

Petition for Reconsideration

CC Docket # 02-6

November 27, 2018

Service Provider: ENA Services, LLC, SPIN 143030857

Applicant Name: City University, Entity Number 17011021

Form 471 # 171042466, FRN # 1799100805

Funding Year: 2017

The Wireline Competition Bureau issued a Public Notice dated 10/31/18 in WC Docket No. 02-6 (Public Notice) regarding City University Form 471 # 171042466, FRN # 1799100805. In this Public Notice, ENA's appeal regarding City University was dismissed as moot, indicating that USAC had taken the action the petitioner requested and issued a new funding commitment decision letter (FCDL) approving funding. At the time the Public Notice was issued, USAC had not issued a new decision nor funded Form 471 # 171042466, FRN # 1799100805. FRN # 1799100805 is still showing a status of Denied with \$0 funded.

On November 2, 2018, a few days after the Public Notice was issued by the Bureau, USAC responded to a case # 232368, which ENA had previously opened in the E-rate Productivity Center (EPC). USAC's response indicated USAC was addressing the issue through a USAC-created "appeal" #124013 (see attached case update). However, as of the date of this filing, no additional update has been received and FRN #1799100805 is still showing \$0 funded.

Pursuant to 47 C.F.R. § 1.106, ENA Services, LLC respectfully requests the Wireline Competition Bureau reconsider the decision issued per WC Docket No. 06-122. The Bureau's dismissal of the appeal as moot was premature as USAC has not yet resolved its earlier issue, and City University has not yet received an FCDL for this application. The Bureau may have been under the impression that USAC had already resolved the issue, but this was not the case.

Included with this Petition for Reconsideration is a copy of the previously filed information which details the issue related to what appears to be an EPC system error. We request the Bureau grant this petition for reconsideration and direct USAC to fund Form 471 #171042466, FRN # 1799100805 for the \$60,000 undiscounted (\$54,000 in E-rate funding) for the 2017 Funding Year. If USAC resolves the issue and issues an FCDL before the Bureau has an opportunity to act upon this pleading, ENA will withdraw this petition for reconsideration.

Respectfully,



April Scott
Director of Finance, ENA
ascott@ena.com
615-312-6152

April Scott

From: portal@usac.org on behalf of EPC Application Administrator
<EPC.Application.Administrator@usac.org>
Sent: Friday, November 02, 2018 7:07 AM
To: April Scott; April Scott
Subject: USAC Notification - Case #232368 has been modified



Hello,

Additional Information regarding case # 232368 has been provided. Please review the case and take appropriate action.

[Click here to view the case dashboard](#)

Thank you,

Universal Service Administrative Co.

NOTE: Please do not reply to this email.

This message has been sent by EPC

Records / Customer Service Cases

#232368 - System Problem Report - FCC Form 471

[UPDATE CASE](#)[Summary](#) [News](#) [Related Actions](#)

Case Details

Topic	System Problem Report - FCC Form 471	Form Type	FCC Form 471
Status	Pending	Form Number	171031202,171042466
Priority	High	Created By	User has been deactivated
Inquiry Type	Phone	Created On	3/28/2018 1:56 PM EDT
		Organization	ENA Services, LLC

Case Description

Description The RFCDL has conflicting information.

Case Artifacts

Documents

Attachments

Name	Uploaded By	Upload Date	Attachment	Attachment Type
No items available			No items available	

Case Thread

User	Note	Date
April Scott	Since this issue has not been resolved and the FRNs are showing denied with \$0 funded, would like this case to remain open until the issue has been fixed. Thanks.	11/9/2018 9:38 AM EST
USAC	April, Your case has been escalated to Customer Service Management at USAC. I would like to begin by apologizing for the length of time this case has been open without a response. We are working on lowering our customer service case backlog to improve the customer experience.	11/2/2018 8:06 AM EDT
USAC	I am happy to inform you that the RFCDL issue for appeals 80834 and 79447 are being addressed through a USAC created appeal # 124013. We greatly appreciated your patience while we worked through this issue. April, Your inquiry has been received. In order to provide you with a thorough and accurate response, we are currently researching your inquiry(ies). We will provide a response as soon as we have more information.	3/28/2018 2:25 PM EDT

