



Universal Service  
Administrative Co.

## Schools and Libraries

### **Potential Eligibility for Funding Year 2016 Out-of-Window Waiver Relief – TIME-SENSITIVE & ACTION REQUIRED WITHIN 60 DAYS OF THIS NOTICE**

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June 11, 2019

Robert Hudson  
124 County Road 3000  
Lott, TX 76656  
robert.hudson@westphaliaisd.org

Re:   Applicant name: Westphalia Indep School Dist  
      Billed Entity Number: 141114  
      FCC Form 471 Number: 161048517

Dear Funding Year 2016 E-Rate Applicant,

You are receiving this letter because you may be eligible for relief under the Federal Communications Commission's (FCC) *Pribilof School District Order*, which was released on August 8, 2018. To be eligible for relief, you must demonstrate that your situation was similar to that of the Pribilof School District and that acceptance of your late-filed funding year (FY) 2016 FCC Form 471 application would be in the public interest, thereby warranting a waiver of the application filing deadline.

In the *Pribilof School District Order*, the FCC granted a waiver to the Pribilof School District after determining that the school district's waiver request met the FCC's established waiver criteria. The FCC found that although the Pribilof School District filed its FY 2016 FCC Form 471 application beyond the close of the filing window (i.e., within 14 days after the window closed) and did not timely file a waiver request with the FCC, the Pribilof School District was unaware that its application had been rejected as a result of platform failures of the Universal Services Administrative Company's (USAC) E-rate Productivity Center (EPC). The FCC found that it was in the public interest to waive its appeal deadline rules in this case and granted the Pribilof School District's request to allow submission of its waiver request more than 60 days after USAC's decision regarding the school district's FY2016 FCC Form 471 application.

In its *Pribilof School District Order*, the FCC directed the Wireline Competition Bureau to initiate a

process by which other applicants could demonstrate that they are similarly situated to the Pribilof School District and, thus, that a waiver is in the public interest to allow for the processing of their respective late-filed FY 2016 E-Rate applications. USAC records indicate that your FY 2016 FCC Form 471 application was filed late but within 14 days of the close of the filing window. Therefore, your situation may be similar to that of the Pribilof School District and, as a result, you are receiving this notice. If you believe you are similarly situated, you must file a waiver request within **60 days** of the date of this letter. Your waiver request must be filed with the FCC through the FCC's Electronic Comment Filing System (ECFS), in CC Docket No. 02-6. The waiver request should reference the *Pribilof School District Order* and describe with specificity why your factual situation is like that of the Pribilof School District and how a waiver would be in the public interest. A copy of the *Pribilof School District Order* can be found here: <https://docs.fcc.gov/public/attachments/FCC-18-118A1.pdf>.

For further information, please contact our Client Service Bureau at (888) 203-8100.

Sincerely,

Schools and Libraries Division  
Universal Service Administrative Company

Contact Person	BEN	BEN Name	471 #
Robert Hudson	141114	Westphalia Indep School Dist	161048517

Need Help? Contact Us!

Call the Client Service Bureau at (888) 203-8100.

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Application for Review of a	)	
Decision of the	)	
Wireline Competition Bureau by	)	
	)	
Pribilof School District	)	File No. SLD-161061517
St. Paul Island, Alaska	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: August 7, 2018**

**Released: August 8, 2018**

By the Commission: Commissioners O’Rielly and Rosenworcel issuing separate statements.

**I. INTRODUCTION**

1. Pribilof School District, St. Paul Island, Alaska (Pribilof), an isolated school district that serves 65 low-income students on two islands in the Bering Sea, sought more than \$300,000 in funding from the E-Rate program to provide satellite Internet access service to its students in 2016.<sup>1</sup> After a series of errors associated with the Universal Service Administrative Company’s (USAC’s) roll-out of the E-Rate Productivity Center (EPC), the web-based account and application management portal for the E-Rate program, Pribilof filed its application for funding and its subsequent waiver request after the applicable deadlines.<sup>2</sup> In this Order, we grant relief to Pribilof and give an opportunity for relief to other similarly situated applicants whose applications were rejected because of failures of the EPC platform during funding year 2016.<sup>3</sup> On the latter point, we direct the Wireline Competition Bureau (Bureau) to initiate a process by which other funding year 2016 applicants would have 60 days to demonstrate that they experienced the same special circumstances as Pribilof and that a waiver would be in the public interest for their respective funding year 2016 E-Rate applications.

**II. BACKGROUND**

2. Under the E-Rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for universal service support for eligible services.<sup>4</sup> Commission rules

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<sup>1</sup> E-Rate is more formally known as the schools and libraries universal service support mechanism.

<sup>2</sup> Letter from Gina Spade, Counsel for Pribilof School District, to the Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed May 30, 2017) (Pribilof Application for Review). *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, 31 FCC Rcd 13450, 13462 (WCB 2016) (*December 2016 Streamlined Request Resolution PN*); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, 32 FCC Rcd 3161, 3163, n.7 (WCB 2017) (*April 2017 Streamlined Request Resolution PN*).

<sup>3</sup> Funding year 2016 was from July 1, 2016 to June 30, 2017.

<sup>4</sup> 47 CFR §§ 54.501-54.505.

require that the applicant make a *bona fide* request for services<sup>5</sup> by filing an FCC Form 470, which is posted to the Universal Service Administrative Company's (USAC) website for all potential competing service providers to review.<sup>6</sup> Once a school or library has complied with the Commission's competitive bidding requirements and has entered into an agreement for eligible services, it must file an FCC Form 471 application to notify USAC of the services that have been ordered, the service providers with which the applicant has entered into agreements, and an estimate of the funding needed for eligible services.<sup>7</sup> Under the E-Rate program rules applicable to funding year 2016, applications received after the close of the filing window would be denied funding by USAC.<sup>8</sup>

3. Funding year 2016 was the first year E-Rate applicants were required to use the EPC portal.<sup>9</sup> On January 25, 2016, USAC announced that the filing window for funding year 2016 applications would open on February 3, 2016 and close on April 29, 2016.<sup>10</sup> On April 15, 2016, because of the challenges applicants faced in filing their applications largely due to unexpected issues with rollout of EPC, USAC extended the filing window and, for the first time, created a second filing window for a subset of applicants.<sup>11</sup> Specifically, USAC extended the close of the funding year 2016 window to May 26, 2016 for schools and school districts, and created a new filing window for libraries and consortia that opened immediately after the first window ended and closed on July 21, 2016.<sup>12</sup>

4. Pribilof sought E-Rate funding for funding year 2016.<sup>13</sup> Pribilof asserts that in preparing to submit its E-Rate application for funding year 2016, it sought to apply as a consortium.<sup>14</sup> When Pribilof tried to file its application through EPC, it experienced numerous problems and sought USAC's assistance with filing the application.<sup>15</sup>

5. On July 25, 2016, Pribilof filed its funding year 2016 FCC Form 471 application for

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<sup>5</sup> See *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 9076, para. 570 (1997 (citing 47 U.S.C. § 254 (h)(1)(B))), as corrected by *Federal-State Joint Board on Universal Service*, Errata, CC Docket No. 96-45, FCC 97-157 (rel. June 4, 1997), *affirmed in part, reversed in part and remanded in part sub nom. Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (*Universal Service Order*).

