



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

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 and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al-Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC had taken the action the petitioner requested).

Education Networks of America (Shelby County School District), TN, Application Nos. 909203, 909564, 909724, 950332, and 998054, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 24, 2016)

Dismissed as Moot⁴

Brewster Adventist School, WA, Application No. 171003507, Request for Review, CC Docket No. 02-6 (filed May 31, 2018)

Greyhound Technologies, Ltd. (Universal/Star International Academies), MI, Application No. 161028710, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2018)

Granted⁵

Eligible Services⁶

Puerto Rico Department of Education and Virtual Education Resources Network, Inc., Application No. 203292, Request for Review, CC Docket Nos. 96-45 and 97-21 (filed May 31, 2001)

Granting Additional Time to Respond to USAC's Request for Information⁷

Single Path, LLC (AAA Academy), IL, Application No. 161039092, Request for Review, CC Docket No. 02-6 (filed Apr. 20, 2018)

⁴ 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).

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 Decisions of the Universal Service Administrator by Aiken County Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8735, 8737-40, paras. 6, 9-10 (2007) (waiving the Commission's 30 percent rule and directing USAC to reassess applicants funding requests after ineligible services are removed). In granting this waiver, we make no finding as to the ultimate eligibility of the requested services, or the applicant's compliance with other program rules, and direct USAC to review the funding request for compliance with all other program rules.

⁷ 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 or waiver requests 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) (*ABC Unified Order*) (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 CFR §§ 54.720(a), (b).

*Ministerial and/or Clerical Errors*⁸

Cave City Public Schools, AR, Application No. 171003692, Request for Waiver, CC Docket No. 02-6 (filed Feb. 2, 2018, supplemented July 2, 2018)

Oakland Network for Education Consortium, MI, Application No. 171019154, Request for Waiver, CC Docket No. 02-6 (filed July 3, 2018, supplemented July 23, 2018)

*Waiver of Appeal- or Waiver-Filing Deadline*⁹

TelePacific Communications (Coachella Valley Unified School District), CA, Application No. 786774, Request for Waiver, CC Docket No. 02-6 (filed Sept. 10, 2015, supplemented June 9, 2017, July 7, 2017, Jan. 17, 2018, and Aug. 20, 2018)

Denied

*Invoice Deadline Extension Requests*¹⁰

Cherryvale Unified School District 447, KS, Application No. 161040328, Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2018)

Clarity Telecom, LLC d/b/a Vast Broadband (Luverne School District #2184), MO, Application No. 161050347, Request for Waiver, CC Docket No. 02-6 (filed Mar. 23, 2018)

Rio Hondo Independent School District, TX, Application Nos. 161044261, 161049669, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2018)

Shallowater Independent School District, TX, Application No. 161042384, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2018)

*Late-Filed FCC Form 471 Applications*¹¹

⁸ 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, 17319-20, para. 2 & nn. 5, 7, 12 & 21 (WCB 2010) (permitting applicant to include item omitted from FCC Form 471, which was included on its source list; correct mischaracterization of monthly charge as annual charge on its FCC Form 471, and correct a calculation error, a BEN, and a typographical error in a response to a USAC request; and permitting applicant to correct a FCC Form 470 number).

⁹ See, e.g., *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, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). We make no finding on the underlying issues in this appeal and remand these applications back to USAC to make a determination on the merits. See *supra* note 5.

¹⁰ 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, 3835, para. 7 (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.

¹¹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25

Christ the King Catholic School, MI, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2018)

Colusa County Free Library – Stonyford Branch, CA, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed July 18, 2018)

Coulterville Public School, IL, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2018)

McKenzie Memorial Library, TN, Application No. 181042725, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2018)

School of Excellence in Education, TX, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2018)

South Holland School District 151, IL, Application No. 181042999, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2018)

*Ministerial and/or Clerical Errors*¹²

Redding School District, CA, Application No. 161031573, Request for Review, CC Docket No. 02-6 (filed July 14, 2017)

*Service Substitution*¹³

Puerto Rico Department of Education and DRC Corporation, Application No. 149802, Request for Review, CC Docket Nos. 96-45 and 97-21 (filed Oct. 11, 2000)

*Untimely-Filed Appeals or Waiver Requests*¹⁴

FCC Rcd 9256, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

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) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-rate applications).

¹³ See, e.g., *Requests for Waiver of Sections 54.504(c), 54.504(f), 54.507(c), and 54.507(g) of the Commission's rules by State of Louisiana Department of Education et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 1653, 1668, para. 18 (2010) (denying a service substitution request when it does not meet the Commission's requirements for granting a service substitution).

In the appeal, the petitioners argue that USAC should not apply policies announced after it requested to use a funding commitment for telecommunications services to purchase internal connections to resolve the request. The petitioners filed their appeal before USAC announced its service substitution procedures, which the Commission adopted as program rules with a slight change in 2001. See *Request for Guidance by Universal Service Administrator Concerning the Request of Los Angeles Unified School District; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, 16 FCC Rcd 3496, 3499, para. 9 (CCB 2001). We find that USAC properly applied its standard for service substitutions to the request and that the timing of the policy announcement did not affect the outcome of the request.

¹⁴ 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

Bay Village City School District, OH, Application No. 181042516, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2018)

Robinson Independent School District, TX, Application No. 181041913, Request for Waiver, CC Docket No. 02-6 (filed June 11, 2018)

Zeigler-Royalton District 188, IL, Application No. 171038156, Request for Waiver, CC Docket No. 02-6 (filed Mar. 27, 2018)

Contribution Methodology
WC Docket No. 06-122

Denied

*Late 499-A Filing Fee Waiver Request*¹⁵

Zella Technologies, LLC, Request for Waiver, WC Docket 06-122 (filed May 31, 2018)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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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).

¹⁵ See, e.g., *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd. 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010); *Federal-State Joint Board on Universal Service; Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC Form 499 instructions).