Case Contact

Case Contact April Scott

May 23, 2018

Marlene H. Dortch,
Secretary Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: CC Docket No. 02-6 – Appeal/Waiver Request

ENA Services, LLC (SPIN 143030857) requests an appeal and/or waiver of the Funding Year 2017 denial of Form 471 #171042466 filed by City University. ENA Services, LLC is the Service Provider for City University's Internet Access service (FRN #1799100805).

The Funding Commitment Decision Letter for Funding Year 2017 indicated the denial of FRN 1799100805 was due to:

DR1: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): Ethernet.

City University was unaware of the PIA questions in the EPC portal and therefore, failed to respond to PIA questions. Both ENA Services, LLC and City University filed an appeal with USAC regarding the denial of FRN #1799100805. Additionally, City University included with their appeal the PIA questions and related answers.

A Revised Funding Commitment Decision Letter (RFCDL) was issued on 3/27/2018 which contained conflicting information regarding the appeal. The RFCDL indicated:

Post Comment Decision (FRN Level) – **Approved**

Post-Commitment Rationale (FRN Level) – **Your appeal has brought forward persuasive information that the funding request should be approved for funding.**

Revised FRN Funding Decision – **Denied**

ENA opened a case with USAC (Case #232368) on 3/28/18 asking for clarification regarding the conflicting information on the RFCDL. In discussions with USAC, it appears there may have been a system error resulting in the erroneous denial of the FRN. The case has been escalated within USAC. In calling to inquire regarding the status of the case, the only updates provided are that it has been escalated to the appropriate management level.

As the deadline to appeal to the FCC is approaching and there is no resolution regarding this matter, we respectfully request the FCC review this matter and fund this FRN. All PIA questions have been answered and it appears USAC meant to fund the FRN but due to a system glitch the FRN was denied.

As the vendor for this FRN, we would like the opportunity to provide additional vendor documentation that may be needed or answer any additional questions regarding this appeal/waiver request.

Included with this request are:

- Revised Funding Commitment Decision Letter issued by USAC on 3/27/2018
- Appeal #80834 filed by ENA Services, LLC on 10/30/2017
- Appeal # 80820 filed by City University on 10/30/2017

Respectfully,



April Scott
Director of Finance
615-312-6152
ascott@ena.com

Revised Funding Commitment Decision Letter 03.27.18

ENA Services, LLC|143030857|2017|City University|The Influence1
Foundation, 665 Madison Ave||Memphis|TN|38103|17011021|Felicia
Hart|EMAIL|1475 E SHELBY DR
||MEMPHIS|TN|38116|||901|4883189||feliciaphart@influence1.org|171042466|
1799100805|NOT FUNDED|Data Transmission and/or Internet
Access|160012458|48995||07/01/2017|06/30/2019|12|60000.00|0.00|60000.00|9
0|0.00|Your appeal has brought forward persuasive information that the
funding request should be approved for
funding.||03/27/2018|14|06/30/2018||
SLD 471 Funding to Service Provider;

Revised Funding Commitment Decision Letter - 03.27.2018

BEN	BEN Name	Post-Commitment Request Type	Post-Commitment Application/Req	Post-Commitment Request Number	FRN	Post-Commitment Decision (FRN Level)	Post-Commitment Rationale (FRN Level)	Original FRN Funding Decision	Revised FRN Funding Decision
17011021	City University	Appeals	80820	1799100805		Approved	Your appeal has brought forward persuasive information that the funding request should be approved for funding.	Denied	Denied
17011021	City University	Appeals	80834	1799100805		Dismissed	Your appeal has been dismissed - The appeal for FRN 1799100805 is a duplicate of appeal case 80820 that is currently under review.	Denied	Denied