<sup>6</sup> 47 CFR § 54.503(c).

<sup>7</sup> See 47 CFR § 54.504(c).

<sup>8</sup> *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket Nos. 13-184, 10-90. Second Report and Order and Order on Reconsideration, 29 FCC Rcd. 15538, para. 116 (2014) ("we amend the rules to only allow applications to be filed within the filing window"); USAC Website, Schools and Libraries Program News Brief, Submitting Window Waivers (July 29, 2016), <https://www.usac.org/sl/tools/news-briefs/preview.aspx?id=710>.

<sup>9</sup> *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, 8945, para. 190 (2014) (simplifying the E-Rate application process by requiring the use of electronic filings); see also USAC Website, Schools and Libraries Program News Brief, Introduction to the E-Rate Productivity Center (Sep. 11, 2015), <https://www.usac.org/sl/tools/news-briefs/preview.aspx?id=640>.

<sup>10</sup> *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 30 FCC Rcd 9923, 9923, para. 2 (2015) (authorizing USAC to open the annual application window no earlier than 60 days after release of the Order); see also USAC Website, Schools and Libraries Program News Brief, FY2016 Filing Window Opens Next Wednesday (Jan. 25, 2016), <https://www.usac.org/sl/tools/news-briefs/preview.aspx?id=662>.

<sup>11</sup> 47 CFR § 54.507(c) ("the administrator may implement such additional filing periods as it deems necessary"); see also USAC Website, E-Rate Application Window Extension Notice for FY2016 (Apr. 15, 2016), <https://www.usac.org/sl/tools/news-briefs/preview.aspx?id=685>.

<sup>12</sup> USAC Website, E-Rate Application Window Extension Notice for FY2016 (Apr. 15, 2016), <https://www.usac.org/sl/tools/news-briefs/preview.aspx?id=685>.

<sup>13</sup> Application for Review at 6. The area served by Pribilof is approximately 300 miles from the west coast of Alaska, 250 miles north of the Aleutian Island chain, and 800 miles from Anchorage. Nearly 100 percent of Pribilof's students are Alaska Native, and 68 percent of the students live in poverty. *Id.* The district consists of two

more than \$300,000 in satellite Internet access service for its two schools. This was four days outside the filing window for library and consortia filers, which closed on July 21, 2016.<sup>16</sup> Immediately after Pribilof filed its FCC Form 471 application, EPC generated a confirmation screen that stated: “You have successfully filed FCC Form 471 #161061517 for FY 2016.”<sup>17</sup> Below that header was the following message: “Your application is being filed after the close of FY 2016 filing window. Funding for such requests will be prioritized after all applications submitted during the application window, as well as any other applications filed after the close of the window but before this application.”<sup>18</sup> In light of these messages in EPC, the Pribilof employee submitting the application believed the application had been accepted and that a funding commitment decision would eventually arrive.<sup>19</sup>

6. On July 26, 2016, EPC’s news feed, a Really Simple Syndication (RSS)-style feed through which USAC communicates news and information to applicants, including notifications (such as Funding Commitment Decision Letters) and information on program activities, displayed a different message regarding the status of Pribilof’s funding year 2016 E-Rate application. This message indicated that because the application was received after the filing window had closed, Pribilof would not be considered for funding. It also noted that Pribilof could file a waiver of the filing deadline.<sup>20</sup> Pribilof did not see this EPC news feed message.<sup>21</sup>

7. On November 18, 2016, when it had not received a funding commitment or other type of communication directly from USAC, and after consulting with the state E-Rate coordinator, Pribilof filed a request with the Commission for waiver of the FCC Form 471 application filing deadline for funding year 2016.<sup>22</sup> The Bureau denied the waiver request on the basis that it was late-filed because it should have been filed within 60 days of the EPC news feed notification, or September 24, 2016.<sup>23</sup> Pribilof then filed a petition for reconsideration that was dismissed.<sup>24</sup> On May 30, 2017, Pribilof filed the instant Application for Review with the Commission.<sup>25</sup>

### III. DISCUSSION

8. *Waiver of Deadline for Appeal of USAC Decision.* Under E-Rate program rules, an affected party seeking review or waiver of a USAC decision must file the request with the Commission

(Continued from previous page)

K-12 schools and two public libraries that are located within the schools and used by the general public after school hours. *Id.*

<sup>14</sup> See *id.* at n.4; Affidavit of Tammy L. White. Although the Pribilof employee filing the application does not recall changing its designation from “consortium” to “school district,” Pribilof’s application was filed as a school district application in EPC. See Application for Review at 19.

<sup>15</sup> Application for Review at 19.

<sup>16</sup> See 2016 FCC Form 471, Pribilof School District, filed July 25, 2016, (File No. SLD-161061517) (2016 FCC Form 471).

<sup>17</sup> Application for Review at 6.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 10-11.

<sup>20</sup> *Id.* at 7.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*; Letter from Kela Halfmann, E-Rate Coordinator, SERRC – Alaska’s Educational Resource Center, on behalf of Pribilof School District, to the Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Nov. 18, 2016) (Pribilof Request for Waiver).

<sup>23</sup> See *December 2016 Streamlined Request Resolution PN*, 31 FCC Rcd at 13462.

<sup>24</sup> See *April 2017 Streamlined Request Resolution PN*, 32 FCC Rcd at 3163, n.7.

