



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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

**CC Docket No. 96-45**

**CC Docket No. 02-6**

**WC Docket No. 06-122**

**WC Docket No. 08-71**

**WC Docket No. 09-197**

**WC Docket No. 10-90**

**WC Docket No. 11-42**

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.<sup>1</sup> 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.<sup>2</sup>

### **Schools and Libraries (E-rate)**

**CC Docket No. 96-45**

**CC Docket No. 02-6**

### **Dismissed on Reconsideration**<sup>3</sup>

<sup>1</sup> 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.

<sup>2</sup> 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).

<sup>3</sup> 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).

Gallup-McKinley County Public Schools, NM, Application No. 248147, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 9, 2017, supplemented Aug. 30, 2017)

New Glarus School District, WI, Application Nos. 553171, 863619, 925993, 988781, 1049661, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 30, 2017)

Perseus House, Inc., PA, Application No. 1040269, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 22, 2017)

Granted<sup>4</sup>

*Eligible Services*<sup>5</sup>

Sanders Unified School District 18, AZ, Application No. 665393, Request for Review, CC Docket No. 02-6 (filed Oct. 4, 2010)

*Granting Additional Time to Respond to USAC's Request for Information*<sup>6</sup>

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<sup>4</sup> 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).

<sup>5</sup> 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, 8737-38, para. 6 (2007) (*Aiken County Order*) (granting appeals where USAC incorrectly determined the funding requests were for ineligible services). Specifically, we find that the personal call manager is an eligible client access license for server-based voicemail and e-mail functionalities. See *Release of Funding Year 2009 Eligible Services List for Schools and Libraries Universal Service Mechanism*, CC Docket No. 02-6, Public Notice, 23 FCC Rcd 17646, 17656 (2008) (including as eligible internal connection services, VoIP components and software (and related client access licenses) for server-based, shared voice-mail systems and e-mail systems); see cf., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Report and Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 6562, 6567, para. 11, 6574-75, para. 24 (2009) (clarifying in funding year 2010, that user licenses necessary for the utilization of interconnected VoIP systems are eligible server-based software and internal connections).

<sup>6</sup> 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) (*ABC Unified Order*) (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).

Celerity Educational Group, CA, Application No. 161047510, Request for Review, CC Docket No. 02-6 (filed Aug. 25, 2017)

Georgia School for Innovation & the Classics, GA, Application No. 161039284, Request for Review, CC Docket No. 02-6 (filed Feb. 6, 2017)

New Canaan Country School, CT, Application No. 161042040, Request for Review, CC Docket No. 02-6 (filed Jan. 3, 2017)

West Tennessee School for the Deaf, TN, Application No. 161048760, Request for Waiver, CC Docket No. 02-6 (filed Apr. 24, 2017)

*Ministerial and/or Clerical Errors*<sup>7</sup>

Alpine Union School District, CA, Application No. 161006057, Request for Review, CC Docket No. 02-6 (filed June 6, 2017, supplemented Aug. 23, 2017)

Lafayette Parish School System, LA, Application Nos. 971900, 1041461, 1047681, Request for Review or Waiver, CC Docket No. 02-6 (filed Mar. 29, 2016)

Oakdale Christian Academy, KY, Application No. 1036438, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2016, supplemented Sept. 6, 2017)

St. Bernard-Elmwood Place City Schools, OH, Application No. 161020509, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 29, 2017)

*Unable to Timely File Awaiting USAC Action*<sup>8</sup>

Cochise County Library District, AZ, Application Nos. 1041195, 1045495, Request for Review, CC Docket No. 02-6 (filed April 27, 2017)

*Waiver of Appeal Filing Deadline*<sup>9</sup>

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<sup>7</sup> 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, 15521, n.19 (WCB 2008) (permitting correction when applicant failed to reference all of the entities on which it based its funding request); *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, 17320, para. 2, nn.11 & 20 (WCB 2010) (permitting applicants to correct a mathematical calculation error and their selection of the wrong category of service on their FCC Form 471).

