 486. The filing of a revised FCC Form 486 for such libraries is unnecessary because they do not need to certify compliance with the CIPA filtering requirements.

13. These filing requirements also apply to library consortium leaders.<sup>39</sup> Billed entities that are library consortium leaders should abide by the above instructions for filing the FCC Form 486. Billed entities that previously filed the September 2002 version of FCC Form 486 on behalf of library consortium members must file the revised FCC Form 486, unless all members of the consortium receive e-rate funds only for telecommunications services.<sup>40</sup> In addition, all library consortium members must file with their billed entity, and all billed entities must collect and hold from each consortium member the revised FCC Form 479.<sup>41</sup> All library consortium members that filed an FCC Form 479 prior to the effective date of this Order must file a revised FCC Form 479 with their billed entity within 45 days after the effective date of this Order. In order for such library consortium members to receive e-rate funds for Internet access and internal connections for Funding Year 2003, they must be in compliance with CIPA or undertaking

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<sup>34</sup> 47 U.S.C. § 254(h)(6)(A)(ii). *See CIPA Order*, 16 FCC Rcd. at 8195-6, para. 28.

<sup>35</sup> For purposes of this requirement, an FCC Form shall be deemed “filed” as of the postmark date for mailed forms.

<sup>36</sup> Appendix A contains a draft version of the proposed revised FCC Form 486, which will be submitted to the Office of Management and Budget (OMB) upon release of this Order. We will be seeking emergency approval of revised FCC Forms 486 and 479 from OMB. *See infra* note 41.

<sup>37</sup> Entities receiving e-rate funds for Internet access may file their FCC Form 486 upon receipt of their Funding Commitment Decision Letter, which may occur prior to the start of the funding year, so some libraries have already filed the FCC Form 486 for Funding Year 2003. *See Form 486 Instructions*.

<sup>38</sup> *See Form 486 Instructions*.

<sup>39</sup> Libraries that are members of a library consortium and would not be required to file FCC Form 486 are not required to file the revised FCC Form 486. Such libraries should refer to filing procedures for the revised FCC Form 479.

<sup>40</sup> *See supra* para. 12.

<sup>41</sup> Appendix B contains a draft version of the proposed revised FCC Form 479, which will be submitted to the OMB upon release of this Order. *See supra* note 36.

efforts to be in compliance with CIPA at the time the revised FCC Form 479 is filed. Library consortium members that did not file FCC Form 479 prior to the effective date of this Order should work with their billed entity to determine when to submit the revised FCC Form 479.<sup>42</sup> In addition, billed entities whose consortia include both libraries that are in compliance with CIPA for Funding Year 2003 or undertaking efforts to comply for Funding Year 2004 and libraries that do not intend to comply with CIPA must file FCC Form 500 to adjust their funding commitments as applicable within 30 days after filing the revised FCC Form 486.<sup>43</sup> This FCC Form 500 filing requirement is necessary only for Funding Year 2003 because of the timing of the Supreme Court decision.

14. CIPA also provides for a waiver of the certification requirements in the second year after the effective date of CIPA if state or local procurement rules or regulations or competitive bidding requirements prevent compliance.<sup>44</sup> Accordingly, consistent with this provision of CIPA, a library or billed entity that applies for discounts in Funding Year 2003 may submit a waiver request for Funding Year 2004 if state or local procurement rules or regulations or competitive bidding requirements prevent compliance by the start of Funding Year 2004. The revised FCC Forms 486 and 479 attached to this Order have been revised to reflect this option.

#### IV. ORDERING CLAUSES

15. Accordingly, IT IS ORDERED that, pursuant to the authority of sections 1-5 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-155, and 254, and the Children's Internet Protection Act, Pub. L. 106-554 §§ 1701 *et seq.* as codified at 47 U.S.C. § 254(h) and (l), this Order is ADOPTED. The modifications to a collection of information contained within this Order are contingent upon approval by the Office of Management and Budget.

16. IT IS FURTHER ORDERED that the suspension of enforcement implemented in the *Interim Order* of sections 54.520(c)(2)(i) and (iii), 54.520(c)(3), 54.520(d), and 54.520(g)(1) of the Commission's rules, 47 C.F.R. § 54.520, as they apply to all libraries and to the extent that they require any library to filter or certify to such filtering under 47 U.S.C. § 254(h)(6), is LIFTED as of the effective date of this Order, consistent with the terms of this Order.

17. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4, 201-205, 218-220, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201-205, 318-220, 254, 303(r), 403, section 553 of the Administrative Procedure Act, 5 U.S.C. § 553, and the Children's Internet Protection Act, Pub. L. 106-554 §§

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<sup>42</sup> See Form 479 Instructions.

<sup>43</sup> See Universal Service for Schools and Libraries, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form, OMB 3060-0853 (April 2000)(FCC Form 500); Instructions for Completing the Schools and Libraries Universal Service, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form (FCC Form 500), OMB 3060-0853 (April 2000) (Form 500 Instructions).

<sup>44</sup> 47 U.S.C. § 254(6)(E)(ii)(III).

1701 *et seq.* as codified at 47 U.S.C. § 254(h), the amendments to section 54.520 (f) and (g) of the Commission's rules, 47 C.F.R. § 54.520(f) and (g) are ADOPTED, as set forth in Appendix C attached hereto.

18. IT IS FURTHER ORDERED that AUTHORITY IS DELEGATED to the CHIEF OF THE WIRELINE COMPETITION BUREAU pursuant to section 5(c) of the Communications Act of 1934, 47 U.S.C. § 155(c), to modify any forms that are necessary to implement the decisions adopted in this Order.

19. IT IS FURTHER ORDERED that THIS ORDER AND THE ACCOMPANYING RULES ARE EFFECTIVE UPON THE LATER OF PUBLICATION IN THE FEDERAL REGISTER, APPROVAL OF THE REVISED FCC FORMS 486 and 479, or THE EFFECTIVE DATE OF THE SUPREME COURT DECISION. Good cause exists to make this effective immediately upon the later of publication in the Federal Register, OMB approval of the revised FCC Forms 486 and 479, or the effective date of the Supreme Court decision. The actions we take in this Order are intended to bring implementation of the CIPA into compliance with the judgment of the Supreme Court, which is best accomplished by requiring the effective date to occur when all of these events have taken place.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

**APPENDIX A**

**Draft FCC Form 486 and Instructions**

FCC Form 486

Do Not Write In This Area

Approval by OMB 3060-0853

Schools and Libraries Universal Service Receipt of Service Confirmation Form

FCC Form 486: To be completed by the Billed Entity Please read instructions before completing.

Estimated Average Burden Hours For First Submission: 15.0 hours For Subsequent Submissions: 1.5 hours

Applicant's Form Identifier (Create your own code to identify THIS Form 486.) Form 486 Application # (To be inserted by Fund Administrator)

Block 1: Billed Entity Information

1. Name of Billed Entity 2. Billed Entity Number 3. Funding Year 4. Complete Mailing Address of Billed Entity (Street Address, P.O. Box or Route Number, City, State, Zip Code, Telephone Number, Extension, Fax Number, Email Address)

DRAFT





Entity Number _____	Applicant's Form Identifier _____
Contact Person _____	Phone Number _____

**Block 2: Early Filing Information and CIPA Waiver Requests**

**6a. Early Filing**  
CHECK THE BOX BELOW IF THE FRNS ON THIS FORM 486 ARE FOR SERVICES STARTING *ON OR BEFORE* JULY 31 OF THE FUNDING YEAR.

The Funding Requests listed in Block 3 have been approved by SLD as shown in my Funding Commitment Decision Letter (FCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.

**Remember: Early filing is required for all relevant certifications in Block 4 to be made within the month of July of the relevant Funding Year, all relevant certifications in Block 4 can be accurately made, and the Form 486 is postmarked on or before the end of the month.**

**6b. CIPA Waiver**  
CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR THE SECOND FUNDING YEAR AFTER APRIL 20, 2001 IN WHICH YOU HAVE APPLIED FOR DISCOUNTS IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY.

I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year after April 20, 2001 in which they apply for discounts.

**6c. CIPA Waiver for Libraries for Funding Year 2004**  
CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR FUNDING YEAR 2004 IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY FOR THE LIBRARY(IES) REPRESENTED ON THIS FORM 486.

I am providing notification that, as of the date of the start of discounted services in Funding Year 2004, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the libraries represented in the Funding Request Number(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of the Funding Year 2005.