<sup>25</sup> Application for Review.

within 60 days of the date on which USAC issued the decision.<sup>26</sup> Waiver of the Commission's rules is appropriate if (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.<sup>27</sup>

9. We find that Pribilof has demonstrated that grant of a waiver of section 54.720(a) of the Commission's rules is warranted. We find, as an initial matter, that Pribilof reasonably believed that its funding year 2016 application would be considered for funding by USAC despite being filed outside of the filing window, based on the response generated by USAC through the EPC system. In particular, upon submitting its application, Pribilof received electronic notification from USAC stating that the application had been "successfully filed" and that the funding for out-of-window applications "will be prioritized" after all in-window applications, as well as any earlier-filed out-of-window applications. This communication was factually inaccurate and at odds with the Commission's E-Rate program rules for funding year 2016, which provided that out-of-window applications would not be considered for funding at all.<sup>28</sup> Though applicants should not rely on informal guidance from USAC that contradicts Commission rules or policy, given the unusual facts present here (including the novelty of a second filing window, complications arising from the rollout of EPC, and uncertainty regarding the relevance of the EPC news feed), we cannot fault Pribilof for relying on what appeared to be a formal acceptance notification it received through EPC from USAC regarding its specific funding application. Pribilof understandably treated the notification as legitimate.

10. We note that USAC did send a message one day later clarifying that Pribilof's funding year 2016 application would not be funded because it was submitted outside the filing window. However, that message was delivered via an EPC news feed. Pribilof asserts that its waiver request was untimely filed precisely because it did not see the EPC news feed message and was unaware that it could check the news feed for application-specific information.<sup>29</sup> Under the circumstances of Pribilof's reasonable reliance on USAC's notification of its application status, we find that Pribilof had no reason to expect that the EPC news feed would have information the following day regarding the status of its application. In fact, it had received a notification from USAC just one day before stating that its application had been "successfully filed." Funding year 2016 was the first time that information about specific applications was delivered via EPC news feeds. We take particular note that these events occurred against the backdrop of an EPC rollout that was experiencing significant unforeseen technical difficulties, which ultimately led to the extension of the initial filing window and the opening of a second filing window. We also find it significant that Pribilof's request for review was filed within 60 days of its discovery that its application had been found defective.<sup>30</sup>

11. We find that the combination of these factors constitutes special circumstances unique to the funding year 2016 application process. Additionally, we believe that granting the requested waiver of the appeal filing deadline would not harm the public interest. The difficulties with the implementation of

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<sup>26</sup> 47 CFR § 54.720(a).

<sup>27</sup> Generally, the Commission's rules may be waived if good cause is shown. 47 CFR § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>28</sup> For funding year 2017 USAC changed the notification for out-of-window applications to read, in pertinent part: "Your application is being filed after the close of the FY 2017 filing window. Therefore, your application will not be considered for funding."

<sup>29</sup> Pribilof states that it became aware of the news feed notification when its initial waiver request was denied by the Bureau. See Application for Review at 7-8, Affidavit of Tammy L. White.

<sup>30</sup> 47 CFR § 54.720(a). 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, para. 1, n.2 (WCB 2010) (waiving the 60-day waiver request deadline when applicants filed their respective appeals or waivers within 60 days of discovering or receiving notice of the defects in their applications).

EPC during the funding year 2016 application process were not within the control of Pribilof,<sup>31</sup> and granting waiver relief here prevents an outcome whereby Pribilof is foreclosed from seeking to obtain much-needed E-Rate funding. Accordingly, we find that it is in the general public interest to waive our appeal deadline rules in this instance. We therefore grant Pribilof's request to allow submission of its waiver request beyond 60 days from USAC's decision regarding Pribilof's funding year 2016 FCC Form 471 application.

12. *Waiver of Form 471 Application Submission Deadline.* Next, we address Pribilof's request for a waiver of the deadline to submit its FCC Form 471 E-Rate application for funding year 2016. Although Pribilof's application was processed as a "school district" application, we find that Pribilof has demonstrated that it intended to file as a consortium. In particular, we note that Pribilof submitted a sworn affidavit from its business manager asserting that she believed that Pribilof was filing as a consortium entity,<sup>32</sup> and that well before the filing deadline, she sought USAC's assistance to file as a consortium.<sup>33</sup> Further, Pribilof had filed as a consortium in previous funding years and indeed met the criteria to file as a consortium under Commission rules.<sup>34</sup> Pribilof only learned that its application was filed as a school district application after the Bureau noted that fact in a decision denying Pribilof's petition for reconsideration.<sup>35</sup> Based on the information before us, we find that Pribilof's application should be treated as a consortium application. Accordingly, we find that Pribilof filed its application only four days outside the close of the applicable funding year 2016 window. Consistent with precedent regarding the Commission's waiver standard for late-filed E-Rate funding applications,<sup>36</sup> we grant Pribilof's waiver request regarding submission of its funding year 2016 FCC Form 471 E-Rate application.

13. Finally, we recognize the possibility that there may be other applicants that filed out-of-window FCC Form 471 applications in funding year 2016, received acceptance notices through EPC from USAC incorrectly indicating that their applications could be funded, and filed waiver requests with the Commission beyond 60 days from the date of USAC's decisions regarding their funding year 2016 FCC Form 471 applications because they believed and relied on the factually incorrect USAC notifications. To the extent this is the case, we find that applicants similarly situated to Pribilof should be afforded the same relief. To ensure that similar facts lead to similar outcomes, we direct the Bureau to initiate a process by which applicants would have 60 days<sup>37</sup> to demonstrate that they are similarly situated to Pribilof and that a waiver is in the public interest for their respective funding year 2016 E-Rate applications. In addition, we direct the Bureau to identify pending or resolved waiver requests from

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<sup>31</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Idaho Falls School District 91; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5512, 5514-16 (WCB 2010) (finding waiver was appropriate where applicant's error occurred at a time when "applicants, service providers, and USAC were not yet familiar with the operation of the program," and the error was traceable in part to USAC's own errors).

<sup>32</sup> Application for Review at Affidavit of Tammy L. White.

<sup>33</sup> *Id.*

<sup>34</sup> See 47 CFR § 54.500 ("A consortium is any local, statewide, regional, or interstate cooperative association of schools and libraries eligible for E-rate support").

<sup>35</sup> Application for Review at 19. Indeed, both its initial waiver request and subsequent petition for reconsideration make note that its application was only four days late from the consortia application window deadline. See, e.g., Pribilof Request for Waiver at 1.

<sup>36</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256 (2010) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline); *id.* para. 9 (explaining that "unexpected events may cause unanticipated delays" in the E-Rate filing process).

<sup>37</sup> The 60-day deadline will begin on a date to be determined by the Bureau.

funding year 2016 that were late-filed with the Commission, and grant waivers in situations where: (1) petitioners demonstrate that their requests for waiver of the deadline to appeal a USAC decision were late-filed because of the same EPC notice issue faced by Pribilof; and (2) meet Commission-established waiver criteria for filing applications beyond the close of the applicable filing window (e.g., within 14 days after the window closes).<sup>38</sup>

14. In granting relief based on the specific facts and circumstances presented here, we make clear that this order does not alter the obligation of participants in the E-Rate program to fully comply with the Commission's procedural rules, which are vital to the efficient operation of the E-Rate program.