<sup>8</sup> See *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909, 1911, para. 6 (WCB 2017) (granting a waiver for applicants who were unable to file a BEAR form because they were waiting for USAC to provide an FCC Form 498 ID or personal identification number (PIN) at the time of the deadline due to one-time influx of requests in the fall of 2016).

<sup>9</sup> See, e.g., *ABC Unified Order*, 26 FCC Rcd at 11019, para 2 (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 these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 4.

Beverly School for the Deaf, MA, Application No. 171009765, Request for Waiver, CC Docket No. 02-6 (filed Aug. 14, 2017)

Biblioteca Electronica Pena Pobre, PR, Application No. 161039472, Request for Waiver, CC Docket No. 02-6 (filed Sept. 14, 2017)

Gestalt Community Schools, TN, Application No. 161004068, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

Williamsburg County School District, SC, Application No. 161012019, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2017)

Partially Granted<sup>10</sup>

*Eligible Services*<sup>11</sup>

Verizon North Inc. (Muskegon Heights Public Schools), MI, Application No. 322249, Request

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<sup>10</sup> See *supra* note 4.

<sup>11</sup> See, e.g., *Aiken County Order*, 22 FCC Rcd at 8737-38, para. 6 (granting appeals where improper labeling or a misleading response caused USAC to treat the requested services as ineligible). The project management services listed on invoice DN39573 were listed on the applicant's FCC Form 471 Item 21 attachments, but not correctly labeled for FRN 858276. Per the funding year 2002 Eligible Services List (ESL), project management costs are eligible for funding if part of a contract or bid for the eligible products and services. See USAC, FY2002 ESL (Oct. 17, 2001), [http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList\\_101701.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList_101701.pdf). As the record shows that the project management services were part of Verizon's larger bid to provide eligible services, these services were eligible for support. Similarly, equipment listed on invoice DN39575 was listed on the applicant's FCC Form 471 Item 21 attachments, but not correctly labeled for FRN 858276. Regarding the eligibility of the equipment on invoice DN39575, we agree with USAC's determination that the Webcache equipment and associated Network Supervisor software are ineligible products, and note that invoice DN39575 also listed ten (10) Sony Triniton 27" televisions, which are ineligible for funding. We direct USAC to remove any costs attributed to these ineligible products from the funding request and process the remaining eligible portion. Regarding the products and services on invoices AP30288 and AP30290, USAC correctly determined that the products and services were not part of the services requested on the Item 21 attachments, and are thus ineligible for funding. See, e.g., *Request for Review or Waiver of a Decision of the Universal Service Administrator by RECTec Technology and Communications (Colcord Public Schools)*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 8180, 8083, paras. 7-8 (WCB 2014) (denying waiver request when the applicant sought reimbursement from USAC for services that were not requested and approved). Regarding the maintenance contracts listed on invoices ME46258 and MN53323, and the prepaid maintenance charges on invoice DN39575, USAC correctly determined those maintenance services were ineligible for support. See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by AllWays, Inc. (Prairie Hills School District 144)*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1968, 1968-69, para. 1 (WCB 2012) (upholding denials of funding requests for services that are ineligible for E-rate support). As USAC reviewed these invoices after the effective date of the *Schools and Libraries Third Report and Order*, it determined that the maintenance contracts provided more than basic maintenance and were thus ineligible for funding. See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26921-22, paras. 23-24 (2003) (*Schools and Libraries Third Report and Order*) (clarifying that technical support contracts providing more than basic maintenance service are ineligible for discounts and directing USAC to review and fund discounts in accordance with this clarification as of the effective date of the Order).

for Review, CC Docket No. 02-6 (filed Nov. 29, 2005)

### Denied

#### *Funding Year 2001 CIPA Certification*<sup>12</sup>

Embarq Corporation (Estill Elementary School), SC, Application No. 234858, Request for Waiver and/or Review, CC Docket Nos. 02-6 and 96-45 (filed Dec. 22, 2006)