Records / FRN Cases

City University Appeal 2017 - #80834[Summary](#) [Associated FRNs](#) [Supporting Documents & Comments](#) [News](#) [Related Actions](#)**Appeal Information**[View Status \(+\)](#)**Funding Year** 2017**Submitting Organization** ENA Services, LLC (SPIN: 143030857)**Created By** April Scott**Created On** 10/30/2017 9:18 AM EDT**Main Contact****Name** April Scott**Email** ascott@ena.com**Phone Number** 615-312-6152**Narrative**

Funding Commitment Report Dated: 10/12/2017

Applicant Name: City University

Form 471 Application Number: 171042466

Billed Entity Number: 17011021

SPIN: 143030857

Funding Request Number: 1799100805

Funding Year: 2017

Appeal Request: Funding was denied for City University. As the vendor for this FRN, ENA Services, LLC wishes to appeal this decision. The Funding Commitment Decision Letter for Funding Year 2017 Indicates the denial of the above FRN is due to:

DR1: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): Ethernet.

Explanation and Relief Requested:

ENA Services, LLC is the vendor for this FRN which was denied by USAC for insufficient documentation. We respectfully request that USAC grant City University additional time to respond to PIA questions. In addition, as the vendor of this FRN we would like the opportunity to provide additional vendor documentation USAC may need for this FRN.

Thank you for your consideration of this appeal.

Appeal Details**Decision appealed by applicant** Funding Commitment Decision Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

[View Supporting Documentation \(+\)](#)

Records / Appeals

Cat12017 - #80820

Summary Associated FRNs News Related Actions

In-Review Outreach Wave Ready **Committed**

Appeal Information

View Status (+)

Funding Year 2017**Submitting Organization** City University (BEN: 17011021)**Created By** Felicia Hart**Created On** 10/30/2017 9:08 AM EDT**Main Contact****Name** feliciaphart@influence1.org**Email** feliciaphart@influence1.org**Phone Number** N/A**Narrative**

Date: October 27, 2017

Funding Commitment Report Dated: 10/12/2017
 Applicant Name: City University
 Form 471 Application Number: 171042466
 Billed Entity Number: 17011021
 SPIN: 143030857
 Funding Request Number: 1799100805
 Funding Year: 2017

Appeal Request: Funding has been denied for City University. The Funding Commitment Decision Letter for Funding Year 2017 indicates the denial of the above FRN is due to:

DR1: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): Ethernet.

Applicant Explanation:

City University was unaware of the PIA questions loaded into the EPC portal for FRN #1799100805. After being notified regarding the denial, we searched through the portal to find the PIA questions. We apologize for not seeing the PIA questions and respectfully request USAC grant us the ability to respond to the PIA questions as well as answer any additional questions. Included with this appeal are the responses to the PIA questions that were in the portal.

Enclosed with this appeal are the response to the PIA Questions:

- Vendor documentation supporting the amount requested
- Documentation supporting the use of the Form 470 for City University supporting the funding of FRN # 1799100805.

Relief Requested

We respectfully request that USAC grant the appeal and fund the original amount requested of \$60,000 to allow for the services requested on our Form 471 filing as this funding is essential to our school district. We would like the opportunity to provide any additional information USAC may need related to this FRN or answer any additional questions, as this funding is essential to our school district. Thank you for your assistance.

Appeal Details**Decision appealed by applicant** Funding Commitment Decision Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

Records / Customer Service Cases

#232368

UPDATE CASE

Summary News Related Actions

Case Details

Topic System Problem Report - FCC Form 471
Status Pending
Priority High
Inquiry Type Phone

Form Type FCC Form 471
Form Number 171031202,171042466
Created By USAC
Created On 3/28/2018 1:56 PM EDT
Organization ENA Services, LLC

Case Description

Description The RFCDL has conflicting information.