#### IV. ORDERING CLAUSES

15. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.115 of the Commission's rules, 47 CFR § 1.115, that the Application for Review filed by Pribilof School District, St. Paul Island, Alaska, on May 30, 2017, IS GRANTED.

16. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and section 1.3 of the Commission's rules, 47 CFR § 1.3, that sections 54.507(c) and 54.720(a) of the Commission's rules, 47 C.F.R. §§ 54.507(c) and 54.720(a), ARE WAIVED to the extent provided herein.<sup>39</sup>

17. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91 and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 1.3, we direct the Wireline Competition Bureau to GRANT RELIEF to similarly situated applicants to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>38</sup> See *supra* note 36. If the Bureau determines that waiver is in the public interest, it should grant the application and, in the case of a previously denied waiver request, grant a *sua sponte* reconsideration of the previous determination and direct USAC to process the application.

<sup>39</sup> We remand Pribilof's application to USAC and direct USAC to complete its review of the application consistent with this Order. We also waive section 54.514(a) of the Commission's rules, *see* 47 CFR § 54.514(a) (codifying the invoice filing deadline), and direct USAC to waive any other procedural deadlines that might be necessary to effectuate our decision.



**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Application for Review of a Decision of the Wireline Competition Bureau by Pribilof School District, St. Paul Island, Alaska*, File No. SLD-161061517; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6.

For the past year, I have expressed support for granting relief to Pribilof, an economically disadvantaged school district serving 65 students on remote islands in the Bering Sea. Due to technical problems with the E-rate Productivity Center (EPC) system and unsound policy decisions at earlier stages in this proceeding, Pribilof's application for E-rate funding has been on hold. With this order, the Commission enables the application to proceed and provides similarly situated applicants the opportunity to seek relief as well.

The EPC system's technical problems are well-documented, and I understand that the Chairman and staff are working with USAC to address them, so I will not belabor them here. Rather, my specific concern has been the misguided position that information provided by USAC on the EPC news feed constitutes notice to an applicant of a funding decision and sets the deadline to appeal the decision.

Under past precedent and practice, USAC provides notice of a funding decision directly to an applicant in a funding commitment decision letter (FCDL) mailed or emailed to the applicant's designated contact(s). In contrast, the EPC news feed essentially broadcasts to all users any action taken in the system. Notice by news feed is lazy, inadequate, and wrongly shifts responsibility for some of the failings of the EPC system on to the shoulders of unsuspecting applicants. Given the number of users and actions within the program, the content posted on EPC has been described as voluminous, cluttered, and almost always irrelevant to specific schools or libraries. It is unreasonable to expect applicants – often school and library staff with a primary educational mission to accomplish – to devote resources to continuously monitor a general-purpose news feed in lieu of receiving an FCDL directly from USAC, especially when they were never told they needed to check it.

I thank the Chairman for circulating this order to provide much needed relief and for further addressing my concerns. Specifically, the order has been revised to clarify that items posted on the EPC news feed are merely informational in nature.

Additionally, I recommend that the Commission take the next available opportunity to codify a rule that any funding decision be communicated by letter and distributed directly to the applicant's designated contact(s), preferably by electronic means. Moreover, such decisions should contain a clear statement of each basis for the decision, including citations to any relevant statutory provision or Commission rule, order, or policy. These simple steps could provide even greater clarity and certainty for participants and would improve transparency and accountability for the programs overall. Applicants and the American people deserve no less.

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Application for Review of a Decision of the Wireline Competition Bureau by Pribilof School District, St. Paul Island, Alaska*, File No. SLD-161061517; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6.

The E-Rate program is a cherished part of our universal service system. For more than two decades, this program has helped ensure that internet access is available in schools across the country, including, as here, rural Alaskan islands. But great programs do not thrive without regular attention and care. In the case before us, the Pribilof School District of St. Paul Island sought support from the E-Rate program and received an erroneous confirmation that suggested its application was successfully filed. In order to remedy the confusion that followed, due in part to the roll-out of the new portal for applications at the Universal Service Administrative Company, the agency waives its rules concerning appeals and submission deadlines. This is the right call in this case and this decision has my full support.



## Description of Services Ordered and Certification Form 471

### FCC Form 471

#### Application Information

<b>Nickname</b>	FY2016	<b>Application Number</b>	161048517
<b>Funding Year</b>	2016	<b>Category of Service</b>	Category 1

#### Billed Entity

WESTPHALIA INDEP SCHOOL DIST  
124 COUNTY ROAD 3000 LOTT TX 76656 - 3827  
254-584-4988

#### Contact Information

Robert Hudson  
254-584-4988  
robert.hudson@westphaliaisd.org

**Billed Entity Number** 141114  
**FCC Registration Number** 0011697042  
**Applicant Type** School District

**Holiday/Summer Contact Information** robert.hudson@westphaliaisd.org

#### Entity Information

##### School District Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	School District Attributes	Endowment
141114	WESTPHALIA INDEP SCHOOL DIST	Rural				Public School District	None

#### Related Entity Information

##### Related Child School Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
16041479	WESTPHALIA ELEMENTARY	Rural				None	Public School	None
16041480	WESTPHALIA JUNIOR HIGH	Rural				None	Public School	None

##### Related Child School Entity - Discount Rate Calculation Details

BEN	Name	Urban/ Rural	Number of Students	Students Count Based on Estimate	CEP Percentage
16041479	WESTPHALIA ELEMENTARY	Rural	92	N/A	

BEN	Name	Urban/ Rural	Number of Students	Students Count Based on Estimate	CEP Percentage
16041480	WESTPHALIA JUNIOR HIGH	Rural	65	N/A	

### Discount Rate

School District Enrollment	School District NSLP Count	School District NSLP Percentage	School District Urban/ Rural Status	Category One Discount Rate	Category Two Discount Rate	Voice Discount Rate
157	34	22.0%	Rural	60%	60%	20%

### Funding Request for FRN #1699110554

**Funding Request Nickname:** FY2016 Internet Access

**Service Type:** Data Transmission and/or Internet Access

### Agreement Information - Contract

**Contract Number**

**Account Number**

**Establishing FCC Form 470** 160019881

**Service Provider** EDLINK12 Telecommunications Network (SPN: 143020015)

**Was an FCC Form 470 posted for the product and/or services you are requesting?** Yes

**Based on State Master Contract?** No

**Award Date** April 22, 2016

**Based on a multiple award schedule?** No

**How many bids were received for this contract?** 1

**Includes Voluntary Extensions?** No

**What is the service start date?** July 01, 2016

**Remaining Voluntary Extensions**

**Total Remaining Contract Length**

**What is the date your contract expires for the current term of the contract?** June 30, 2019

Document Name	Document Description
Westphalia_-_EDLINK12_-_100MB_2016-2019-robert.hudson_westphaliaisd.org.pdf	