#### *Ineligible Entities*<sup>13</sup>

Shonto Preparatory School, AZ, Application No. 577360, Request for Review, CC Docket No. 02-6 (filed Sep. 7, 2010)

#### *Invoice Deadline Extension Requests*<sup>14</sup>

American Samoa Telecommunications Authority (American Samoa Department of Education), AS, Application No. 1045654, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Billerica Public Schools, MA, Application No. 996376, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2017)

Dr. Lena Edwards Academic Charter School, NJ, Application No. 1050079 (FRNs 2869606, 2869007, 2869756), Request for Waiver, CC Docket No. 02-6 (filed Feb. 27, 2017)

Integrity Network Solutions (Clarksville Independent School District), TX, Application No. 1024107, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2017)

Regional Office of Education #47, IL, Application No. 1049897, Request for Waiver, CC Docket No. 02-6 (filed Sept. 11, 2017)

#### *Late-Filed FCC Form 471 Applications*<sup>15</sup>

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<sup>12</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Aleutians East Borough School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 19 FCC Rcd 2978, 2979-80, paras. 6-7 (WCB 2004) (denying request to demonstrate school compliance with CIPA using a district level FRN and request for waiver of dates or deadlines as contrary to the requirement imposed by statute). See also 47 U.S.C. § 254(h)(5)(E), (6)(E); *Federal-State Joint Board on Universal Service; Children's Internet Protection Act*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182, 8188-89, 8191, paras. 10, 18 (2001).

<sup>13</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Anderson School; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, 15 FCC Rcd 25610, 25612, para. 6 (CCB 2000) (finding that study centers located in residential dormitories were not eligible for E-rate support).

<sup>14</sup> 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.

Harding County School District, SD, Application No. 171049130, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2017)

Kinder Cub School, FL, Application No. 171048205, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

St. Mary's Elementary, OH, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

*FCC Form 486 – Late-Filed*<sup>16</sup>

East Orange Child Development Corporation, NJ, Application No. 1048088, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2017)

Seneca East Local School District, OH, Application No. 1016042, Request for Review, CC Docket No. 02-6 (filed July 31, 2017)

*Untimely Filed Requests for Review*<sup>17</sup>

Perseus House Charter School of Excellence, PA, Application No. 161044569, Request for Waiver, CC Docket No. 02-6 (filed Nov. 23, 2016, supplemented Apr. 13, 2017 and May 5, 2017)

**Connect America Fund**

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<sup>15</sup> 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 Rcd 9256, 9259, para. 8 (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). Consistent with precedent, we also deny the request for waiver of the 28-day competitive bidding violation for Harding County School District. See also, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16418, para. 9 (WCB 2011) (denying appeals where the applicant violated the 28-day rule by missing the deadline by more than three days, thereby preventing their requests for services from being competitively bid for a meaningful period of time).

<sup>16</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, para. 11 (WCB 2016) (establishing a new standard requiring applicants to file the FCC Form 486 no later than 120 days after the last day to receive service and demonstrate good cause for the late filing).

<sup>17</sup> 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 appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by the Commission's rules, and did not show special circumstances necessary for the Commission to waive the deadline).



**CC Docket No. 96-45**  
**WC Docket No. 08-71**  
**WC Docket No. 10-90**

Denied

*Section 54.1306(a)(3) Updating Information Submitted to the National Exchange Carrier Association*<sup>18</sup>

Toledo Telephone Co. d/b/a ToledoTel (SAC #522447), Petition for Waiver of Section 54.1306(a)(3) Deadline for Submission of Updated High Cost Loop Support Data, WC Docket Nos. 08-71, 10-90, CC Docket No. 96-45 (filed Apr. 20, 2017)