Case Artifacts

Documents

Name	Uploaded By	Upload Date
No items available		

Attachments

Attachment	Attachment Type
No items available	

Case Thread

User	Note	Date
USAC	April, Your inquiry has been received. In order to provide you with a thorough and accurate response, we are currently researching your inquiry(ies). We will provide a response as soon as we have more information.	3/28/2018 2:25 PM EDT

Case Contact

Case Contact April Scott



Federal Communications Commission
Washington, D.C. 20554

Memo

To: April Scott, for
City University

From: Ryan B. Palmer, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission

Date: November 2, 2018

Re: DA 18-1100, released October 31, 2018

The attached Public Notice contains the Bureau's decision on your appeal. It may be referenced in the future by its document number and release date: DA 18-1100, released October 31, 2018.

If the Bureau has granted your appeal, please contact the Universal Service Administrative Company (USAC) at 1-888-203-8100 for more information regarding your application. Please submit any information to USAC that the order may require. Once USAC has reviewed your application related to the issues resolved in the attached Public Notice, you will receive a revised funding commitment decision letter.

If the Bureau has dismissed or denied your appeal and you would like to seek reconsideration of that decision, the deadline to file a petition for reconsideration or application for review by the full Commission is 30 days from the release date. See 47 CFR §§ 1.106, 1.115. We encourage you to file your petition for reconsideration or application for review electronically using the Commission's electronic comment filing system (ECFS) at <https://www.fcc.gov/ecfs/filings>. On your filing, please include a reference to the proceeding, CC Docket No. 02-6.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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

DA 18-1100
Released: October 31, 2018

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

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

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

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Dismissed³

Walsingham Academy, FL, Application No. 161052245, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2018)

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

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

³ See, e.g., *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, 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Dismissed as Moot⁴

New Braunfels Public Library, TX, Application No. 181042570, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2018)

Dismissed as Moot⁵

Bryan City School District, OH, Application No. 555220, Request for Review, CC Docket No. 02-6 (filed Jan. 15, 2008)

Christopher Columbus High School, FL, Application No. 897750, Request for Review, CC Docket No. 02-6 (filed Apr. 6, 2015)

City University, TN, Application No. 171042466, Request for Review, CC Docket No. 02-6 (filed May 29, 2018)

Clay County Public Library, KY, Application No. 171042182, Request for Review, CC Docket No. 02-6 (filed July 13, 2018)

ENA Services, LLC (City University), TN, Application No. 171042466, Request for Review, CC Docket No. 02-6 (filed May 23, 2018)

McBride Memorial Library, PA, Application No. 979109, Request for Review, CC Docket No. 02-6 (filed May 18, 2016)

South Dearborn Community School Corporation, IN, Application No. 171031202, Request for Review, CC Docket No. 02-6 (filed May 24, 2018)

Wilbur Mills Education Service Coop, AR, Application No. 1042266, Request for Review, CC Docket No. 02-6 (filed Apr. 13, 2018)

Windsor Northwest Supervisory Union 50, VT, Application No. 982931, Request for Review, CC Docket No. 02-6 (filed Mar. 21, 2016)

Dismissed as Moot⁶

Central Arkansas Christian Schools, AR, Application No. 161039042, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2018)

Central Catholic High School, WV, Application No. 171016554, Request for Waiver, CC Docket No. 02-6 (filed July 30, 2018)

Gloucester County Library, PA, Application No. 161041356, Request for Waiver, CC Docket No. 02-6 (filed Aug. 20, 2018)

⁴ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Integrity Communications (Brooks Consolidated Independent School District); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 7994, 7995, para. 1 (WCB 2012) (dismissing appeals as moot for which the applicant subsequently withdrew the applicable funding requests).

⁵ See, e.g., *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al-Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC had taken the action the petitioner requested and issued new decisions approving funding).