### Pricing Confidentiality

**Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract?** No

**Narrative** Internet Access

### Line Item # 1699110554.001

Product and Service Details

**Purpose** Internet access service that includes a connection from any applicant site directly to the Internet Service Provider

**Function** Wireless

**Type of Connection** Microwave

Bandwidth Speed

**Upload Speed** 100.0 Mbps **Download Speed** 100.0 Mbps

Connection Information

**Does this include firewall services?** Yes **Is this a connection between eligible schools, libraries and NIFs (i.e., a connection that provides a “Wide area network”)?** No

**Is this a direct connection to a single school, library or a NIF for Internet access?** Yes **Connection Used by** All buildings/sites listed

Cost Calculation for FRN Line Item # 1699110554.001

Monthly Cost		One-Time Cost	
Monthly Recurring Unit Cost	\$1,955.00	One-time Unit Cost	\$0.00
Monthly Recurring Unit Ineligible Costs	- \$0.00	One-time Ineligible Unit Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$1,955.00	One-time Eligible Unit Cost	= \$0.00
Monthly Quantity	x 1	One-time Quantity	x 0
Total Monthly Eligible Recurring Costs	= \$1,955.00	Total Eligible One-time Costs	= \$0.00
Months of Service	x 12	Summary	
Total Eligible Recurring Costs	= \$23,460.00	Total Eligible Recurring Costs	\$23,460.00
		Total Eligible One-time Costs	+ \$0.00
		Pre-Discout Extended Eligible Line Item Cost	= \$23,460.00

Recipients of Services

BEN	Name
16041479	WESTPHALIA ELEMENTARY
16041480	WESTPHALIA JUNIOR HIGH

FRN Calculation for FRN #1699110554

Monthly Charges		Total Requested Amount	
Total Monthly Recurring Charges	\$1,955.00	Total Eligible Pre-Discout Recurring Charges	\$23,460.00
Total Monthly Ineligible Charges	- \$0.00	Total Eligible Pre-Discout One-Time Charges	+ \$0.00
Total Monthly Eligible Charges	= \$1,955.00	Total Pre-Discout Charges	= \$23,460.00
Total Number of Months of Service	x 12	Discount Rate	60%
Total Eligible Pre-Discout Recurring Charges	= \$23,460.00	Funding Commitment Request	= \$14,076.00

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

### [Funding Request for FRN #1699110575](#)

**Funding Request Nickname:** FY2016 Phones

**Service Type:** Voice

### Agreement Information - Month-to-Month

**Establishing FCC Form 470** 160019881

**Account Number** 2545844988

**Was an FCC Form 470 posted for the product and/or services you are requesting?** Yes

**Service Provider** Windstream Communications, LLC (SPN: 143030766)

**When will the services end?** June 30, 2017

**How many bids were received for this contract?** 0

**What is the service start date?** July 01, 2016

### Pricing Confidentiality

**Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract?** No

**Narrative** Local POTS

### [Line Item # 1699110575.001](#)

### Product and Service Details

**Function** Voice

**Type of Connection** Local Phone Service Only

### Cost Calculation for FRN Line Item # 1699110575.001

Monthly Cost	
Monthly Recurring Unit Cost	\$255.00
Monthly Recurring Unit Ineligible Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$255.00
Monthly Quantity	x 1
Total Monthly Eligible Recurring Costs	= \$255.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$3,060.00

One-Time Cost	
One-time Unit Cost	\$0.00
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$0.00
One-time Quantity	x 0
Total Eligible One-time Costs	= \$0.00
Summary	
Total Eligible Recurring Costs	\$3,060.00
Total Eligible One-time Costs	+ \$0.00

	Pre-Discount Extended Eligible Line Item Cost	= \$3,060.00
--	---	--------------

## Recipients of Services

BEN	Name
16041479	WESTPHALIA ELEMENTARY
16041480	WESTPHALIA JUNIOR HIGH

## FRN Calculation for FRN #1699110575

Monthly Charges	
Total Monthly Recurring Charges	\$255.00
Total Monthly Ineligible Charges	- \$0.00
Total Monthly Eligible Charges	= \$255.00
Total Number of Months of Service	x 12
Total Eligible Pre-Discount Recurring Charges	= \$3,060.00

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$3,060.00
Total Eligible Pre-Discount One-Time Charges	+ \$0.00
Total Pre-Discount Charges	= \$3,060.00
Discount Rate	20%
Funding Commitment Request	= \$612.00

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

## Funding Request for FRN #1699110586

Funding Request Nickname: FY2016 Long Distance

Service Type: Voice

## Agreement Information - Month-to-Month

Establishing FCC Form 470 160019881

Account Number 2545844988

Was an FCC Form 470 posted for the product and/or services you are requesting? Yes

Service Provider Sprint Communications Co. L.P. (SPN: 143005695)

How many bids were received for this contract? 0

When will the services end? June 30, 2017

What is the service start date? July 01, 2016

## Pricing Confidentiality

Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract? No

Narrative Long Distance Service

Line Item # 1699110586.001

Product and Service Details

Function	Voice
Type of Connection	Long Distance Phone Service Only

Cost Calculation for FRN Line Item # 1699110586.001

Monthly Cost	
Monthly Recurring Unit Cost	\$36.00
Monthly Recurring Unit Ineligible Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$36.00
Monthly Quantity	x 1
Total Monthly Eligible Recurring Costs	= \$36.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$432.00

One-Time Cost	
One-time Unit Cost	\$0.00
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$0.00
One-time Quantity	x 0
Total Eligible One-time Costs	= \$0.00
Summary	
Total Eligible Recurring Costs	\$432.00
Total Eligible One-time Costs	+ \$0.00
Pre-Discount Extended Eligible Line Item Cost	= \$432.00

Recipients of Services

BEN	Name
16041479	WESTPHALIA ELEMENTARY
16041480	WESTPHALIA JUNIOR HIGH

FRN Calculation for FRN #1699110586

Monthly Charges	
Total Monthly Recurring Charges	\$36.00
Total Monthly Ineligible Charges	- \$0.00
Total Monthly Eligible Charges	= \$36.00
Total Number of Months of Service	x 12
Total Eligible Pre-Discount Recurring Charges	= \$432.00

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$432.00
Total Eligible Pre-Discount One-Time Charges	+ \$0.00
Total Pre-Discount Charges	= \$432.00
Discount Rate	20%
Funding Commitment Request	= \$86.40

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

Connectivity Questions

District/System-wide Internet Access Questions



Does your school district currently aggregate Internet access for the entire district(as opposed to buying Yes Internet access on a building-by-building basis)?

