



PUBLIC NOTICE

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STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6
WC Docket No. 06-122

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate) **CC Docket No. 02-6**

Dismissed as Moot³

Sherborn Public Schools, MA, Application No. 161029267, Request for Waiver, CC Docket No. 02-6 (filed Feb. 21, 2018)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices were funded).

Dismissed on Reconsideration⁴

Chabad Hebrew Academy, CA, Application No. 874005, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 29, 2016)

Escuela Superior Acredita P.E.C.E.S., Inc., PR, Application No. 161057968, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 14, 2017)

Evansville Community School District, WI, Application No. 1013540, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 22, 2016)

Yeshiva Achei Tmimsm, PA, Application No. 861355, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 29, 2016)

Granted⁵

Granting Additional Time to Respond to USAC's Request for Information⁶

Cleveland Central Catholic High School, OH, Application No. 171018550, Request for Waiver, CC Docket No. 02-6 (filed Mar. 16, 2018)

Ministerial and/or Clerical Errors⁷

⁴ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

⁵ We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

⁶ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 CFR §§ 54.720(a), (b).

⁷ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15520-21, para. 6, n.19 (WCB 2008) (permitting correction when applicant entered the wrong pre-discount price

Albany Public Library, OR, Application No. 171040591, Request for Waiver, CC Docket No. 02-6 (filed Feb. 28, 2018)

Hawlemont Regional School District, MA, Application No. 171004128, Request for Waiver, CC Docket No. 02-6 (filed Jan. 17, 2018, supplemented Jan. 26, 2018)

Mason City School District, OH, Application No. 171013187, Request for Waiver, CC Docket No. 02-6 (filed Mar. 5, 2018)

*Signed Contract Requirement*⁸

Doral Academy Charter High School, FL, Application No. 898916, Request for Waiver, CC Docket No. 02-6 (filed Feb. 5, 2018)

*Timely-Filed Appeal*⁹

Northern California Child Development, Inc., CA, Application No. 161031262, Request for Review, CC Docket No. 02-6 (filed Feb. 9, 2018)

*Waiver of Appeal-Filing Deadline*¹⁰

Bienville Parish, LA, Application No. 161045894, Request for Waiver, CC Docket No. 02-6 (filed Jan. 8, 2018)

Denied

from a source document); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319-20, paras. 1-2 & n.19 (WCB 2010) (permitting applicants to correct a mischaracterization of the term of service). Consistent with precedent, we also waive section 54.720(a) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision, for Albany Public Library and Mason City School District. *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late); 47 CFR §§ 54.720(a), (b).

⁸ *See, e.g., Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526 (WCB 2008) (granting appeals on the merits in instances where applicants demonstrated they were in compliance with the Commission's rule to have a signed contract in place prior to filing their applications and granting waivers of that rule in circumstances where applicants signed their contracts a few days after filing their FCC Forms 471 because their employees erred or they misunderstood the rules.)

⁹ *See, e.g., Request for Review of a Decision of the Universal Service Administrator by Sundale Elementary School District*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 4124 (WCB 2014) (remanding an appeal to USAC that was timely filed); 47 CFR § 54.720(a).

¹⁰ *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319, para. 1 (WCB 2010) (granting waivers of appeal filing deadlines because the appeals involved errors by USAC).

*Invoice Deadline Extension Requests*¹¹

Cobleskill-Richmondville Central School District, NY, Application No. 161055352, Request for Waiver, CC Docket No. 02-6 (filed Nov. 20, 2017)

Council for the Spanish Speaking, Inc., WI, Application No. 161008591, Request for Waiver, CC Docket No. 02-6 (filed Jan. 31, 2018)

Hermitage House Youth Services, PA, Application No. 161052858, Request for Waiver, CC Docket No. 02-6 (filed Mar. 2, 2018)

Hillsboro R-3 School District, MO, Application Nos. 161048625, 161048846, 161051449, 161051567, 161051595, 161052294, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Winton Woods City Schools, OH, Application No. 161055525, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

*Ministerial and/or Clerical Errors*¹²

Heartland Community Action Agency, Inc., MN, Application No. 979818, Request for Review, CC Docket No. 02-6 (filed Sept. 28, 2015)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-rate Services Later Requested*¹³

North Attleborough School District, MA, Application No. 171042759, Request for Waiver, CC Docket No. 02-6 (filed Feb. 8, 2018)

*Unjustified Service Implementation Delay*¹⁴

¹¹ See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

¹² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (denying requests for waiver when petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-rate applications)

¹³ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

¹⁴ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13653, para. 3 (WCB 2014) (denying late-filed extensions of the deadline for service implementation when applicants failed to demonstrate they were unable to complete implementation on time for reasons beyond the

Henry County School District, GA, Application Nos. 161026102, 161026141, Request for Waiver, CC Docket No. 02-6 (filed Jan. 8, 2018)

Smyrna School District, DE, Application No. 1041969, Request for Waiver, CC Docket No. 02-6 (filed Sept. 6, 2017)

*Untimely-Filed Appeals or Waiver Requests*¹⁵

Berlin Township School District, NJ, Application No. 161003814, Request for Review and Waiver, CC Docket No. 02-6 (filed June 9, 2017)

Bradley Academy, AZ, Application No. 449437, Request for Waiver, CC Docket 02-6 (filed June 21, 2017)

Cincinnati Hills Christian Academy, OH, Application No. 161005471, Request for Review and Waiver, CC Docket No. 02-6 (filed May 26, 2017)

Escuela Verde, WI, Application No. 161043999, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2017)

Immaculate Conception School, MA, Application No. 830143, Request for Review, CC Docket No. 02-6 (filed Jan. 2, 2014)

Our Lady of the Lake School, WI, Application No. 995048, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2017)

Southeastern School Corporation, IN, Application No. 161046081, Request for Waiver, CC Docket No. 02-6 (filed Jan. 25, 2017)

St. John School, Boston, MA, Application No. 829975, Request for Review, CC Docket No. 02-6 (filed Jan. 2, 2014)

United Talmudical Academy, NY, Application No. 837920 (FRN 2273332), Request for Waiver, CC Docket No. 02-6 (filed Jan. 23, 2017)

United Talmudical Academy, NY, Application No. 837920 (FRN 2273338), Request for Waiver, CC Docket No. 02-6 (filed Jan. 23, 2017)

service providers' control and failed to make significant efforts to secure the necessary extensions in a timely manner).

¹⁵ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying requests for review and/or waiver on the grounds that the petitioners failed to 1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and 2) did not show special circumstances necessary for the Commission to waive the deadline).

Contribution Methodology
WC Docket No. 06-122

Dismissed Without Prejudice

*Request for Waiver of Form 499-Q Revision Deadline*¹⁶

Telco Connection, Request for Waiver, Letter from David Singer to the Federal Communications Commission, WC Docket 06-122 (filed Feb. 15, 2018)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at kate.dumouchel@fcc.gov or (202) 418-1839.

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¹⁶ 47 CFR § 54.721. See, e.g., *Universal Service Contribution Methodology; Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology; Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology; Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding requests procedurally defective for failure to comply with 47 CFR § 54.721).