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

Marian Catholic High School, IL, Application No. 171003268, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2018)

Marlboro County School District, SC, Application No. 910978, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2018)

Menominee Independent School District, MI, Application Nos. 161048773, 161048870, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2018)

St. Patrick Elementary School, NE, Application No. 171019183, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2018)

Wayne County Public Library, OH, Application No. 161002094, Request for Waiver, CC Docket No. 02-6 (filed July 16, 2018)

Dismissed on Reconsideration⁷

Digital Design Communications (Oakland Unified School District), CA, Application No. 751744, Petition for Reconsideration, CC Docket No. 02-6 (filed July 2, 2018)

Match Charter Public School, MA, Application Nos. 161010827, 161014505, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2018)

Granted⁸

*28 Day Competitive Bidding Rule*⁹

San Antonio Independent School District, TX, Application No. 1033060, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 28, 2018)

San Antonio Independent School District, TX, Application No. 1001065, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 28, 2018)

San Antonio Independent School District, TX, Application No. 161034893, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 13, 2018)

San Antonio Independent School District, TX, Application No. 161028321, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 13, 2018)

⁷ 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). The school does not give any reason why we should consider the new information they now provide. 47 CFR § 1.106(c).

⁸ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

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

San Antonio Independent School District, TX, Application No. 161035017, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 13, 2018)

*Failure to Consider All Bids - Applicant Selected Lowest-Cost Provider*¹⁰

Florence County School District 3, NC, Application No. 895000, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 16, 2014)

*Granting Additional Time to Respond to USAC's Request for Information*¹¹

Ridgefield Academy, CT, Application No. 171032449, Request for Waiver, CC Docket No. 02-6 (filed Dec. 14, 2017)

*Grant on Reconsideration – Appeal Filing Deadline*¹²

Brevard County School District, FL, Application No. 161005862, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 7, 2018)

*Invoice Deadline Extension Requests*¹³

Camera Corner, Inc. (Waupun School District), WI, Application No. 1018895 et al., Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2017)

¹⁰ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115-17, paras. 10-12 (WCB 2011) (granting waiver of requirement that price of E-Rate supported services be the primary factor in bid evaluation where petitioner selected the least expensive responsive bid for E-Rate eligible services).

¹¹ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals or waiver requests within 60 days of an adverse USAC decision. See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (*ABC Unified Order*) (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 CFR §§ 54.720(a), (b).

The Bureau previously granted Ridgefield Academy's request for waiver but later determined that the petitioner inserted the wrong application number in the filing. We now grant the request noting the correct application number.

¹² See, e.g., *Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (Wireline Comp. Bur. 2013) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *ABC Unified School District Order 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 or because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision).

¹³ See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 18-188 (WCB Feb. 26, 2018) 2018, 33 FCC Rcd 2042 (granting a limited waiver of the Commission's invoicing rules to allow certain E-Rate program applicants and service providers to submit invoices beyond the 120-day extension already received and allowed by the Commission's rules).

*Ministerial and/or Clerical Errors*¹⁴

Bannockburn School District #106, IL, Application No. 171007261, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2018)

Bishop Heelan Catholic Schools, IA, Application No. 171042187, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2018)

Dollarway Public School District, AR, Application No. 161049861, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2017)

Harrisburg Community Unit School District #3, IL, Application No. 171005681, Request for Waiver, CC Docket No. 02-6 (Sept. 27, 2018)

Jean Piaget Academy, FL, Application No. 171012269, Request for Waiver, CC Docket No. 02-6 (Oct. 11, 2018)

Sacred Heart Catholic School/ICC, NM, Application No. 171036745, Request for Waiver, CC Docket No. 02-6 (Sept. 14, 2018)

*Ministerial and/or Clerical Errors—Service Substitution*¹⁵

Lake Washington School District, WA, Application No. 161013370, Request for Waiver, CC Docket No. 02-6 (July 5, 2018)

*Service Substitution*¹⁶

South Dakota Department of Education, SD, Application No. 161060091, Request for Review, CC Docket No. 02-6 (filed Aug. 21, 2018)

¹⁴ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Achieve Career Preparatory Academy, et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 10254, 10255 text accompany n. 9 (WCB 2011) (permitting applicant to correct a mischaracterization of a recurring charge as a non-recurring charge); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319-20, para. 2 & nn. 9, 24 (WCB 2010) (permitting applicant to correct a date on its FCC Form 471 or a mischaracterization of the recipient of service); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc., et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (granting petitioners' requests to correct their mistaken cancellations of funding requests). Consistent with precedent, we also find good cause exists for all petitioners to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals or waiver requests within 60 days of an adverse USAC decision; *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (*ABC Unified Order*) (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision).

