

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)

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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-PER, 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.

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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 and Children's Internet Protection Act Form that it has collected duly completed and signed FCC Forms 479 from Administrative Authorities that the Billed Entity represents. Starting in Funding Year 2002 (the Funding Year beginning July 1, 2002), FCC 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 FCC 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 services in Category One, and Broadband Internal Connections, Managed Internal Broadband Services), and Basic Maintenance of Broadband Internal Connections (Basic Maintenance) (Category Two) under the universal service support mechanism, school and library authorities must certify that they are enforcing a policy of Internet safety as explained in Section IV below. (Note: Applicants may use this FCC Form 479 for funding requests prior to funding year 2015 which will enable them to certify that they are in compliance with the Children's Internet Protection Act (CIPA), 47 U.S.C. § 254 (h) and (l) when they seek discounts for Internet access, internal connections and basic maintenance of internal connections. For purposes of these instructions, we will refer to Category One and Category Two services even though MIBS did not exist as an eligible service before funding year 2015).

If the Billed Entity who represents an Administrative Authority is applying for Internet Access in Category One or Category Two services, the Administrative Authority must certify on an FCC Form 479 that it is in compliance with the requirements of CIPA. (If the Administrative Authority is the Billed Entity, the Administrative Authority will certify on the FCC Form 486.) If the Administrative Authority is applying for Internet Access in Category One or Category Two services for the first time, and has not completed all of the requirements for CIPA, it must certify that it is undertaking such actions to comply with the requirements of CIPA prior to the start of the following Funding Year. The Billed Entity must receive your completed and signed Forms 479 before it can complete and postmark its FCC 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 FCC Forms 479. If any Internet access services such as basic Internet access are included or bundled with the telecommunications services or telecommunications (such as fiber services), CIPA compliance is required. (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 an FCC Form 486 for a Funding Request for Internet Access in Category One or Category Two services has been successfully data entered and USAC has issued an FCC Form 486 notification.

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 an FCC Form 486 is successfully data entered for Internet Access in Category One or Category Two services and USAC issues an FCC Form 486 notification) 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 in Category One or Category Two services.

Once the First Funding Year is established, the Funding Year 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 in Category One or Category Two services 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 in Category One or Category Two services 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 an FCC Form 486 for Internet Access in Category One or Category Two services, the FCC Form 486 is successfully data entered and USAC issues an FCC Form 486 notification, but the Billed Entity cancels all of its Funding Requests on an FCC Form 500.

- The Billed Entity submits an FCC Form 486 for Internet Access in Category One or Category Two services, the FCC Form 486 is successfully data entered and USAC issues an FCC Form 486 notification, 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 in Category One or Category Two services, but takes no further action.
- The Billed Entity receives a Funding Commitment for Internet Access in Category One or Category Two services, submits an FCC Form 486, but the FCC Form 486 is not successfully data entered and no FCC Form 486 Notification Letter is issued.
- The Billed Entity applies only for Telecommunications Services.

III. SUBMISSION REQUIREMENTS AND GENERAL INSTRUCTIONS

Who Must Submit the FCC Form 479?

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

How Many FCC Forms 479 to Submit to the Billed Entity?

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

When to Submit the FCC Form 479?

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

You must complete an FCC 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.

Libraries in Funding Years 2003 and 2004.

- **Beginning with Funding Year 2003**, libraries must be in compliance with CIPA (section 254(h)(6) of the Communications Act is applicable to libraries) or undertaking actions to comply with CIPA in order to receive discounts for the services requiring CIPA compliance.
- 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 FCC Form 479?

DO NOT SUBMIT THE COMPLETED FCC FORM 479 TO THE SCHOOLS AND LIBRARIES DIVISION OF THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY 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 FCC 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 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 your own number, letter or word to facilitate communication with your Billed Entity about THIS particular FCC Form 479. Your Administrative Authority's Form Identifier can be very simple; for example, if you are filing three FCC 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 FCC 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 an FCC 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; telephone number including the area code; fax number; and e-mail address.

B. Block 2: Certifications and Signature

Block 2 of FCC 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 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 the FCC Form 479 in advance of approval of the requests so that the Billed Entity is ready to file the FCC 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 at least ten years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the funding request 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 FCC Form 479 should be read as if you are addressing them to the Billed Entity. CIPA compliance is required if you are seeking discounts for Category Two services or any Category One services for Internet access service that includes a connection from any applicant site directly to the Internet Service Provider or Internet access service with no circuit (data circuit to ISP state/regional network is billed separately).

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 in Category One or Category Two 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 FCC Form 479"** above for a discussion of First, Second and Third Funding Years.)

Internet Safety Policy. Schools and libraries receiving universal service discounts are required to adopt and enforce an Internet safety policy that includes a technology protection measure that protects against access by adults and minors to visual depictions that are obscene, child pornography, or — with respect to use of computers with Internet access by minors — harmful to minors.

The Internet safety policy must also address all of the following issues:

- Access by minors to inappropriate matter on the Internet and World Wide Web
- The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications
- Unauthorized access including "hacking" and other unlawful activities by minors online
- Unauthorized disclosure, use, and dissemination of personal information regarding minors
- Measures designed to restrict minors' access to materials harmful to minors

For schools, the Internet safety policy must also include monitoring the online activities of minors. Beginning with Funding Year 2012, when schools certify their compliance with CIPA, they will also be certifying that their Internet safety policies have been updated to provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

Technology Protection Measure. A technology protection measure is a specific technology that blocks or filters Internet access. The school or library must enforce the operation of the technology protection measure during the use of its computers with Internet access, although an administrator, supervisor, or other person authorized by the authority with responsibility for administration of the school or library may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose.

Public Notice and Hearing or Meeting. The authority with responsibility for administration of the school or library must provide reasonable public notice and hold at least one public hearing or meeting to address the proposed technology protection measure and Internet safety policy. Unless required by local or state rules, an additional public notice and a hearing or meeting is not necessary for amendments to Internet safety policies.

- **Item 6a** – Check here if you are certifying 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 are certifying 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) in its (their) first funding year for purposes of CIPA and is 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 are certifying 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 services at discount rates only for telecommunications services. (Note: If any Internet access services such as basic Internet access are included or bundled with telecommunications or telecommunications services, CIPA compliance is required).
- **Item 6d – CIPA Waiver. This item is applicable only to your Second Funding Year. (See "Impact of CIPA Requirements on FCC 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 are certifying 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 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. Libraries must also check Item 6d if they need to request this waiver from CIPA requirements for Funding Year 2004.

NOTE THAT the certification language in the FCC 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 FCC 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 FCC Form 479 and the Billed Entity.

Submit completed forms to your Billed Entity. DO NOT SUBMIT THIS FORM TO USAC OR TO THE FCC.