Entity Number _____	Applicant's Form Identifier _____
Contact Person _____	Phone Number _____

**Block 3: Service Information**

7. Please provide the following information for each Form 471 Block 5 (Discount Funding Request) item for which the Billed Entity is indicating that the named service provider may begin submitting invoices to SLD. You will need your FCDL for some of the information required below.  
 Remember: The FRNs listed below must be from the same Funding Year as is listed in Block 1, Item 3.  
 If you need additional pages, please label them 4A, 4B, 4C, etc. and indicate the number in the space provided here: Page 4

	(A) 471 Application Number From FCDL	(B) Funding Request Number (FRN) From FCDL	(C) Billing Account Number (if contained on your FCDL)	(D) Service Provider Name From FCDL	(E) Service Provider Identification Number (SPIN) From FCDL	(F) Funding Year Service Start Date* (Earliest Date that Discounts Will Begin) (*Cannot be before July 1 of the Funding Year for which you are requesting discounts.)
1						M M D D Y Y Y Y
2						M M D D Y Y Y Y
3						M M D D Y Y Y Y
4						M M D D Y Y Y Y
5						M M D D Y Y Y Y
6						M M D D Y Y Y Y
7						M M D D Y Y Y Y
8						M M D D Y Y Y Y



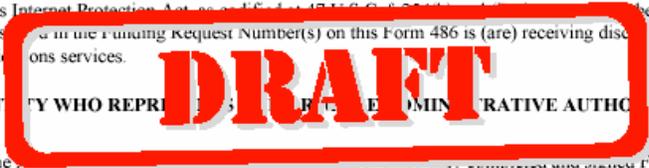


Entity Number _____	Applicant's Form Identifier _____
Contact Person _____	Phone Number _____

**11. FOR A BILLED ENTITY WHO IS THE ADMINISTRATIVE AUTHORITY:**

I certify that as of the date of the start of discounted services:

- a.  the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).
- b.  pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
- c.  the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) receiving discounted services only for telecommunications services.



**FOR A BILLED ENTITY WHO REPRESENTS ONE OR MORE ADMINISTRATIVE AUTHORITIES<sup>1</sup>:**

- d.  I certify as the Administrative Authority that all eligible members of the consortium have completed and signed Forms 479 from all eligible members of the consortium.
- e.  I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), do not apply.

**For Funding Years after Funding Year 2001: If you checked Item 11d above, check ONE of the boxes below:**

- f.  I certify that some or all of the eligible consortium members checked Form 479 Item 6d or Item 6e to seek a CIPA Waiver, and upon request from the Administrator I can provide this information; OR
- g.  I certify that no eligible consortium members checked Form 479 Item 6d or Item 6e to seek a CIPA Waiver.

The certification language above is not intended to fully set forth or explain all the requirements of the statute.

<sup>1</sup> See the Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities."



FCC Form 486

Do Not Write In This Area

Approval by OMB 3060-0853

Entity Number _____	Applicant's Form Identifier _____
Contact Person _____	Phone Number _____

I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

12. Signature of authorized person _____	13. Date MMDDYYYY
14. Printed name of authorized person _____	
15. Title or position of authorized person _____	
16a. Street Address, P.O. Box, or Route Number _____	
City _____	
State _____	Zip Code _____
16b. Telephone number of authorized person _____	Extension _____
16c. Fax number of authorized person _____	
16d. Email address of authorized person _____	

**DRAFT**

Please submit this form to:  
SLD-Form 486  
P. O. Box 7026  
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, send this form to:  
SLD-Form 486  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, Kansas 66046  
888-203-8100



FCC Form 486

Approval by OMB  
3060-0853

**Universal Service for Schools and Libraries  
Receipt of Service Confirmation Form**

Estimated Average Burden Hours For First Submission: 15.0 hours  
For Subsequent Submissions: 1.5 hours

**Instructions for Completing the  
Schools and Libraries Universal Service  
Receipt of Service Confirmation Form (FCC Form 486)**

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**NOTICE**

NOTICE: This form is required to inform the Fund Administrator, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company, that the eligible entity participating in the universal service support mechanism is receiving or is planning to receive services. The collection of information stems from the Federal Communication Commission's (FCC) authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of an FCC statute, regulation, rule or order, your application may be referred to the federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when: (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party in a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you do not provide the information we request on the form, the Fund Administrator may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. §§ 3501, *et seq.*

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Public reporting burden for this collection of information is estimated to average 15 hours for the first submission and 1.5 hours for subsequent submissions, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

## I. PURPOSE OF FORM

The FCC Form 486 Receipt of Service Confirmation Form is used by the Billed Entity who filed an FCC Form 471 on behalf of an eligible school, school district, library (outlet/branch, system), or a consortium of those entities. The Form 486 informs the SLD when the Billed Entity and/or the eligible entities that it represents is receiving, is scheduled to receive, or has received service in the relevant Funding Year from the named service provider(s). Receipt by the SLD of a properly completed Form 486 triggers the process for the SLD to receive invoices.

The Form 486 must be filed to accomplish the following:

- To authorize the payment of invoices from your service provider(s)
- To indicate approval of technology plans (as required)
- To indicate (starting in Funding Year 2001, which begins July 1, 2001) the state of compliance with the Children's Internet Protection Act (CIPA)(Pub. L. 106-554).

To cancel or reduce a Funding Request or to change the Contract Expiration Date reported on the Form 471, please file an FCC Form 500, *Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form*. Please refer to the Form 500 instructions for more information.

Throughout these Instructions, the Billed Entity will be referred to as "Applicant" or "Billed Entity" or "you." A Billed Entity may be a school, school district, library (outlet/branch, system), or a consortium of those entities. A Billed Entity may also be a city, a state, or an entity created solely to participate in this universal service discount mechanism that actually pays the bills for the service to the service provider. The Billed Entity itself may or may not be eligible for discounts. The same Billed Entity that filed the Form 471 application should be identified as the Billed Entity for the Form 486. Please note that consortium leaders generally have a special requirement for Funding Year 2001 and later (see the instructions for Item 11).

The Billed Entity must submit the relevant information on a Form 486 for each Discount Funding Request approved by the SLD. Each Discount Funding Request (Form 471, Block 5) and its associated Funding Request Number (FRN), contains information about one service for which you have requested discounts. You may have submitted multiple Block 5 requests. The FRN(s) cited on this Form 486 must be based on the FRN(s) cited in the Funding Commitment Decision Letter(s) issued by the SLD.

Universal service support will not be paid to a service provider on an approved funding commitment prior to the SLD's receipt of the Form 486. A service provider is not obliged to begin providing discounts to a Billed Entity UNTIL the Billed Entity files a properly completed Form 486 that is accepted and processed by the SLD. The SLD will send a written notification to a service provider to acknowledge receipt of a Form 486 for each FRN for which the Service Provider Identification Number (SPIN) is listed. The service provider may invoice the SLD for discounts provided pursuant to an approved FRN after receiving the written notification letter of receipt of Form 486 for the particular FRN and after the start of the Funding Year.

The Billed Entity may elect EITHER to receive discounts on bills, or to pay bills in full and receive retroactive reimbursement through an FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form. The Billed Entity must choose only ONE method of discounts for the relevant Funding Year. The Billed Entity should contact the service provider to verify which form of discount is available and works best.

## II. IMPACT OF CIPA REQUIREMENTS ON FORM 486

The Children's Internet Protection Act (CIPA) was signed into law on December 21, 2000. In order to receive discounts for Internet Access and Internal Connections services under the universal service support mechanism, school and library authorities must certify that they are enforcing a policy of Internet safety. The Internet safety policies must include measures to block or filter Internet access for both minors and adults to certain visual depictions.

Beginning with Funding Year 2001 (the Funding Year beginning July 1, 2001) schools and libraries applying for Internet Access or Internal Connections must certify on a Form 486 that they are in compliance with the requirements of CIPA or that they are undertaking such actions to comply with the requirements of CIPA prior to the start of the following funding year. Although CIPA requirements do not apply to Telecommunications Services, Billed Entities applying only for Telecommunications Services must, in general, still certify on a Form 486 that CIPA requirements do not apply. (For more information, see the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).)

**Administrative Authority.** The Administrative Authority for a school or library is the entity that must make the relevant certification for purposes of CIPA. For a school, the Administrative Authority may be the school, school district, school board, local educational agency, or other authority with responsibility for administration of the school. For a library, the Administrative Authority may be the library, library board, or other authority with responsibility for administration of the library.

If the Administrative Authority is also the Billed Entity, the Administrative Authority certifies on the Form 486. If the Administrative Authority is not the Billed Entity, the Administrative Authority must complete FCC Form 479, *Certification of Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act*, and submit the Form 479 to the Billed Entity. The Billed Entity then certifies on Form 486 that it has collected duly completed and signed Form(s) 479. The Billed Entity does not need to collect Forms 479 when the Billed Entity applies only for Telecommunications Services.

**Applying for funds.** For the purpose of CIPA requirements, a school or library that is a recipient of service is considered to have applied for funds in a Funding Year only when a Receipt of Service Confirmation Form 486 for a Funding Request for Internet Access or Internal Connections has been successfully data entered.

**Determination of Your First Funding Year for Purposes of CIPA.** The first Funding Year after Funding Year 2000 (the Funding Year beginning July 1, 2000) in which a school or library applies for funds (i.e. in which a Form 486 is successfully data entered for Internet Access or Internal Connections) is the **First Funding Year** for purposes of CIPA. Once your First Funding Year is established, the next two funding years will be your second and third funding years for purposes of CIPA. (See "Applying for Funds" above.) In the first Funding Year, the applicant must be in compliance with CIPA or undertaking actions to comply with CIPA, in order to receive discounts for Internet Access or Internal Connections services.

Once the First Funding Year is established, the Funding Year immediately following the First Funding Year becomes the **Second Funding Year** for purposes of CIPA. If the school or library applies for funds for Internet Access or Internal Connections in the Second Funding Year, it must certify that it is in compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. A school or library so prevented may request a waiver for the Second Funding Year. (See the instructions for Item 6b.)