**Download Speed** 25.00 **Download Speed Units** Mbps

**Upload Speed** 25.00 **Upload Speed Units** Mbps

### Per Entity Basis Questions

**Entity Name** WESTPHALIA INDEP SCHOOL DIST **Entity Number** 141114

BEN	Entity Name	Download	Units	Upload	Units	Connection	Wifi Sufficient	Barriers to Robust Network
16041479	WESTPHALIA ELEMENTARY	25.00	Mbps	25.00	Mbps	Copper	Mostly	Outdated equipment
16041480	WESTPHALIA JUNIOR HIGH	25.00	Mbps	25.00	Mbps	Fiber	Mostly	Outdated equipment

### Certifications

I certify that the entities listed in this application are eligible for support because they are schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

### Total Funding Summary

**Below is a summary of the total line item costs on this FCC Form 471:**

Summary	
Total funding year pre-discount eligible amount on this FCC Form 471	\$26,952.00
Total funding commitment request amount on this FCC Form 471	\$14,774.40
Total applicant non-discount share of the eligible amount	\$12,177.60
Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts	\$12,177.60
Are you receiving any of the funds directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year?	No
Has a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds needed to pay your non-discounted share?	No

I certify an FCC Form 470 was posted and that any related RFP was made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology goals.

I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, as prohibited by the Commission's rules at 47 C.F.R. § 54.503(d), other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts or other legally binding agreements covering all of the services listed on this FCC Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

I certify that I will retain required documents for a period of at least 10 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 associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to USAC.

I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by 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 and civil violations of the False Claims Act.

I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

Notice

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to submit an application for such discounts by filing this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the application requirements for universal service discounts contained in 47 C.F.R. § 54.504. Schools and libraries must file this form themselves or as part of a consortium. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving your application for universal service discounts is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application for universal service discounts may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public. If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized. If you do not provide the information we request on the form, the FCC or the Universal Service Administrator may delay processing of your application for universal service discounts or may return your application without action. The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq. Public reporting burden for this collection of information is estimated to average 4.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

Authorized Person

<b>Title:</b>	Superintendent	<b>Name:</b>	Robert Hudson
<b>Phone:</b>	254-584-4988	<b>Email:</b>	robert.hudson@westphaliaisd.org
<b>Address:</b>	124 COUNTY ROAD 3000 LOTT TX 76656 - 3827	<b>Employer:</b>	Robert Hudson

Certified Timestamp

27-May-2016 00:00:24 EDT

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## SCHOOLS AND LIBRARIES PROGRAM

## NEWS BRIEF

SPECIAL  
EDITION

April 15, 2016

**E-rate Application Window Extension Notice for FY2016**

I would like to once again acknowledge the challenges many applicants have faced in completing their E-rate applications (FCC Form 471) for the upcoming funding year. We recognize the delays applicants have encountered due to unexpected complications with the implementation of USAC's new IT system. We appreciate the assistance E-rate applicants have provided by alerting us to these issues and helping us to resolve them. As a result of these challenges, USAC and the FCC have received a number of requests for an extension of the application window.

**Based on applicant and other stakeholder input, we are providing a two-part extension for E-rate applicants.** We believe this approach will provide enough time for us to assist all filers in addressing their specific issues and complete the application process. **First, we are extending the window for all applicants by four weeks with a new closing date of May 26, 2016.** With the recent deployment of bulk upload templates and additional updates and solutions coming over the next few weeks, we believe that the IT systems will be sufficiently stable to allow most applicants, and all schools and school districts, sufficient time to file their applications by May 26.

Over the next few weeks, we expect to roll out additional updates to the application. An explanation of the additional changes we expect to make to the application can be found at: <http://www.usac.org/res/documents/sl/pdf/tools/epc/EPC-Notes.pdf>.

With this extension, applicants should have sufficient time to file their applications in a fully functioning system, albeit one that still falls far short of our goals for the future application experience. Throughout the filing period, we will continue to support all applicants to make sure they are able to file successfully.

**Second, when the window closes on May 26, we will open a second filing window for consortia and libraries, which will close on July 21, 2016.** We recognize that consortia and libraries are unable to complete their applications until their member/related school district(s) finalize their discount rates in the system. Based on conversations we have had with these communities, we believe most such filers will require no more than two to three weeks to complete their applications once their related entity data is complete. However, some larger consortia may need considerably more time. While we expect to receive the majority of applications for this community sooner, the second filing window will ensure these consortia have the time they need to complete their applications by July 21.

**The opening of the second window will not delay application review or funding decisions for applications submitted during the first window.** We will begin application review next week, and will estimate demand as soon as the first window closes. Libraries and consortia will enter the review pool as soon as their applications are submitted. Our analysis shows that there should be sufficient funding for all plausible demand scenarios for FY2016, so filers should not be worried about losing funding as a result of this second window.

Moving forward, we will continue to provide updates on our IT systems. We expect that the improvements we plan, including further improvements to the bulk upload feature and resolution of other issues (detailed here: <http://www.usac.org/res/documents/sl/pdf/tools/epc/EPC-Notes.pdf>) will be completed within the next few weeks.

In addition to extending the application filing deadlines, we have greatly ramped up our customer service capabilities. Please do not hesitate to reach out to the Client Services Bureau at 1 (888) 203-8100, should you need assistance with an application.

Please let us know if you have questions.

Sincerely,

Mel Blackwell  
Vice President of the Schools & Libraries Program  
Universal Service Administrative Company

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USAC | 2000 L Street NW | Suite 200 | Washington, DC 20036

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## Westphalia ISD

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124 County Road 3000, Lott TX 76656-3897 \* 254.584.4988 \* Fax 254.584.2963  
[www.westphaliaisd.org](http://www.westphaliaisd.org)

**Robert Hudson**  
Superintendent

August 16, 2016

Appeal to FCC:

Westphalia ISD would like to appeal to the FCC for funding year 2016. The appeal is for Docket 02-6. We filed our 471 outside of the filing window. The 471 was completed and submitted to the superintendent for certification before the filing window closed. The superintendent didn't certify the 471 due to misunderstanding. Technology Director noticed the 471 had not been certified and contacted superintendent. The 471 was certified at 12:00 am on May 27, 2016 which was just out of the window. In addition, when superintendent was notified, my home ISP provided by AT&T was experiencing an outage which further complicated the certification process. Procedures have been put into place that will ensure that all forms will be completed in a timely manner to prevent future issues regarding form submittal. As a rural district, the funds are crucial to our student's and staff's ability to receive internet services. I would like to thank you for considering our appeal.

