



PUBLIC NOTICE

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

CC Docket No. 02-6

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

American Samoa SEA, AS, Application No. 181036827, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 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 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).

Dismissed as Moot⁴

Data Link Communications of Indiana, Inc. (Elizabethtown Independent School District), KY, Application No. 161015488, Request for Waiver, CC Docket No. 02-6 (filed Feb. 28, 2018)

St. Paul Lutheran School, WI, Application No. 161042877, Request for Waiver, CC Docket No. 02-6 (filed Nov. 17, 2017)

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements⁵

Carbon County School District #1, WY, Application No. 171025576, CC Docket No. 02-6 (filed June 25, 2018)

Dismissed on Reconsideration⁶

Estes Valley Public Library District, CO, Application No. 181042042, Petition for Reconsideration, CC Docket No. 02-6 (filed July 24, 2018)

Highland Community Unit School District No. 5, IL, Application No. 161035653, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 13, 2017)

Holy Family Elementary School, MN, Application No. 181042928, Petition for Reconsideration, CC Docket No. 02-6 (filed July 27, 2018)

Lake Rose Christian Academy, FL, Application No. 181042865, Petition for Reconsideration, CC Docket No. 02-6 (filed July 27, 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 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology*; *Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

⁶ 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).

Further, Estes Valley Public Library District, Lake Rose Christian Academy and Pope Valley Union Elementary School fail to demonstrate why we should consider the new information they provide now for the first time in their respective reconsideration petitions given 47 CFR § 1.106(c).

Missouri Network Alliance, LLC, MO, Application No. 1018785, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 21, 2017)

Pope Valley Union Elementary School, CA, Application No. 181042732, Petition for Reconsideration, CC Docket No. 02-6 (filed June 4, 2018)

Strongsville City Schools, SC, Application No. 161015530, Petition for Reconsideration, CC Docket No. 02-6 (filed May Aug. 21, 2018)

Dismissed on Reconsideration - Untimely⁷

Crotched Mountain Center (University of New Hampshire Dept. of Telecommunications), NH, Application No. 161016159, Request for Waiver, CC Docket No. 02-6 (filed Aug. 21, 2018)

Granted⁸

28 Day Competitive Bidding Rule⁹

San Antonio Independent School District, TX, Application No. 171020329, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 16, 2018)

San Antonio Independent School District, TX, Application No. 171016851, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 16, 2018)

San Antonio Independent School District, TX, Application No. 171013062, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 21, 2018)

San Antonio Independent School District, TX, Application No. 1032881, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 28, 2018)

⁷ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

⁸ 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).

⁹ See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time, and there was no evidence of waste, fraud or abuse).

*Incorrect Service Start Date on FCC Form 486*¹⁰

Boulder Preparatory High School, CO, Application No. 161048850, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2018)

*Ministerial and/or Clerical Errors*¹¹

Kountze Public Library, TX, Application No. 161022709, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2018)

Mary Louis Academy, NY, Application No. 181038535, Request for Waiver, CC Docket No. 02-6 (filed Aug. 16, 2018)

Montmorency School, IL, Application No. 181026742, Request for Waiver, CC Docket No. 02-6 (filed Aug. 28, 2018)

West Rusk CCISD, TX, Application No. 161017180, Request for Waiver, CC Docket No. 02-6 (filed Aug. 16, 2018)

¹⁰ See, e.g., *Request for Review and/or Waiver by Glendale Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 1040 (WCB 2006); see also *Request for Waiver by Harvey Public Library District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15419 (WCB 2008) (both orders granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486).

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).

¹¹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc., et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (granting Petitioners' requests to correct their mistaken cancellations of funding requests); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Achieve Career Preparatory Academy, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 10254, 10255 text accompanying n. 9 (WCB 2011) (permitting applicant to correct a mischaracterization of a recurring charge as a non-recurring charge); *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 and 7 (WCB 2010) (permitting applicant to include item omitted from FCC Form 471 but included on its source list and correct a FCC Form 470 number).

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).

*Timely-Filed Appeal*¹²

Citizens Tel of Illinois, Inc. (Frontier Communications Corporation), IL, Application No. 161048783, Request for Review, CC Docket No. 02-6 (filed Aug. 20, 2018)

*Waiver of Appeal- or Waiver-Filing Deadline*¹³

Missoula County Public Schools, MT, Application No. 161047508, Request for Waiver, CC Docket No. 02-6 (filed Jan. 4, 2018)

St. Louis City School District, MO, Application No. 954886, Request for Waiver, CC Docket No. 02-6 (filed Oct. 18, 2017)

Taholah School District 77, WA, Application No. 1018021, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2017)

Denied

*Invoice Deadline Extension Requests*¹⁴

East Texas Copy Systems (New Summerfield Independent School District), TX, Application No. 161041005, Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2018)

Greenville City Schools, OH, Application No. 161049291, Request for Waiver, CC Docket No. 02-6 (filed Nov. 20, 2017)

Nushagak Electric & Telephone Cooperative, Inc. (Dillingham City School District), AK, Application No. 161014530, Request for Waiver, CC Docket No. 02-6 (filed Nov. 17, 2017)

Redwood Falls-Morton-Belview School District 2897, MN, Application No. 161042060, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2018)

Sesser-Vailer School District 196, IL, Application No. 161006949, Request for Waiver, CC Docket No. 02-6 (filed Nov. 14, 2017)

St. Joseph Grade School, NJ, Application No. 161020864, Request for Waiver, CC Docket No. 02-6 (filed Dec. 19, 2017)

¹² 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).

¹³ 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 8.

¹⁴ 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.