The **Third Funding Year** for purposes of CIPA is the Funding Year immediately following the Second Funding Year. If the school or library applies for funds for Internet Access or Internal Connections in the Third Funding Year, it must be in compliance with CIPA.

You must be in compliance with CIPA for any Funding Year thereafter.

The following situations WOULD constitute the Administrative Authority's First Funding Year:

- The Billed Entity submits a Form 486 for Internet Access or Internal Connections, the Form 486 is successfully data entered, but the Billed Entity cancels all of its Funding Requests on a Form 500.
- The Billed Entity submits a Form 486 for Internet Access or Internal Connections, the Form 486 is successfully data entered, but the Service Provider does not receive a corresponding disbursement.

The following situations WOULD NOT constitute the Administrative Authority's First Funding Year:

- The Billed Entity receives a Funding Commitment for Internet Access or Internal Connections, but takes no further action.
- The Billed Entity receives a Funding Commitment for Internet Access or Internal Connections, submits Form 486, but the Form 486 is not successfully data entered.
- The Billed Entity applies only for Telecommunications Services.

### III. FILING REQUIREMENTS AND GENERAL INSTRUCTIONS

#### *Who Must File the Form 486?*

The Billed Entity representing a school, school district, library (outlet/branch, system), or a consortium of those entities who completed and submitted the FCC Form 471, *Services Ordered and Certification Form*, to which this Form 486 relates, must file the Form 486 with the SLD. Your Funding Commitment Decision Letter from the SLD cites your Entity Number, which you must also record in Block 1, Item 2 of this form. If you received multiple Funding Commitment Decision Letters setting forth discount approvals for the same Entity Number, in general you may choose to complete one Form 486 encompassing all of them (see "How Many Forms 486 to File?" below).

#### *How Many Forms 486 to File?*

When deciding whether to file a single Form 486 for multiple FRNs or multiple Forms 486 for separate FRNs, the Billed Entity should consider the following points. Note that only one Funding Year can be featured on a Form 486:

1. Early filing. It is possible that you will have one or more early Forms 486 and one or more later Forms 486. See the Block 2 instructions below for more information on early filing.
2. Timing of start dates. Is the Service Start Date the same or varied among the multiple FRNs? If multiple FRNs have the same or similar start dates for service, then you may file one Form 486 for all of the FRNs whose Service Start Date has occurred, or, in the case of early filing, is scheduled to occur. See "When to File?" below for more information on the relationship of Service Start Dates to Form 486 filing deadlines.
3. Availability of information. If any of the information required for a particular FRN is missing, the Billed Entity should submit a separate Form 486 for the particular FRN in question. In order for your Form 486 to be accepted for processing, all components of information are required to be completed. If required information is missing or an invalid entry is made, your Form 486 may be rejected and returned to you without being accepted and processed. (See "Minimum Processing Standards" below.)

4. You must complete a separate Form 486 in the following situations:
- if you receive Funding Commitment Decision Letters featuring more than one Entity Number. (Only one Entity Number may be featured on a Form 486.)
  - for Funding Year 2001 and later, if the Item 11a certification applies to certain FRNs and the Item 11b certification applies to other FRNs. (However, if you file a Form 486 for FRNs for which either Item 11a or Item 11b applies, you may include FRNs for Telecommunications Services on that Form 486.)
  - for Funding Year 2002 and later, if you file a waiver of CIPA requirements for a portion of your funded FRNs (see waiver information under Item 6 below).

### ***When to File?***

You may file a Form 486 no earlier than the receipt of a Funding Commitment Decision Letter (FCDL) from the SLD.

In general, the Form 486 MUST be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of your FCDL, whichever is later, in order to receive discounts retroactively to the Service Start Date.

If the Form 486 is postmarked later than the above deadline, the date 120 days before the Form 486 postmark date will become the start date for discounted services on those Funding Requests featured on the Form 486. SLD will not provide discounts for the services rendered prior to the new start date and will reduce the funding commitment for the relevant FRN as appropriate.

Guidance on when to file in certain specific situations is provided below:

**1. EARLY FILING: For those Funding Requests for services where the date of the FCDL and the Service Start Date featured on the Form 486 are both before July 31 of the Funding Year, the Billed Entity has the option to file Form 486 early — that is, in advance of services starting — if certain conditions are met. If the Form 486 is filed in this manner, it MUST be postmarked on or before July 31 of the Funding Year.**

You may be eligible to file the Form 486 on or before July 31 of the Funding Year if:

- You have received your FCDL.
- You have confirmed with the named service provider that the services you ordered will start on the Service Start Date, which must be in July of the Funding Year.
- You are able to accurately make all of the relevant certifications in Block 4 in advance of the date of the start of discounted services.

This option is at the discretion of the Billed Entity; it has the merit of facilitating the provision of discounts on bills as soon as possible and means that SLD is authorized to begin payments on invoices submitted by your service provider for services delivered and installed on or after the Service Start Date.

The Billed Entity must complete Form 486, including the certification(s) in Item 11, and postmark the Form 486 on or before July 31 of the Funding Year. Early filers must also check Item 6a.

## 2. Funding Year 2001 Funding Requests for services starting on or before October 28, 2001

If the Service Start Date featured on your Form 486 is on or before October 28, 2001 and the date of your FCDL is AFTER October 28, 2001, the Form 486 MUST be postmarked no later than 120 days after the date of your FCDL in order to receive discounts retroactively to the Service Start Date.

If the Form 486 is postmarked later than the appropriate deadline above, the Form 486 postmark date will become the start date for discounted services on those Funding Requests featured on the Form 486. SLD will not provide discounts for the services rendered prior to the new start date and will reduce the funding commitment for the relevant FRN as appropriate.

## 3. Funding Years beginning with Funding Year 2001

If a Billed Entity has Funding Requests featuring Service Start Dates occurring at different times during the Funding Year, the Billed Entity may decide to file multiple Forms 486 to ensure that discounts are paid back to the Service Start Dates.

## 4. Use of Form 500 to Adjust Service Start Date

Billed Entities, under certain conditions, can adjust the Service Start Date previously reported on a Form 486 by filing an FCC Form 500, *Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form*.

Beginning with Funding Year 2001, due to the CIPA law, a Form 500 cannot be used to move the Service Start Date earlier in time from the adjusted Service Start Date featured on the Form 486 Notification Letter. Please refer to the Form 500 instructions for more information.

## 5. Libraries in Funding Years 2003 and 2004.

- **For Funding Year 2003**, libraries must be in compliance with CIPA or undertaking actions to comply with CIPA in order to receive discounts for Internet Access or Internal Connections.
- If a library that applied for funds for Internet Access or Internal Connections in Funding Year 2003 applies for funds for Internet Access or Internal Connections **in Funding Year 2004**, it must certify that it is in compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. A library so prevented may request a waiver for Funding Year 2004. (See "Applying for funds" above and the instructions for Item 6c below.)
- If a library has applied for funds for Internet Access or Internal Connections in both Funding Year 2003 and Funding Year 2004, it must be in compliance with CIPA in Funding Year 2005 and any Funding Year thereafter. (See "Applying for funds" above.)

- Libraries that apply for funds for Internet Access or Internal Connections for the first time in Funding Year 2004 or any subsequent year should follow the procedures in the “Determination of Your First Funding Year for Purposes of CIPA” above.

### ***Where to File?***

You may complete and submit the Form 486 by filing the form online on the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). If you are filing the Form 486 online, you must also complete and submit to the SLD the Block 4 Certification with the signature of the authorized person (whether online or on paper). If you have a User ID and a PIN, you are encouraged to submit your Form 486 certifications online. Check the SLD web site for information about obtaining a User ID and a PIN.

Please submit this form to: **SLD-Form 486**  
**P.O. Box 7026**  
**Lawrence, KS 66044-7026.**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD-Form 486**  
**c/o Ms. Smith**  
**3833 Greenway Drive**  
**Lawrence, KS 66046.**

Note: DO **NOT** FILE THIS OR ANY OTHER UNIVERSAL SERVICE FORM WITH THE FEDERAL COMMUNICATIONS COMMISSION.

### ***Compliance.***

Anyone filing false information is subject to penalties for false statements, including fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.

All of the information required in the Form 486 must be completed, in order for this Form to be accepted by the SLD for processing. A valid entry must be submitted on the Form 486 for each component of information required. These Instructions set forth the requirements for a valid entry. If you have any questions about completing this Form, please visit the SLD web site. If the Form is not properly completed, the Form may be rejected and returned to you.

### ***Where to Get More Information?***

Information and detailed guidance is available on the Schools and Libraries Division's web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). Information is also available by contacting the SLD Client Service Bureau by e-mail at [question@universalservice.org](mailto:question@universalservice.org), by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

#### IV. MINIMUM PROCESSING STANDARDS

You are encouraged to file and certify – if you have a User ID and PIN – your Form 486 online at [www.sl.universalservice.org](http://www.sl.universalservice.org). The online system is designed to help you file successfully, and using the online system will ensure that your Form 486 meets Minimum Processing Standards and is data entered into our system correctly.