Sincerely,

Robert Hudson  
Superintendent  
Westphalia ISD



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <https://www.fcc.gov>**  
**TTY: 1-888-835-5322**

**DA 16-1232**

**Released: October 28, 2016**

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

### **CC Docket Nos. 96-45 and 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.<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 Nos. 96-45 and 02-6:**

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

Detroit Service Learning Academy, MI, Application No. 1051826, Request for Waiver, CC Docket No. 02-6 (filed Oct. 7, 2016)

Kynetic Technologies, LLC (Crowley Independent School District), TX, Application No. 1009254, Request for Review, CC Docket No. 02-6 (filed Oct. 5, 2016)

##### **Dismissed as Moot<sup>4</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.

<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., *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Weiser School District #431, ID, Application No. 942405, Request for Review, CC Docket No. 02-6 (filed July 7, 2016)

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements<sup>5</sup>

Falls Church City Public Schools, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed May 4, 2016)

Orlando Telephone Company, No Application Number Given, Funding Request Number (FRN) 2379424, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2016)

Orlando Telephone Company, No Application Number Given, FRN 2472514, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2016)

Orlando Telephone Company, No Application Number Given, FRN 2609420, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2016)

Dismissed on Reconsideration<sup>6</sup>

DeLand-Weldon Community Unit School District #57, IL, Application Nos. 938851, 966807, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 12, 2016)

Eagle Communications (Abilene Unified School District 435), KS, Application No. 937847, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 20, 2016)

Granted<sup>7</sup>

(Continued from previous page) \_\_\_\_\_

<sup>4</sup> 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 approved the underlying funding request).

<sup>5</sup> 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, 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).

<sup>6</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).

<sup>7</sup> We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a  
(continued....)



*Eligible Services*<sup>8</sup>

Boston Public Library, MA, Application No. 462857, Request for Review, CC Docket No. 02-6 (filed Nov. 9, 2005)

Clare-Gladwin Regional Education Service, MI, Application No. 476925, Request for Review, CC Docket No. 02-6 (filed Apr. 12, 2006)

Lanett City School District, AL, Application No. 532429, Request for Review, CC Docket No. 02-6 (filed Oct. 19, 2006)

Lee County School District, AL, Application No. 515258, Request for Review, CC Docket No. 02-6 (filed Feb. 25, 2007)

Lowndes County School District, AL, Application No. 502211, Request for Review, CC Docket No. 02-6 (filed Oct. 30, 2006)

*Granted on Reconsideration (Sua Sponte) – Violation of the Competitive Bidding 28-Day Rule*<sup>9</sup>

Minneapolis School District 1, MN, Application No. 455463, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11, 2009)

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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>8</sup> *See, e.g., Requests for Waiver and Review of 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, 8739-40, para. 9 (2007) (permitting applicants to remove ineligible services that triggered denials of their funding requests). We permit Boston Public Library to remove the Intrusion Detection System (IDS), Intrusion Prevention System (IPS), and any of the other seven components of its funding year 2005 request that are not core components of the basic operating system of a firewall service from its 2005 funding request. We permit the Lanett City, Lee County, and Lowndes County school districts to remove the Tandberg Border Controller, which is not eligible as a component of basic firewall service, from their 2006 funding requests. We permit Clare-Gladwin Regional Education Service District Gladwin to remove the three items that comprise network management hardware, which we find ineligible, from its 2005 funding request.

<sup>9</sup> *See Requests for Waiver of Decisions of the Universal Service Administrator by Central Technology Center et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5086, 5086, para. 1 (WCB 2012) (finding good cause to waive section 54.503(c)(4) of the Commission's rules for Minneapolis Public Schools).



*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>10</sup>

Education Achievement Authority of Michigan, MI, Application No. 161057918, Request for Waiver, CC Docket No. 02-6 (filed Aug. 12, 2016)

Texas Serenity Academy, TX, Application Nos. 161058042, 161058200, Request for Waiver, CC Docket 02-6 (filed Sept. 30, 2016)

*Ministerial and/or Clerical Error – FCC Form 471*<sup>11</sup>

Grant Parish Library, LA, Application No. 161058235, Request for Review, CC Docket No. 02-6 (filed Sept. 22, 2016)

Pajaro Valley Unified School District, CA, Application No. 1030547, Request for Review, CC Docket No. 02-6 (filed May 25, 2016)

Preston County School District, WV, Application No. 1000406, Request for Review, CC Docket No. 02-6 (filed Feb. 17, 2016)

Synergetics Diversified Computer Services (Leake County School District), MS, Application No. 1038199, Request for Review, CC Docket No. 02-6 (filed Sept. 26, 2016)

*Necessary Resources*<sup>12</sup>

Richland County School District 1, SC, Application No. 854240, Request for Review, CC Docket No. 02-6 (filed Aug. 26, 2016)

*Signed Contract Requirement*<sup>13</sup>

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<sup>10</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the filing window deadline). Consistent with precedent, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules for Education Achievement Authority of Michigan, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. 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) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

<sup>11</sup> 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, n.5 (WCB 2010) (permitting applicants to correct clerical errors like failing to enter an item from the source list onto the application or entering the discounted price rather than the pre-discounted price or indicating the wrong service category or term of service on FCC Form 471).

<sup>12</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Academy of Excellence et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8722, 8725-26, para. 6 (2007) (finding that the applicants had the necessary resources to use their eligible E-rate services effectively).

<sup>13</sup> See, e.g., *Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14 et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6019, 6022-23, paras. 8-9 (2007) (granting a waiver of the Commission's contract rules for applicants where clerical errors made it appear as though they signed their contracts after submitting their FCC Form 471). Consistent with precedent, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that

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Somerset Academy South Miami Elementary and Middle School, FL, Application No. 899399, Request for Review, CC Docket No. 02-6 (filed Aug. 16, 2016)

Somerset Bay Academy (North Lauderdale), FL, Application No. 899436, Request for Review, CC Docket No. 02-6 (filed Aug. 16, 2016)

*Violation of the Competitive Bidding 28-Day Rule*<sup>14</sup>

Minneapolis School District 1, MN, Application No. 570627, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11, 2009)

*Waiver of Appeal Filing Deadline*<sup>15</sup>

Bergen Catholic School, NJ, Application No. 161041082, Request for Waiver, CC Docket No. 02-6 (filed Oct. 5, 2016)

Napoleon School District, ND, Application No. 1010676, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2016)

Public Preparatory Network Inc., NY, Application No. 1022348, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2016)

Partially Granted

*Eligible Services*<sup>16</sup>

Baker Hall School, NY, Application No. 492990, Request for Review, CC Docket Nos. 96-45 and 02-6 (filed Mar. 12, 2007)

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submitted their appeals to the Commission or USAC only a few days late).