Tahoma School District 409, WA, Application No. 161011722, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2018)

*Late-Filed FCC Form 471 Applications*¹⁵

Alamo Heights ISD, TX, Application Nos. 181043160, 181043265, Request for Waiver, CC Docket No. 02-6 (filed Jul. 19, 2018)

Bastrop Independent School District, TX, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Mar. 22, 2018)

Bastrop Public Library, TX, Application No. 181021541, Request for Waiver, CC Docket No. 02-6 (filed May 4, 2018)

Emmanuel Lutheran School, AZ, Application No. 181043044, Request for Waiver, CC Docket No. 02-6 (filed Jul. 9, 2018)

Fontana JT8 School District, WI, Application No. 181042642, Request for Waiver, CC Docket No. 02-6 (filed Jul. 2, 2018)

Fontana JT8 School District, WI, Application No. 181042943, Request for Waiver, CC Docket No. 02-6 (filed Jul. 3, 2018)

Forest City Community Schools, IA, Application No. 181042373, Request for Waiver, CC Docket No. 02-6 (filed Apr. 6, 2018)

Inverness Christian Academy, FL, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Jul. 10, 2018)

Lillian Vallely School, ID, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Jul. 19, 2018)

Maryvale Education Center, NY, No Application No., Request for Waiver, CC Docket No. 02-6 (filed May 7, 2018)

Monticello School District #25, IL, Application No. 181025566, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2018)

Natalia Veteran's Memorial Library, TX, Application No. 181043260, Request for Waiver, CC Docket 02-6 (filed Aug. 29, 2018)

Nodaway-Holt R-VII School District, MO, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Apr. 17, 2018)

Oakland Avenue Charter School, FL, Application No. 181043219, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2018)

¹⁵ 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 FCC Red 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).

Our Lady of Good Counsel School, IL, Application No. 181015659, Request for Waiver, CC Docket No. 02-6 (filed Jun. 26, 2018)

Public Libraries of Erie County, PA, Application No. 181043177, Request for Waiver, CC Docket No. 02-6 (filed Aug. 3, 2018)

Renaissance Academy Charter School of the Arts, NY, Application No. 181043158, Request for Waiver, CC Docket No. 02-6 (filed Jul. 30, 2018)

Rhema Word Christian Academy, FL, Application No. 181043117, Request for Waiver, CC Docket No. 02-6 (filed Aug. 3, 2018)

Rhode Island and Providence Plantations DCYF Alternative Education Program, RI, Application No. 181043149, Request for Waiver, CC Docket No. 02-6 (filed Jul. 27, 2018)

St. Joachim School, CA, Application No. 181039453, Request for Waiver, CC Docket No. 02-6 (filed Jun. 28, 2018)

St. John Notre Dame School, CA, Application Nos. 181043004, 181043103, Request for Waiver, CC Docket No. 02-6 (filed Jul. 18, 2018)

Sts. Joseph and John School, OH, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Mar. 23, 2018)

Stepping Stone School, NJ, Application No. 181043108, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2018)

West Virginia State Department of Education, WV, Application Nos. 181005090, 181005092, 181005095, 181005103, 181005106, 181009063, 181042456, 181042457, 181042458, 181042474, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2018)

Woodruff Memorial Library, CO, Application No. 181043011, Request for Waiver, CC Docket No. 02-6 (filed Jun. 28, 2018)

Woodstock District 4 Middle School, VT, Application No. 181043230, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2018)

*Seeking E-Rate Support for Services Not Covered by the Applicant's Competitive Bidding Process*¹⁶

Nora Cronin Presentation Academy, NY, Application No. 161018519, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 16, 2018)

¹⁶ See, e.g., *Request for Review of a Decision by the Universal Service Administrator by Albert Lea Area Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4541-42, paras. 14-15 (WCB 2009) (finding that petitioners violated the Commission's competitive bidding rules by not including the type of service on the FCC Form 470 that the applicant requested on its FCC Form 471).

*Untimely-Filed Appeals or Waiver Requests*¹⁷

Academia Cristo Rey, PR, Application No. 181008085, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2018)

Academy School District 20, CO, Application No. 161022998, Request for Waiver, CC Docket No. 02-6 (filed Aug. 21, 2018)

Gregory-Portland Independent School District, TX, Application No. 171050066, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2018)

Diamond Elementary School, OR, Application No. 181027629, Request for Waiver, CC Docket No. 02-6 (filed Sep. 10, 2018)

Life Academy of Excellence, FL, Application No. 171049455, Request for Waiver, CC Docket No. 02-6 (filed Aug. 21, 2018)

Life Academy of Excellence, FL, Application No. 171049452, Request for Waiver, CC Docket No. 02-6 (filed Aug. 28, 2018)

Living Water Christian School, FL, Application No. 181007500, Request for Waiver, CC Docket No. 02-6 (filed Aug. 23, 2018)

St James/Seton School, NE, Application No. 181042957, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2018)

Texarkana Independent School District, TX, Application No. 181042618, Request for Waiver, CC Docket No. 02-6 (filed Jul. 18, 2018)

Yellow Medicine East, MN, Application No. 171030991, Request for Review, CC Docket No. 02-6 (filed May 24, 2018)¹⁸

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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¹⁷ 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).

¹⁸ Although Yellow Medicine East's appeal contesting an invoice denial was late-filed, we note that the applicant still has the opportunity to submit another invoice for this funding request. Because the last date to invoice for this funding request is Jan. 28, 2019, we instruct USAC to assist Yellow Medicine East in submitting a new invoice. We make no finding on the underlying issues in the invoice denial.