When a paper Form 486 is received by the SLD, the form is first reviewed to make sure it complies with the following requirements before data entry begins. These minimum processing requirements are necessary in order to ensure the timely and efficient processing of properly completed applications. If a Form 486 fails to meet these requirements, the Form 486 will be rejected. The SLD may be prevented from returning the rejected Form 486 to the sender if the form lacks essential identifying information. If an applicant receives a returned Form 486, it is important that the corrected form be resubmitted quickly. Once the corrected form is successfully data entered, the postmark date of that corrected form will be the postmark date for purposes of the deadline. (See “*When to File?*” above for filing deadline requirements.)

##### **Manual Filers:**

**Correct Form:** Each Form 486 must be:

- a. the correct, OMB-approved FCC Form 486, with a date of July 2003 or later in the lower right-hand corner;
- b. submitted by regular mail, express delivery, or U.S. Postal Service Return Receipt Requested, or hand delivery. Forms may not be submitted by fax or e-mail. You are encouraged to keep proof of the date of mailing.

**Complete Submission:** All pages of the form must be submitted.

**Billed Entity Information:** In Block 1, each of the following items must be properly completed:

- a. Item 1 Billed Entity Name or Item 2 Billed Entity Number;
- b. Item 3 Funding Year – only one Funding Year may be featured on a Form 486;
- c. Item 5 Contact Person Name.

**Service Information:** Each row of the Block 3 Service Information must, at a minimum, include:

- a. Column (B) – Funding Request Number;
- b. Column (F) – Funding Year Service Start Date

in order to be data entered as part of the Form 486. If this information is missing, the row will not be data entered and the applicant will be notified. If all rows of the Block 3 Service Information fail to meet these requirements, the form will be rejected.

**CIPA Certification:** For Funding Year 2001 and later Funding Years, Billed Entities must check at least one of the boxes labeled a through e in Item 11.

**Valid Certification:** In Block 4, Item 12 Signature of authorized person must be completed. If Item 12 is left blank, the Form 486 will be rejected.

**Online Filers:**

When Blocks 1-3 of a Form 486 are submitted online, the applicant must also (1) submit the completed Block 4 certification online with a User ID and a PIN or (2) submit the completed and signed Block 4 paper certification by mail, express delivery or U.S. Postal Service Return Receipt Requested.

- You are encouraged to certify your Form 486 online with a User ID and a PIN. The online system is designed to help you file successfully, and using the online system will ensure that your Form 486 certification meets Minimum Processing Standards and is data entered into our system correctly.
- If the Block 4 certification is submitted on paper, you are encouraged to keep proof of the date of mailing. The Block 4 certification is reviewed to make sure it complies with the requirements listed in the "Valid Certification" section above. Reviewers also look for the Form 486 Application Number before the Certifications and Signature page is accepted and the Form 486 reaches "certified" status. The Block 4 certification document must contain the information necessary to match your paper certification with the Blocks 1-3 of the form that were filed online.

**V. SPECIFIC INSTRUCTIONS**

Type or clearly print in the spaces provided. Attach additional pages if necessary.

Only one Funding Year can be featured on a Form 486.

**Applicant's Form Identifier:** Use this space to assign a number or letter of your own devising to facilitate communication with us about THIS particular Form 486. This Applicant's Form Identifier can be very simple; for example, if you are filing three Forms 486, you might label them "A," "B," and "C." The Applicant's Form Identifier can also be descriptive, such as "Internet." Choose identifiers that suit your own record keeping needs.

**A. Block 1: Billed Entity Information**

Block 1 of Form 486 asks you for your address and basic identification information. "You" refers to the Billed Entity – a school, school district, library (outlet/branch, system), or a consortium of those entities. A Billed Entity may also be a city, a state, or an entity created solely to participate in this universal service discount mechanism, that actually pay the bills for the service to the service provider. The Billed Entity itself may or may not be eligible for discounts.

**Item 1** –Provide the name of the Billed Entity as indicated on the corresponding FCDL.

**Item 2** –Provide the Billed Entity Number as it appears on your FCDL for the corresponding Form 471. Please be sure to obtain this information from your FCDL, as the information may have been reported differently in your Form 471 application.

**Item 3** –Provide the Funding Year for which your funds were approved, e.g., "07/01/2001 – 06/30/2002." The Funding Year you supply here must be the same as the Funding Year contained in your FCDL for the

corresponding Form 471. Each subsequent Funding Year begins on July 1 of that year. Cite only one Funding Year in this item.

**Item 4** - Provide the Billed Entity's full mailing address, whether a street address, Post Office Box number, or route number. You are strongly encouraged to provide a street address rather than a Post Office Box if possible. In addition, please provide your telephone number with area code and extension, fax number, and e-mail address.

**Item 5** - Provide the name of the person who should be contacted with questions about this form. The Contact Person must be able to answer questions in a timely manner regarding the information included in this form. Provide the mailing address for the Contact Person, telephone number with area code, fax number and e-mail address if different from the address information in Item 4, and check the preferred mode of contact. Wherever possible, the SLD will use this mode to contact you.

**B. Block 2: Early Filing Information and CIPA Waiver Requests**

**Item 6a** - To file Form 486 before services start, this item MUST be checked and the Form 486 must be postmarked on or before July 31 of the Funding Year. In order to file Form 486 before services start, you must have confirmed with the named service provider that the services you ordered will start on the Service Start Date. You also must be able to accurately make all relevant certifications in Block 4. If you are submitting Form 486 after services have started, do not check this box.

**Item 6b** - If you are a Billed Entity who is also the Administrative Authority for the purpose of CIPA, you must check Item 6b if you need to request a waiver from CIPA requirements in the Second Funding Year in which you apply (see the explanation in "IMPACT OF CIPA REQUIREMENTS ON FORM 486" above).

In Item 6b you may provide notification that, as of the date of the start of discounted services, you are unable to make the certification in Item 11a because your state or local procurement rules or regulations or competitive bidding requirements prevent you from making that certification. You also certify that the schools or libraries represented in the FRN(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of the third Funding Year after April 20, 2001 in which they apply for discounts. If the Billed Entity is not the Administrative Authority, Item 6b should NOT be checked.

For example, if in Funding Year 2001 you certify that you are undertaking such actions necessary to be in compliance with the requirements of CIPA for Funding Year 2002, then in order to obtain discounts in Funding Year 2002, you must be in compliance with the requirements of CIPA prior to the start of services in that Funding Year unless you obtain a waiver as a result of procurement/competitive bidding constraints. In this example, if you obtain a waiver in Funding Year 2002, you must be in compliance with the requirements of CIPA prior to the start of Funding Year 2003.

In certain situations, a Billed Entity could have some FRNs for which waivers can be requested and other FRNs for which waivers are not requested. A Form 486 with Item (6b) checked must only feature FRNs for which waivers are being requested.

**Item 6c** – If you are a Billed Entity who is also the Administrative Authority for the library(ies) represented on this Form 486, you must check Item 6c if you need to request a waiver from CIPA requirements for Funding Year 2004.

In Item 6c you may provide notification that, as of the date of the start of discounted services, you are unable to make the certification in Item 11a because your state or local procurement rules or regulations or competitive bidding requirements prevent you from making that certification. You also certify that the libraries represented in the FRN(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of Funding Year 2005. If the Billed Entity is not the Administrative Authority, Item 6c should NOT be checked.

**C. Block 3: Service Information**

Block 3 of Form 486 asks you to provide the Form 471 Application Number, the Form 471 Funding Request Number, the Billing Account Number, the Service Provider Name, the SPIN, and the Funding Year Service Start Date.

**Item 7** – Information to complete Columns (A) – (E) will be contained on the FCDL sent to you by the SLD. Note: Column (C) Billing Account Number will be provided only if you submitted the information on Form 471. If you file the Form 486 online, the entries for Columns (A), (C), (D), and (E) will be automatically populated after you complete the entry of a Funding Request Number in Column (B).

Columns (A), (B), (C), (D) and (E)

The Billed Entity must provide the following information for columns (A), (B), (C), (D) and (E), except where noted. All of this information must be obtained from the FCDL issued to each Form 471 Billed Entity approved for funding.

- (A) 471 Application Number;
- (B) Funding Request Number (FRN) for the services to be provided;
- (C) Billing Account Number (if contained in your FCDL);
- (D) Service Provider Name
- (E) Service Provider Identification Number (SPIN).

Column (F)

**Funding Year Service Start Date:** The date on which the service for each FRN started, or, in certain circumstances, is scheduled to start. This date cannot be earlier than the first day of the Funding Year (July 1). This date must be provided in month, day and four-digit year (mm/dd/yyyy) format.

- **Funding Year Service Start Date Definition:**

For recurring services (for example, Telecommunications Services and Internet Access, ongoing Internal Connections services such as maintenance), the Funding Year Service Start Date may be:

- the date that service has started and billing begins;
- the date that billing has been established for your account;
- the beginning date of the billing period covered by your first bill for this service.

In no instance can this date be earlier than July 1 of the relevant Funding Year.

For non-recurring services/products installation (for example, installation of Telecommunications Services or Internet Access or purchase of eligible Internal Connections), the Funding Year Service Start Date may be:

- July 1 of the relevant Funding Year for contracts that require a prepayment before the start of the Funding Year. These prepayments may be requested by the service provider at the time that the contract is signed or before work begins;
- the date that the service provider ships the product;
- the date that the installation/construction of work begins.