Guadalupe Valley Telephone Cooperative, Inc. (SAC #442083), Petition for Waiver of Section 54.1306(a)(3) Deadline for Submission of Updated High Cost Loop Support Data, WC Docket Nos. 08-71, 10-90, CC Docket No. 96-45 (filed Apr. 18, 2017) (collectively with ToledoTel's petition, the 54.1306(a)(3) Petitions)

**Contribution Methodology**  
**WC Docket No. 06-122**

Denied

*Request for Waiver of FCC Form 499-A Revision Deadline*<sup>19</sup>

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<sup>18</sup> The precedent Toledo Telephone Co. d/b/a ToledoTel (ToledoTel) and Guadalupe Valley Telephone Cooperative (GVTC), Inc. cite involve *required* deadlines, necessary to calculate/receive support. *See* the 54.1306(a)(3) Petitions at 4. Filings pursuant to 54.1306(a) are optional, not necessary to calculate/receive support, and not filing means a missed opportunity for more support – not a loss of support. *See* 47 CFR § 54.1306(a). Therefore, the missed 54.1306(a)(3) filings are distinguishable from Bureau precedent, and the facts presented do not amount to special circumstances. *See The Telecommunications Access Policy Division of the Wireline Competition Bureau Grants Petitions Requesting Waiver of Various High-Cost Universal Service Filing Deadlines*, WC Docket No. 08-71, Public Notice, 27 FCC Rcd 229, 229 (WCB 2012), *and* Twin Valley Telephone, Inc. Petition for Waiver of Sections 36.[6]12 and 54.305 of the Commission's Rules, CC Docket No. 96-45 (Aug. 9, 2010) (involving a mandatory deadline under 47 CFR § 36.612, which is now section 54.1306). Moreover, the discussion cited in *Connect America Fund, et. al*, WC Docket Nos. 10-90, 14-58, 14-192, Report and Order, 29 FCC Rcd 15644, 15690-93, paras. 129-38 (2014), as Petitioners note, is not applicable to 54.1306(a), and the grace period was meant to prevent a loss of support – not getting any at all – as opposed to getting more than otherwise would have. *See* the 54.1306(a)(3) Petitions at 5; *see Connect America Fund, et al.*, WC Docket Nos. 10-90, 14-58, 14-192, Report and Order, 29 FCC Rcd 15644, 15738, Appx B, para. 79 (2014). Petitioners do not provide evidence of any other special circumstances or evidence of hardship to determine a waiver would be in the public interest – for instance that the support the Petitioners did receive was inadequate. *See Universal Service High-Cost Filing Deadlines*, WC Docket No. 08-71, Order, 30 FCC Rcd 1879, 1881, para. 6 (WCB 2015). Accordingly, we do not find that good cause exists. *See* 47 CFR § 1.3.

<sup>19</sup> *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  
(continued....)

Connex International, Inc., Request for Waiver of One-Year Downward Revision Deadline for FCC Form 499-A, WC Docket No. 06-122 (filed Apr. 13, 2017)

*Late 499-A Filing Fee Waiver Request*<sup>20</sup>

JLink Communications, LLC, Request for Waiver of Late 499-A Filing Fees, WC Docket No. 06-122 (filed May 11, 2017)

*Late 499-Q Filing Fee Waiver Request*<sup>21</sup>

Audian, Inc., Request to Waive Late Filing Fees, WC Docket No. 06-122 (filed June 9, 2017)

Dismissed without Prejudice

*Late 499-Q Filing Fee Waiver Request*<sup>22</sup>

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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 499 instructions).