<sup>14</sup> See *Requests for Waiver of Decisions of the Universal Service Administrator by Central Technology Center et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5086, 5086, para. 1 (WCB 2012) (finding good cause to waive section 54.503(c)(4) of the Commission's rules for Minneapolis Public Schools).

<sup>15</sup> See, e.g., *ABC Unified School District 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 7.

<sup>16</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Billings School District 2; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5032, 5034, paras. 4-5 (WCB 2012) (deciding that the petitioner was seeking eligible fiber installation and leased telecommunications services for a wide area network (WAN), but that funding should be reduced by the ineligible portion of the non-recurring charge attributable to installation of fiber between school buildings on the same property — i.e. fiber connections that did not cross a public right of way). Regarding FRN 1443076, we direct USAC to determine whether the petitioner may have included costs for fiber connecting school buildings on the same property. USAC shall remove any costs attributed to this ineligible portion from the funding request and process the remaining eligible portion. *Id.* Regarding FRN 1443081, USAC correctly determined that the petitioner's funding request for basic maintenance of the internal connection components of its WAN is ineligible for E-rate 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) (*AllWays, Inc. Order*) (upholding denials of funding requests for services that are not eligible for E-rate support).

## Denied

### *Eligible Services*<sup>17</sup>

Lowndes County School District, AL, Application No. 820078, Request for Review, CC Docket No. 02-6 (filed July 5, 2012)

Mobile County School District, AL, Application No. 523962, Request for Review, CC Docket No. 02-6 (filed Dec. 5, 2006)

### *Ineligible Entities*<sup>18</sup>

Gan Chabad, CA, Application No. 797494, Request for Review, CC Docket No. 02-6 (filed Sept. 17, 2012)

### *Invoice Deadline Extension Requests*<sup>19</sup>

Network Cabling, Inc. dba N.C.I. (Navajo Preparatory School), NM, Application No. 475813, Request for Waiver, CC Docket No. 02-6 (filed Mar. 4, 2016)

San Diego Independent School District, TX, Application No. 815356, Request for Waiver, CC Docket No. 02-6 (filed May 4, 2015, supplement filed June 30, 2016)

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<sup>17</sup> See, e.g., *AllWays, Inc. Order*, 27 FCC Rcd at 1968-69, para. 1 (upholding denials of funding requests for services that are not eligible for E-rate support); see also *Request for Review of the Decision of the Universal Service Administrator by Pike County School District*; *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 and 97-21, Order, 16 FCC Rcd 5461 (CCB 2001) (deciding that the requested services are ineligible Network Management Systems as described by the Eligible Services List (ESL), that USAC reasonably determined that the “network maintenance, monitoring, and management and coordination of network status” services requested are ineligible for funding, and that the applicant was sufficiently on notice per the ESL that the services it had applied for were ineligible); *Schools and Libraries Universal Service Support Mechanism*; *A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Sixth Report and Order, 25 FCC Rcd 18762, 18808-09, para. 105 (2010) (declining to extend E-rate support to anti-virus and anti-spam software and intrusion protection and intrusion prevention devices, and distinguishing eligible firewall services intended to prevent unauthorized access to a school or library's network, from intrusion protection and intrusion prevention devices (and anti-virus and anti-spam software) which monitor, detect, and deter threats to a network from external and internal attacks).

<sup>18</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by CCRC Community Link et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5326, para. 1 (WCB 2012) (denying support to entities that failed to show that they were eligible for E-rate support); *Request for Review of the Decision of the Universal Service Administrator by Beginning With Children Charter School and Yeshiva Karlin-Stolin*; *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 and 97-21, Order, 18 FCC Rcd 936, 940, para. 11 (CCB 2003) (emphasizing that the ultimate burden of proof remains on the applicant).

<sup>19</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.

*Late-Filed FCC Form 471 Applications*<sup>20</sup>

Brooks County Public Library, GA, Application No. 161061813, Request for Waiver, CC Docket 02-6 (filed Sept. 28, 2016, supplement filed Oct. 20, 2016)

Clarksburg CII School District, MO, Application Nos. 161060746, 161060752, Request for Waiver, CC Docket 02-6 (filed Sept. 14, 2016)

DeQueen Public Schools, AR, Application No. 161061760, Request for Waiver, CC Docket No. 02-6 (filed Sept. 2, 2016)

John Paul II Catholic School, Application No. 161061780, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2016)

Kern County Superintendent of Schools, CA, Application No. 161051919, Request for Waiver, CC Docket 02-6 (filed Sept. 16, 2016)

Omega Alpha Academy, AZ, Application No. 161058692, Request for Waiver, CC Docket 02-6 (filed Oct. 3, 2016)

Paramount School of Excellence, IN, Application No. 161058885, Request for Waiver, CC Docket 02-6 (filed Sept. 27, 2016)

San Luis Obispo County Office of Education, CA, Application No. 161061669, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2016, supplement filed Sept. 6, 2016)

Skyline R-II School District, MO, Application No. 161061801, Request for Waiver, CC Docket 02-6 (filed Sept. 16, 2016)

Springfield Elementary School, OH, Application No. 161032415, Request for Waiver, CC Docket 02-6 (filed Sept. 29, 2016)

*Ministerial and/or Clerical Errors – FCC Form 471*<sup>21</sup>

Grace Christian School, VA, Application No. 1022424, Request for Review, CC Docket No. 02-6 (filed Sept. 30, 2016)

*Untimely-Filed Request for Review*<sup>22</sup>

QuantumShift Communications, Inc. (Cathedral School for Boys), CA, Application No. 740568, Request for Review, CC Docket No. 02-6 (filed Oct. 7, 2016)

St. John Evangelist School, AZ, Application Nos. 1013332, 1040178, Request for Waiver, CC

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<sup>20</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

<sup>21</sup> 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).

<sup>22</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).

Docket No. 02-6 (filed Feb. 25, 2016)

Wesleyan Academy, PR, Application No. 895296, Request for Review, CC Docket No. 02-6 (filed Oct. 4, 2016)

Westphalia Independent School District, TX, Application No. 161048517, Request for Waiver, CC Docket 02-6 (filed Aug. 16, 2016)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400.

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