In no instance can this date be earlier than July 1 of the relevant Funding Year.

Please remember that in order to obtain discounted services from your service provider for a particular service or group of services for which the SLD approved discounts, the Billed Entity MUST file a Form 486 with Column (F) completed to indicate the Funding Year Service Start Date.

**D. Block 4: Certification**

**Item 8** - Certify that the technology plans covering the services listed above for all the eligible entities that are recipients of services covered under this Form 486 have been approved by an authorized organization(s) that has been certified by the SLD in compliance with the rules applicable to this program. Provide the name(s) of the organization(s) that are the SLD certified technology plan approver(s) that approved a technology plan for any eligible entity that is receiving services covered under this Form 486. If EVERY FRN listed in the Form 486 is for basic telephone service only, enter "NONE." Each entity receiving more than basic telephone services in the FRNs listed on this Form 486 MUST be included under a technology plan that has been approved by a reviewing organization, and that organization MUST have been certified by the SLD for the Funding Year referenced on the Form 486. If you have any questions about technology plan review, please check the Technology Planning section in the Reference Area of the SLD web site.

**Item 9** - Certify that the services listed on this Form 486 have been, are planned to be or are being provided to the eligible entities identified in the Form 471 application(s) cited in this Form 486. Further certify there are signed contracts covering all of the services listed except for those services provided under tariff or on a month-to-month basis.

Item 9 also requires the individual signing on behalf of the Billed Entity to certify that he or she is authorized to submit the information contained in the Form 486 on behalf of the Billed Entity. The individual signing on behalf of the Billed Entity must certify that the information contained in Form 486 is true to the best of his or her knowledge, information and belief. *Persons knowingly making false statements on this form can be punished by fine, forfeiture, or imprisonment under federal law.*

**Item 10** – Certify that you understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services. Certify that you recognize that you may be audited pursuant to this application and will retain for five years any and all records, including Forms 479 where required, that you rely upon to complete this form and, if audited, will make such records available.

**Item 11** – This item concerns compliance with the requirements of the Children’s Internet Protection Act (CIPA), as codified at 47 U.S.C. § 254(h) and (l), and the implementing rules as codified at 47 C.F.R. § 54.520. If this Form 486 pertains to a Funding Year prior to Funding Year 2001 (Funding Years beginning July 1, 2000 or earlier), skip Item 11 and go to Item 12.

If this Form 486 pertains to Funding Year 2001 (the Funding Year beginning July 1, 2001) or later, the recipient(s) of service represented in the FRN(s) on this Form 486 must certify the status of compliance with CIPA. If you as the Billed Entity are the Administrative Authority, you will indicate the status of compliance on the Form 486. If you as the Billed Entity represent one or more Administrative Authorities (e.g., a consortium leader), then in most cases you must collect completed and signed Forms 479, *Certification by Administrative Authority to Billed Entity of Compliance with the Children’s Internet Protection Act*, from those Administrative Authorities who are the recipients of service so that you as the Billed Entity can make the proper certification(s) on Form 486. (You do not have to collect Forms 479 if you were funded only for Telecommunications Services.)

For Funding Year 2001 and later, Item 11 must be filled in.

General Instructions for Item 11:

1. A Billed Entity who is a recipient of service must check Item 11a or 11b or 11c. If the Billed Entity is not a recipient of service, skip to Item 11d.
2. A Billed Entity who represents one or more Administrative Authorities must check Item 11d or 11e. (See “Special Notes for Billed Entities Who Represents One or More Administrative Authorities” below.)
3. FOR FUNDING YEARS AFTER FUNDING YEAR 2001, a Billed Entity who must collect Forms 479 and who checks Item 11d must check Item 11f or 11g. (See “Special Notes for Billed Entities Who Represent One or More Administrative Authorities” below.)

4. IF THIS FORM PERTAINS TO A FUNDING YEAR PRIOR TO FUNDING YEAR 2001 (THE FUNDING YEAR BEGINNING JULY 1, 2001), SKIP TO ITEM 12.

Special Notes for Billed Entities Who Represent One or More Administrative Authorities:

The Administrative Authority must make a certification for purposes of CIPA. (See "IMPACT OF CIPA REQUIREMENTS ON FORM 486" above for the definition of Administrative Authority.) However, in the following cases, the Billed Entity is not the Administrative Authority and therefore must collect Forms 479 from the Administrative Authority(ies):

- the Billed Entity is the lead member of a consortium but is not the Administrative Authority for all of the members of the consortium.
- the Billed Entity is a state or local government entity or other entity who acts as the Billed Entity for one or more schools or libraries represented on its Form 486 but who is not the Administrative Authority for those schools or libraries.
- the Billed Entity is the Administrative Authority for one or more schools or libraries (perhaps including itself) on its Form 486 but is not the Administrative Authority for other schools or libraries on its Form 486.

Following are descriptions of specific situations these Billed Entities may encounter:

A Billed Entity who is not an Administrative Authority must collect Forms 479 from the Administrative Authority of any school or library represented on its Form 486 unless it was funded only for Telecommunications Services. Typically, such Billed Entities would be consortium leaders. In the case of a Billed Entity who is the Administrative Authority for some schools and/or libraries but not for others, that Billed Entity must duly complete, sign and keep a Form 479 for each school or library for which it is the Administrative Authority unless it applied only for Telecommunications Services.

A Billed Entity who is the Administrative Authority and who also represents one or more other Administrative Authorities must make one certification in Item 11a or Item 11b or Item 11c as well as one certification in Item 11d or Item 11e.

For Funding Years after Funding Year 2001, a Billed Entity who checks Item 11d must also check Item 11f or Item 11g.

A Billed Entity who checks Item 11e is certifying that the only services for which the Billed Entity has been approved for discounts on behalf of eligible members of the consortium are Telecommunications Services. If some of the eligible recipients have applied for Internet Access or Internal Connections outside of the Billed Entity's application(s), it is the responsibility of those entities to make the appropriate certifications for those services on separate Form(s) 486.

If two Billed Entities in a state are both state-level organizations (such as a State Department of Education and a State Information Network) and both are required to collect Forms 479 from their eligible recipients of services (such as all schools and school districts or all library outlets and libraries in the state), it is not necessary for both organizations to duplicate the collection of Forms 479. One state-level Billed Entity can assume the responsibility for collecting the Forms 479, and

share the information with the other state-level Billed Entity. The second state-level Billed Entity can then check Item 11d with the understanding that “I have duly collected completed and signed Forms 479” means only that the second state-level Billed Entity has evidence that the collection was accomplished. However, the second state-level Billed Entity must verify that all of its eligible members requesting discounts are represented in the information collected by the other state-level Billed Entity.

In order to accurately make the relevant certification(s) on the Form 486, the Billed Entity who represents one or more Administrative Authorities must receive Forms 479 from the appropriate Administrative Entities before filing Form 486.

### Specific Instructions for Item 11

#### FOR A BILLED ENTITY WHO IS THE ADMINISTRATIVE AUTHORITY:

Check the one box in Items 11a through 11c that describes the status of compliance with CIPA. Schools and libraries receiving E-rate discounts are required to have an Internet safety policy that addresses: (1) access by minors to inappropriate matter on the Internet and World Wide Web, (2) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications, (3) unauthorized access, including hacking, and other unlawful activities by minors online, (4) unauthorized disclosure, use, and dissemination of personal identification information regarding minors, and (5) measures designed to restrict minors’ access to materials harmful to minors. There is also a public notice and hearing/meeting requirement. The Internet safety policy must include the use of filtering or blocking technology that protects against access, through computers with Internet access, to visual depictions that are obscene, child pornography, or (in the case of use by minors) harmful to minors.

- **Item 11a** – Check here if you certify that the recipient(s) of service represented in the FRN(s) on this Form 486 has (have) complied with the requirements of CIPA. Do not check Item 11a if you check Item 11b.
- **Item 11b** – Check here if you certify that the recipient(s) of service represented in the FRN(s) on this Form 486 is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next Funding Year, but has (have) not completed all requirements of CIPA for this Funding Year. Do not check Item 11b if you check Item 11a.
- **Item 11c** – Check here if you certify that the CIPA does not apply because the recipient(s) of service represented in the FRN(s) on this Form 486 is (are) receiving discount services only for telecommunications services.

FOR A BILLED ENTITY WHO REPRESENTS ONE OR MORE ADMINISTRATIVE AUTHORITIES:

A Billed Entity who represents one or more Administrative Authorities must make the same certification(s) below as a Billed Entity who is the lead member of a consortium. If the Billed Entity represents one or more Administrative Authorities, read “consortium” and “eligible members of the consortium” to mean “the Administrative Authorities I represent.”

