

Schools and Libraries Universal Service**Certification by Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act****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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FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to be 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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 Form 486 for a Funding Request for Internet Access, Internal Connections or Basic Maintenance has been successfully data entered and USAC has issued a Form 486 Notification Letter.

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, Internal Connections or Basic Maintenance and USAC issues a Form 486 Notification Letter) 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, Internal Connections or Basic Maintenance 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, Internal Connections or Basic Maintenance 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, Internal Connections or Basic Maintenance 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, Internal Connections or Basic Maintenance, the Form 486 is successfully data entered and USAC issues a Form 486 Notification Letter, but the Billed Entity cancels all of its Funding Requests on a Form 500.
- The Billed Entity submits a Form 486 for Internet Access, Internal Connections or Basic Maintenance, the Form 486 is successfully data entered and USAC issues a Form 486 Notification Letter, 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, Internal Connections or Basic Maintenance, but takes no further action.
- The Billed Entity receives a Funding Commitment for Internet Access, Internal Connections or Basic Maintenance, submits Form 486, but the Form 486 is not successfully data entered and no Form 486 Notification Letter is issued.
- 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 Form 479. 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.

SPECIAL NOTE FOR LIBRARIES AND CONSORTIA CONTAINING LIBRARIES FOR FUNDING YEAR 2003: On July 24, 2003, the FCC released an Order (FCC 03-188) to bring its implementation of CIPA into compliance with the recent United States Supreme Court decision on CIPA. The Order states that library consortium members who filed the September 2002 version of the Form 479 for FY2003 funding requests prior to the effective date of the Order must file the revised Form 479 with their billed entity within 45 days after the effective date of the Order. USAC expects the effective date of the Order to be in August 2003. To determine the effective date of the Order and the deadline for refiling Form 479, applicants should check the USAC website or contact the Client Service Bureau (see "Where to Get More Information?" below).

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, Internal Connections or Basic Maintenance.
- If a library that applied for funds for Internet Access, Internal Connections or Basic Maintenance in Funding Year 2003 applies for funds for Internet Access, Internal Connections or Basic Maintenance **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, Internal Connections or Basic Maintenance 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, Internal Connections or Basic Maintenance 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 USAC website at www.usac.org/sl. Information is also available by contacting the SLD Client Service Bureau by email using the "Submit a Question" feature on the USAC website, 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 the 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 the 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.

NOTE FOR LIBRARIES: If Funding Year 2003 is your Second or Third Funding Year for purposes of CIPA and you check Item 6b, you are certifying that you are in compliance with the Internet safety policy and the public notice and hearing/meeting requirements and that you are undertaking actions to be in compliance with the filtering or blocking technology requirement by the start of Funding Year 2004.

- **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 USAC or to the FCC.
- DO send Form 479 to your Billed Entity.