<sup>20</sup> *Id.*

<sup>21</sup> See, e.g., *Requests for Review of a Decision of the Universal Service Administrator by Achilles Networks, Inc. et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646 (WCB 2012) (denying requests for reversal of late fees associated with the untimely filing of the FCC Forms 499-A and 499-Q); *Universal Service Contribution Methodology; Petition for Waiver of Universal Service Fund Rules by Outfitter Satellite, Inc.*, WC Docket No. 06-122, Order, 28 FCC Rcd 13358 (WCB 2013) (denying a request for waiver based on a claim of financial hardship); *Universal Service Contribution Methodology, Request for Waiver by Baltimore Washington Telephone Company*, WC Docket No. 06-122, Order, 27 FCC Rcd 12994 (WCB 2012) (denying request for waiver and reversal of late fees despite claim that the late fees were excessive and punitive relative to the size and revenues of the company). See also 47 CFR § 54.713(a) (“A contributor that fails to file a Telecommunications Reporting Worksheet and subsequently is billed by the Administrator shall pay the amount for which it is billed.”), (c) (“If a universal service fund contributor is more than 30 days delinquent in filing a Telecommunications Reporting Worksheet Form 499-A or 499-Q, the Administrator shall assess an administrative remedial collection charge equal to the greater of \$100 or an amount computed using the rate of the U.S. prime rate (in effect on the date the applicable Worksheet is due) plus 3.5 percent, of the amount due per the Administrator’s calculations.”); *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight et al.*, WC Docket Nos. 05-195, 02-60, 03-109 and CC Docket Nos. 96-45, 02-6, 97-21, Report and Order, 22 FCC Rcd 16372, 16379-80, para. 14 (2007) (“[I]f a contributor is more than 30 days delinquent in filing an FCC Form 499-A or 499-Q... [t]he sanction will be the greater of \$100 per month or the amount derived from a rate of interest equal to the U.S. prime rate plus 3.5 percent assessed on the amount due....”).

<sup>22</sup> 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).



REAL Mobile, Request for Waiver, WC Docket No. 06-122 (filed June 5, 2017)

*Request for Waiver of FCC Form 499-A Revision Deadline*<sup>23</sup>

Celito Communications, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Chicago Business VoIP, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Cloud Connect, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

CompuPhone Voice & Data, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

ConnectMe, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Fidelity Voice Services, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

FlexIP Solutions, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

iPitimi, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Premiere Hosting, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Puretalk Holdings, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Sage Telecom Communications, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Telephone Diagnostic Services, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Telequality Communications, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

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<sup>23</sup> See *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review-Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 98-171, 97-21, Order, 20 FCC Rcd 1012, 1016, para. 10 (WCB 2004) (*FCC Form 499-A One-Year Deadline Order*) (adopting a deadline of twelve months for filing revisions to the FCC Form 499-A that result in reduced contributions, but refraining from adopting a similar deadline for revisions that result in increased contributions).

Thinking Phone Networks, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

TNCI Operating Company, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Velocity Network, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Wholesale Carrier Services, Inc., Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

Xact Associates, LLC, Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Mar. 31, 2017)

**Lifeline**

**WC Docket No. 11-42**

**WC Docket No. 09-197**

**WC Docket No. 10-90**

**Dismissed as Moot**<sup>24</sup>

TracFone Wireless, Inc., Emergency Petition for Temporary Waiver, WC Docket Nos. 11-42, 09-197, 10-90 (filed Sept. 8, 2017)

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](mailto:kate.dumouchel@fcc.gov) or (202) 418-7400.

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<sup>24</sup> See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket Nos. 11-42, 09-197, and 10-90, Order, DA 17-860 (WCB Sept. 7, 2017) (granting all Lifeline ETCs serving Lifeline subscribers residing in Puerto Rico and the U.S. Virgin Islands a 90-day waiver from sections 54.405(e)(3), 54.405(e)(4), 54.407(c)(2) and 54.410(f) of the Lifeline program rules). The relief granted in this order encompasses the relief requested by TracFone's request for waiver. See also *NTCA – The Rural Broadband Association and WTA – Advocates for Rural Broadband et al.; Petition for Temporary Waiver; Connect America Fund*, WC Docket Nos. 11-42, 09-197, and 10-90, Order, 32 FCC Red 232, 232, paras. 1, 3 (WCB 2017) (dismissing as moot request for waiver where the Commission had taken action addressing the issues raised in the waiver request).