Check the box(es) in Item(s) 11d through 11g that pertain to your situation:

- **Item 11d** – Check here if you certify, as the Billed Entity for the consortium or for the Administrative Authorities you represent, that you have collected duly completed and signed Forms 479. For Funding Years after Funding Year 2001, a Billed Entity who checks Item 11d must also check Item 11f or 11g. (FORMS 479 ARE NOT SUBMITTED TO THE SLD. THEY ARE TO BE COLLECTED AND RETAINED BY THE BILLED ENTITY. This form is available in the SLD Forms section of the SLD web site or may be obtained by contacting the SLD Client Service Bureau.)
- **Item 11e** – Check here if you certify, as the Billed Entity for the consortium or for the Administrative Authorities you represent, that the only services for which you have been approved for discounts under the universal service support mechanism are Telecommunications Services, and therefore the requirements of CIPA do not apply.
- **Item 11f** – For Funding Years after Funding Year 2001: Check here if you certify, as the Billed Entity for the consortium or for the Administrative Authorities you represent, that some or all of the entities who filed Form 479 are seeking a CIPA Waiver by checking Form 479 Item 6d or Item 6e. Do not check Item 11f if you check Item 11g.
- **Item 11g** – For Funding Years after Funding Year 2001: Check here if you certify, as the Billed Entity for the consortium or for the Administrative Authorities you represent, that none of the entities who filed Form 479 are seeking a CIPA Waiver by checking Form 479 Item 6d or Item 6e. Do not check Item 11g if you check Item 11f.

This certification language contained in the Form 486 is not intended to fully set forth or explain all the requirements of CIPA.

**Item 12** requires the signature of the authorized person.

**Item 13** - Enter the date the Form 486 was signed. This date must include the month, day and year.

**Item 14** - Print the name of the Authorized Person whose signature is provided in Item 12.

**Item 15** - Provide the title or position of the Authorized Person whose signature is provided in Item 12.

**Item 16** - Provide the street address, telephone number with area code, fax number and e-mail address of the Authorized Person whose signature is provided in Item 12.

Submit completed Forms 486 by mail to:

SLD-Form 486  
P.O. Box 7026  
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, send Forms 486 to:

SLD-Form 486  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, Kansas 66046  
888-203-8100

## VI. REMINDERS

- For Funding Year 2001 (the Funding Year beginning July 1, 2001) and later, you are required to certify on the Form 486 the status of your compliance with the Children's Internet Protection Act.
- The CIPA waiver in Item 6b is **not** relevant for Funding Year 2001; it is to be used, if applicable, only for Funding Year 2002 and beyond.
- The CIPA waiver in Item 6c is only relevant for libraries for Funding Year 2004.
- Unless you are using the Early Filing option described in the "When to File?" section above, do not file Form 486 before services have started.
- You are encouraged to file and — if you have a User ID and PIN — certify the Form 486 online . Using the online system will ensure that your Form 486 meets Minimum Processing Standards and is data entered into our system correctly.
- If you file on paper, your Form 486 must meet Minimum Processing Standards or your Form 486 will be rejected.
- Each entity receiving more than basic telephone services in the FRNs listed on this Form 486 **MUST** be included under a technology plan that has been approved by a reviewing organization, and that organization **MUST** have been certified by the SLD for the Funding Year referenced on the Form 486.

**APPENDIX B**

**Draft FCC Form 479 and Instructions**

**DO NOT SEND THIS FORM TO THE SCHOOLS AND LIBRARIES DIVISION OR TO THE FEDERAL COMMUNICATIONS COMMISSION**

**Schools and Libraries Universal Service  
Certification by Administrative Authority to Billed Entity  
of Compliance with the Children's Internet Protection Act**

Please read instructions before completing.

Estimated Average Burden Hours For First Submission: 15.0 hours  
For Subsequent Submissions: 1.5 hours

Administrative Authority's Form Identifier: \_\_\_\_\_  
Create your own code to identify THIS Form 479.

(To be completed by the Administrative Authority and provided to your Billed Entity)

**Block 1: Administrative Authority Information**

1. Name of Administrative Authority		2. Funding Year	
3. Mailing Address and Contact Information for Administrative Authority			
Street Address, P. O. Box or Route Number		City	State
Zip Code			
Name of Contact Person	10-Digit Telephone Number	Fax Number	E-mail Address

**This form is applicable only for funding years beginning July 1, 2001 or later.**

**Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.**

NOTICE: The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the form will be used to inform the Billed Entity of the status of compliance with the Children's Internet Protection Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information requested in this form. The information you provide will be used to determine whether approving the application of your Billed Entity is in the public interest. If we believe there may be a violation or potential violation of an FCC statute, regulation, rule or order, your form may be referred to the federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party in a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you do not provide the information requested on the form, the Billed Entity will be unable to complete the FCC Form 486.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Public reporting burden for this collection of information is estimated to average 15.0 hours for the first submission and 1.5 hours for subsequent submissions, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications

Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Name of Administrative Authority _____	Administrative Authority's Form Identifier _____
Name of Contact Person _____	Telephone _____
Number _____	

**Block 2: Certifications and Signature**

4. I am the Administrative Authority for one or more schools or libraries for which Universal Service Support Mechanism discounts have been requested or approved for eligible services. The Administrative Authority must make the required certification(s) for the purposes of the Children's Internet Protection Act (CIPA) in order to receive discounted services.
5. I recognize that I may be audited pursuant to this form and will retain for five years any and all records that I rely upon to complete this form.
6. I certify that as of the date of the start of discounted services:
  - a  the recipient(s) of service under my administrative authority and represented in the Funding Request Number(s) for which you have requested or received Funding Commitments has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).
  - b  pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service under my administrative authority and represented in the Funding Request Number(s) for which you have requested or received Funding Commitments is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
  - c  the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), does not apply because the recipient(s) of service under my administrative authority and represented in the Funding Request Number(s) for which you have requested or received Funding Commitments is (are) receiving discount services only for telecommunications services.

CIPA Waiver. Check the box below if you are requesting a waiver of CIPA requirements for the Second Funding Year after April 20, 2001 in which the recipients of service under your administrative authority have applied for discounts:

- d  I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the recipient(s) of service under my administrative authority and represented in the Funding Request Number(s) for which you have requested or received Funding Commitments will be brought into compliance with the CIPA requirements before the start of the Third Funding Year after April 20, 2001 in which they apply for discounts.

CIPA WAIVER FOR LIBRARIES FOR FUNDING YEAR 2004. Check the box below if you are requesting a waiver of CIPA requirements for the library(ies) under your administrative authority that have applied for discounts for Funding Year 2004:

- e  I am providing notification that, as of the date of the start of discounted services in Funding Year 2004, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the library(ies) under my administrative authority and represented in the Funding Request Number(s) for which you have requested or received Funding Commitments will be brought into compliance with the CIPA requirements before the start of Funding Year 2005.

**The certification language above is not intended to fully set forth or explain all the requirements of the statute.**

7. Signature of Authorized Person _____	8. Date _____
9. Printed Name of Authorized Person _____	
10. Title or Position of Authorized Person _____	

11. Telephone Number of Authorized Person

**A paper copy of this form, with an original signature in Block 2, Item 7,  
must be mailed or delivered to your Billed Entity.**



**Universal Service for Schools and Libraries****Certification by Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act**

Estimated Average Burden Hours For First Submission: 15.0 hours

For Subsequent Submissions: 1.5 hours

**Instructions for Completing the  
Schools and Libraries Universal Service****Certification by Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act (FCC Form 479)****TABLE OF CONTENTS**

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**NOTICE**

NOTICE: Section 54.520 of the Federal Communications Commission's (FCC) rules sets forth the requirements for compliance with the Children's Internet Protection Act (CIPA) (Pub. L. 106-554) for recipients of discounted services under the Schools and Libraries Universal Service Support Mechanism. 47 C.F.R. § 54.520. Billed Entities are required to certify that they have collected duly completed and signed FCC Forms 479 from Administrative Authorities. Administrative Authorities for schools and libraries eligible to receive discounted services under the Schools and Libraries Universal Service Support Mechanism must complete and submit signed FCC Form(s) 479 to the Billed Entity before the Billed Entity may submit FCC Form 486 and before discounts on services may be reimbursed from the Support Mechanism. FCC Form 479 is required as evidence that the eligible schools and libraries have met the purposes of the Children's Internet Protection Act. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The FCC may ask the Billed Entity to provide copies of these forms, and, if so, the Billed Entity will be required to provide the copies.

The FCC is authorized under the Communications Act of 1934, as amended, to mandate collection of the information requested in this form. The information you provide on this form will be used to determine whether approving the application of your Billed Entity is in the public interest. If we believe there may be a violation or potential violation of an FCC statute, regulation, rule or order, including a deliberate attempt to mislead the Billed Entity or the FCC, your form may be referred to the federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when: (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party in a proceeding before the body or has an interest

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in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you do not provide the information requested on the form, the Billed Entity will be unable to complete the FCC Form 486.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Public reporting burden for this collection of information is estimated to average 15.0 hours for the first submission and 1.5 hours for subsequent submissions, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

## I. PURPOSE OF FORM

The FCC Form 479, Certification by Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act, provides notification to a Billed Entity by an Administrative Authority of the status of the Administrative Authority's compliance for the purposes of CIPA. The Billed Entity will then certify on its FCC Form 486, Receipt of Service Confirmation Form, that it has collected duly completed and signed Forms 479 from Administrative Authorities that the Billed Entity represents. Starting in Funding Year 2002 (the Funding Year beginning July 1, 2002), Form 479 also provides notification to the Billed Entity of a request for waiver by the Administrative Authority.

Throughout these instructions, the Administrative Authority may also be referred to as "you."

**Note that this form must be used beginning with Funding Year 2001 (the Funding Year beginning July 1, 2001) and later.**

## II. IMPACT OF CIPA REQUIREMENTS ON FORM 479

The Children's Internet Protection Act (CIPA) was signed into law on December 21, 2000. In order to receive discounts for Internet Access and Internal Connections services under the universal service support mechanism, school and library authorities must certify that they are enforcing a policy of Internet safety. The Internet safety policy must include measures to block or filter Internet access for both minors and adults to certain visual depictions.

Beginning with Funding Year 2001 (the Funding Year beginning July 1, 2001), if the Billed Entity who represents an Administrative Authority is applying for Internet Access or Internal Connections, the Administrative Authority must certify on a Form 479 that it is in compliance with the requirements of CIPA or that it is undertaking such actions to comply with the requirements of CIPA prior to the start of the following Funding Year. (If the Administrative Authority is the Billed Entity, the Administrative Authority will certify on the Form 486.) The Billed Entity must receive your completed and signed Forms 479 before it can complete and postmark its Form 486. If the Billed Entity is applying only for Telecommunications Services, the requirements of CIPA do not apply and the Billed Entity is not required to collect Forms 479. (For more information, see the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).)

**Applying for funds.** For the purpose of CIPA requirements, a school or library that is a recipient of service is considered to have applied for funds in a Funding Year only when a Receipt of Service Confirmation Form 486 for a Funding Request for Internet Access or Internal Connections has been successfully data entered.

**Determination of Your First Funding Year for Purposes of CIPA.** The first Funding Year after Funding Year 2000 (the Funding Year beginning July 1, 2000) in which a school or library applies for funds (i.e. in which a Form 486 is successfully data entered for Internet Access or Internal Connections) is the **First Funding Year** for purposes of CIPA. Once your First Funding Year is established, the next two funding years will be your second and third funding years for purposes of CIPA. (See "**Applying for Funds**" above.) In the first Funding Year, the applicant must be in compliance with CIPA or undertaking actions to comply with CIPA, in order to receive discounts for Internet Access or Internal Connections services.

Once the First Funding Year is established, the Funding Year immediately following the First Funding Year becomes the **Second Funding Year** for purposes of CIPA. If the school or library applies for funds for Internet Access or Internal Connections in the Second Funding Year, it must certify that it is in compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. A school or library so prevented may request a waiver for the Second Funding Year.

The **Third Funding Year** for purposes of CIPA is the Funding Year immediately following the Second Funding Year. If the school or library applies for funds for Internet Access or Internal Connections in the Third Funding Year, it must be in compliance with CIPA.

You must be in compliance with CIPA for any Funding Year thereafter.

The following situations WOULD constitute the Administrative Authority's First Funding Year:

- The Billed Entity submits a Form 486 for Internet Access or Internal Connections, the Form 486 is successfully data entered, but the Billed Entity cancels all of its Funding Requests on a Form 500.
- The Billed Entity submits a Form 486 for Internet Access or Internal Connections, the Form 486 is successfully data entered, but the Service Provider does not receive a corresponding disbursement.

The following situations WOULD NOT constitute the Administrative Authority's First Funding Year:

- The Billed Entity receives a Funding Commitment for Internet Access or Internal Connections, but takes no further action.
- The Billed Entity receives a Funding Commitment for Internet Access or Internal Connections, submits Form 486, but the Form 486 is not successfully data entered.
- The Billed Entity applies only for Telecommunications Services.

### III. SUBMISSION REQUIREMENTS AND GENERAL INSTRUCTIONS

#### ***Who Must Submit the Form 479?***

In general, the Administrative Authority is the entity that must complete FCC Form 479, *Certification of Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act*. For a school, the Administrative Authority may be the school, school district, school board, local educational agency, or other authority with responsibility for administration of the school. For a library, the Administrative Authority may be the library, library board, or other authority with responsibility for administration of the library.

If the Administrative Authority is also the Billed Entity, the Administrative Authority certifies on the Form 486. If the Administrative Authority is not the Billed Entity, the Administrative Authority must complete Form 479, and submit the Form 479 to the Billed Entity. The Billed Entity then certifies on Form 486 that it has collected duly completed and signed Form(s) 479.

#### ***How Many Forms 479 to Submit to the Billed Entity?***

Generally, you will complete one Form 479 for each of your Billed Entities.

#### ***When to Submit the Form 479?***

The Billed Entity must receive your completed and signed Forms 479 in time to postmark the Billed Entity's Form 486 to meet Form 486 deadlines. You should work with your Billed Entity to determine when to submit your Form 479.

You must complete Form 479 for each Funding Year in which you receive discounted services beginning with Funding Year 2001 (the Funding Year beginning July 1, 2001) and after.

**Note to Libraries in Funding Years 2003 and 2004.**

- **For Funding Year 2003**, libraries must be in compliance with CIPA or undertaking actions to comply with CIPA in order to receive discounts for Internet Access or Internal Connections.
- If a library that applied for funds for Internet Access or Internal Connections in Funding Year 2003 applies for funds for Internet Access or Internal Connections **in Funding Year 2004**, it must certify that it is in compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. A library so prevented may request a waiver for Funding Year 2004. (See “Applying for funds” above and the instructions for Item 6e below.)
- If a library has applied for funds for Internet Access or Internal Connections in both Funding Year 2003 and Funding Year 2004, it must be in compliance with CIPA in Funding Year 2005 and any Funding Year thereafter. (See “Applying for funds” above.)
- Libraries that apply for funds for Internet Access or Internal Connections for the first time in Funding Year 2004 or any subsequent year should follow the procedures in the “Determination of Your First Funding Year for Purposes of CIPA” above.

***Where to Send Form 479?***

The Form 479 must be filed with your Billed Entity.

**DO NOT SUBMIT THE COMPLETED FCC FORM 479 TO THE SCHOOLS AND LIBRARIES DIVISION OR TO THE FCC; SUBMIT IT ONLY TO YOUR BILLED ENTITY.**

***Compliance.***

Anyone filing false information is subject to penalties for false statements, including fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.

All of the information required in the Form 479 must be completed in order for the Billed Entity to be able to certify as required on the FCC Form 486.

***Where to Get More Information?***

Information is available on the Schools and Libraries Division’s web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). Information is also available by contacting the SLD Client Service Bureau by e-mail at [question@universalservice.org](mailto:question@universalservice.org), by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

**IV. SPECIFIC INSTRUCTIONS**

Type or clearly print in the spaces provided. Attach additional pages if necessary.

**Administrative Authority's Form Identifier:** Use this space to assign a number or letter of your own devising to facilitate communication with your Billed Entity about THIS particular Form 479. Your Administrative Authority's Form Identifier can be very simple; for example, if you are filing three Forms 479, you might label them "A," "B," and "C." The Administrative Authority's Form Identifier can also be descriptive, such as "Internet." Choose identifiers that suit your own record keeping needs.

**A. Block 1: Administrative Authority Information**

Block 1 of Form 479 asks you for your name, address, and basic identification information.

**Item 1** - Provide the name of the Administrative Authority.

**Item 2** - Provide the Funding Year (e.g., 2001 –2002) for which funds were requested or approved and for which the Billed Entity will be submitting a Form 486. Program Funding Years begin on July 1 and end on June 30. For example, Funding Year 2001 runs from July 1, 2001 through June 30, 2002. Cite only one Funding Year in this item.

**Item 3** - Provide the Administrative Authority's full mailing address, whether a street address, Post Office Box number, or route number. Provide the Contact Person's Name; 10-digit telephone number including the area code; fax number; and e-mail address.

**B. Block 2: Certifications and Signature**

Block 2 of Form 479 asks you to certify with respect to your status as the Administrative Authority and with respect to your compliance with the Children's Internet Protection Act.

**Item 4** – Certify that you are an Administrative Authority for one or more schools or libraries for which Universal Service Support Mechanism discounts have been requested or approved for eligible services. You must make the required certification(s) for the purposes of the Children's Internet Protection Act in order to receive discounted services. While the Billed Entity will not submit FCC Form 486 until after discount requests have been approved and a Funding Commitment Decision Letter (FCDL) has been issued, the Billed Entity may ask you to file FCC Form 479 in advance of approval of the requests so that the Billed Entity is ready to file the Form 486 once the FCDL has been received.

**Item 5** – Certify to your recognition that you may be audited pursuant to this certification and will retain for five years any and all records that you rely upon to complete this form.

**Item 6** - This item concerns compliance with the requirements of the Children's Internet Protection Act (CIPA), as codified at 47 U.S.C. § 254(h) and (l), and the implementing rules as codified at 47 C.F.R. § 54.520. Check the box that describes the status of compliance with the Children's Internet Protection Act. The certification statements in Item 6 of the Form 479 should be read as if you are addressing them to the Billed Entity.

An Administrative Authority can certify Item 6b only in the first Funding Year after Funding Year 2000 (the Funding Year beginning July 1, 2000) for which it is applying for discounts for Internet Access or Internal Connections services. An Administrative Authority can seek a CIPA Waiver under Item 6d only in its Second Funding Year. If you request a CIPA Waiver, you certify that your schools or libraries will be in compliance before the start of the Third Funding Year. You cannot seek a CIPA Waiver in your Third Funding Year, even if you have a new school or library branch/outlet under your authority in that Funding Year. (See “**Impact of CIPA Requirements on Form 479**” above for a discussion of First, Second and Third Funding Years.) Note that libraries can request a CIPA Waiver under Item 6e in Funding Year 2004. (See the instructions for Item 6e below.)

Schools and libraries receiving E-rate discounts are required to have an Internet safety policy that addresses: (1) access by minors to inappropriate matter on the Internet and World Wide Web, (2) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications, (3) unauthorized access, including hacking, and other unlawful activities by minors online, (4) unauthorized disclosure, use, and dissemination of personal identification information regarding minors, and (5) measures designed to restrict minors’ access to materials harmful to minors. There is also a public notice and hearing/meeting requirement. The Internet safety policy must include the use of filtering or blocking technology that protects against access, through computers with Internet access, to visual depictions that are obscene, child pornography, or (in the case of use by minors) harmful to minors.

- **Item 6a** – Check here if you certify to the Billed Entity that the recipient(s) of service under your administrative authority and represented in the Funding Request Number(s) for which the Billed Entity has requested Funding Commitments has (have) complied with the requirements of the Children’s Internet Protection Act.
- **Item 6b** – Check here if you certify to the Billed Entity that the recipient(s) of service under your administrative authority and represented in the Funding Request Number(s) for which the Billed Entity has requested Funding Commitments is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of the Children’s Internet Protection Act for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
- **Item 6c** – Check here if you certify that the Children’s Internet Protection Act does not apply because the recipient(s) of service under your administrative authority and represented in the Funding Request Number(s) for which the Billed Entity has requested or received Funding Commitments is (are) receiving discount services only for Telecommunications Services.
- **Item 6d – CIPA Waiver. This item is applicable only to your Second Funding Year. (See “Impact of CIPA Requirements on Form 479” above for the definition of your Second Funding Year.)** Check here if you are providing notification that, as of the date of the start of discounted services, you are unable to make the certifications required by the Children’s Internet Protection Act because your state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certifications otherwise required. You certify that the recipients(s) of service under your administrative authority and represented in the Funding Request Number(s) for which your Billed Entity has requested or received Funding Commitments will be

brought into compliance with the CIPA requirements before the start of the Third Funding Year after April 20, 2001 in which they apply for discounts.

For example, if in Funding Year 2001 you certify that you are undertaking such actions necessary to put the measures required by CIPA in place for Funding Year 2002, then in order to obtain discounts in Funding Year 2002, you must fully implement the measures prior to the start of services in that Funding Year, unless you obtain a waiver as a result of procurement/competitive bidding constraints.

- **Item 6e – CIPA WAIVER FOR LIBRARIES FOR FUNDING YEAR 2004.** Check here if you are providing notification that, as of the date of the start of discounted services in Funding Year 2004, you are unable to make the certifications required by the Children’s Internet Protection Act because your state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certifications otherwise required. You certify that the library(ies) under your administrative authority and represented in the Funding Request Number(s) for which your Billed Entity has requested or received Funding Commitments will be brought into compliance with the CIPA requirements before the start of Funding Year 2005.

**NOTE THAT** the certification language in the Form 479 is not intended to fully set forth or explain all the requirements of CIPA.

**Item 7** requires the signature of the Authorized Person.

**Item 8** - Enter the date the Form 479 was signed. This date must include the month, day and year.

**Item 9** - Print the name of the Authorized Person whose signature is provided in Item 7.

**Item 10** - Provide the title or position of the Authorized Person whose signature is provided in Item 7.

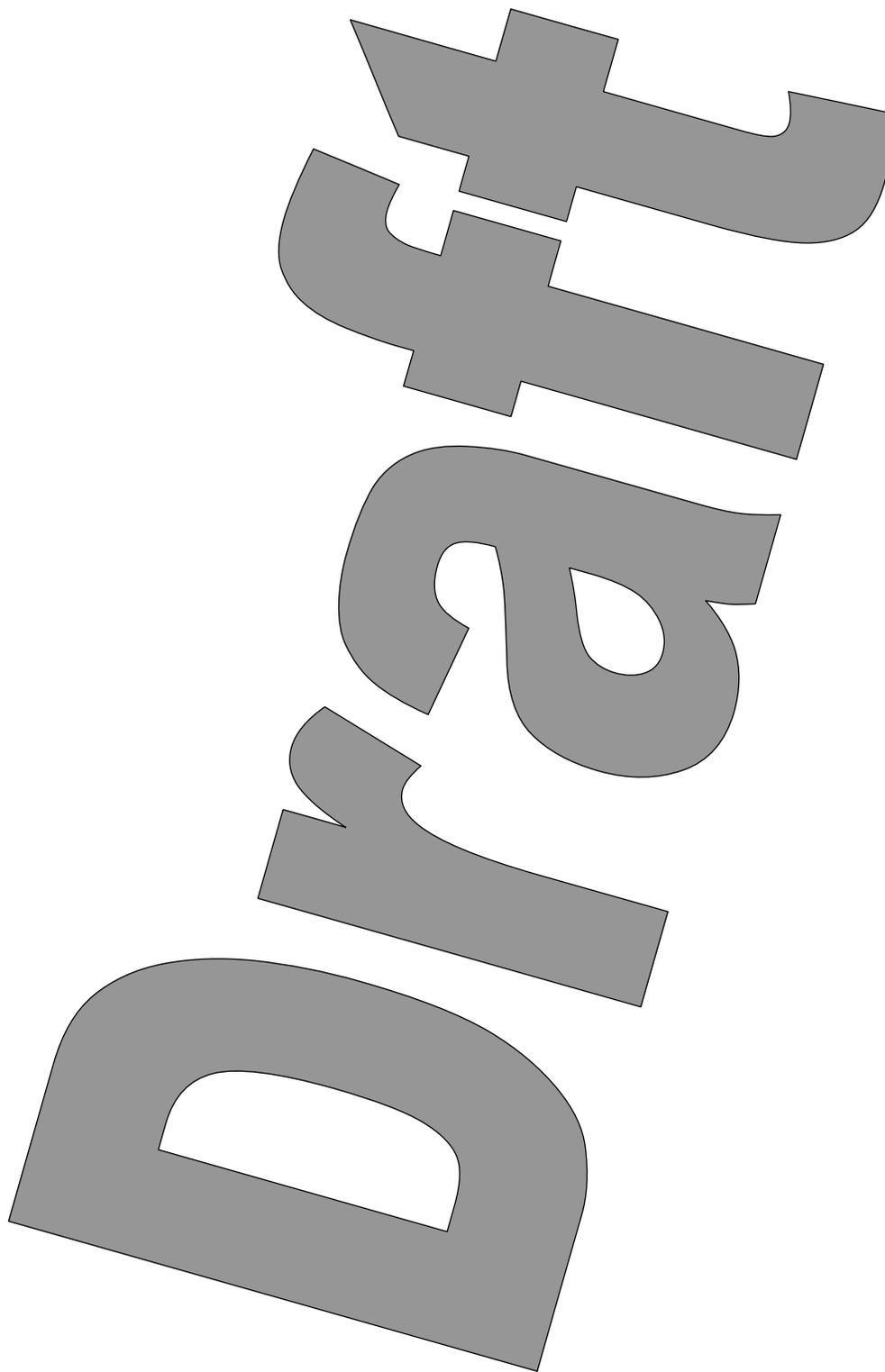
**Item 11** - Provide the telephone number, including area code, of the Authorized Person whose signature is provided in Item 7. This information is required in order to expedite any communications that may be necessary between the Authorized Person responsible for signing the Form 479 and the Billed Entity.

Submit completed forms to your Billed Entity.

## V. REMINDERS

- The person authorized to provide the information required by Form 479 must sign and date Form 479.
- Provide data for all information items.
- This Form 479 is applicable to you only if you are an Administrative Authority who is not a Billed Entity. If you are starting services for which **you** were approved for discounts as the Billed Entity on a Form 471, please file a Form 486 and submit it to the Schools and Libraries Division.
- DO NOT send the Form 479 to SLD or to the FCC.

- DO send Form 479 to your Billed Entity.



**APPENDIX C – FINAL RULES**

Part 54 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 54 – UNIVERSAL SERVICE****Subpart F – Universal Support for Schools and Libraries**

1. Section 54.520 is amended by revising the second sentence of paragraph (f), and paragraph (g) to read as follows and the note to section 54.520 is deleted:

**§ 54.520 Children’s Internet Protection Act certifications required from recipients of discounts under the federal universal service support mechanism for schools and libraries.**

\* \* \* \* \*

(f) \* \* \* The waiver shall be granted upon the provision, by the authority responsible for making the certifications on behalf of schools or libraries, that the schools or libraries will be brought into compliance with the requirements of this section, for schools, before the start of the third program year after April 20, 2001 in which the school is applying for funds under this title, and, for libraries, before the start of Funding Year 2005 or the third program year after April 20, 2001, whichever is later.

(g) *Funding year certification deadlines* – For Funding Year 2003 and for subsequent funding years, billed entities shall provide one of the certifications required under paragraph (c)(1), (c)(2) or (c)(3) of this section on an FCC Form 486 in accordance with the existing program guidelines established by the Administrator.