¹⁵ See, e.g., *Requests for Review of a Decision of the Universal Service Administrator by West Virginia Department of Education*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 14306, 14307, para. 3 (WCB 2011) (allowing a correction when there was an inadvertent ministerial or clerical error while requesting a service substitution).

¹⁶ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Beaufort County School District, South Carolina et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 3124, 3125, para. 3 (2014) (granting service substitution appeals when the petitioners missed USAC's deadline for service substitution requests but complied with the Commission's requirements for service substitutions under 47 C.F.R. § 54.504(d) and had a reasonable explanation for missing the deadline).

*Timely Filed Invoice*¹⁷

Nex-Tech Inc. (Barnes Unified School District 223), KS, Application No. 944066, Request for Review, CC Docket No. 02-6 (filed Aug. 2, 2016)

*Timely Filed Invoice Deadline Extension*¹⁸

Caldwell Parish School District, LA, Application No. 1040004, Request for Review, CC Docket No. 02-6 (filed Jan. 31, 2017)

*Unable to timely File Awaiting USAC Action*¹⁹

Cathedral Catholic High School, FL, Application No. 161034800, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2018)

*Waiver of Appeal- or Waiver-Filing Deadline*²⁰

Raton Public Schools, NM, Application No. 181000654, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2018)

*Waiver of Service Delivery Deadline*²¹

A B C Unified School District, CA, Application No. 161006823, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2018)

Castro Valley Unified School District, CA, Application No. 161048653, Request for Waiver, CC Docket No. 02-6 (filed Sept. 14, 2018)

¹⁷ We find, based on the record before us, that Nex-Tech Inc. timely filed an FCC Form 474 service provider invoice (SPI) that was overlooked by USAC. The service provider, therefore, should be given the opportunity by USAC to refile its invoice on remand. In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See supra* note 8.

¹⁸ We find, based on the record before us, that Caldwell Parish School District timely filed an invoice deadline extension request. Although the request did not include the specific funding request number (FRN), it contained enough specificity for USAC to determine what the filer wanted and to extend the invoice deadline, especially considering there was only one FRN that had not yet been processed. *See, e.g., Pasadena Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 2116 (WCB 2006) (noting that while the burden of timely and accurately filing rests with the applicant, USAC retains an obligation to conduct a reasonable inquiry into the filings and materials that USAC itself has in its possession when making its determinations). In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See supra* note 8.

¹⁹ *See, e.g., Ada Public Library Order*, 32 FCC Rcd at 1911, para. 6 (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).

²⁰ *See, e.g., Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). We make no finding on the underlying issues in this appeal and remand the application back to USAC for a determination on the merits. *See supra* note 8.

²¹ *See, e.g., Buffalo City School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, Order, CC Docket Nos. 96-45 and 97-21, 17 FCC Rcd 11881, 11884, para. 8 (WCB 2002) (waiving the Commission's rules to allow an extension of the deadline for service implementation when applicants demonstrated they were unable to complete service delivery because of time limitations imposed by late-issued funding commitments).

Metropolitan School District of Mount Vernon, IN, Application No. 161044673, Request for Waiver, CC Docket No. 02-6 (filed May 21, 2018)

Muncie Municipal Schools, IN, Application No. 161030141, Request for Waiver, CC Docket No. 02-6 (filed Sept. 14, 2018)

Tukwila School District, WA, Application No. 161005581, Request for Waiver, CC Docket No. 02-6 (filed July 23, 2018)

Warrick County School Corporation, IN, Application No. 161050880, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2018)

*Waiver of Special Construction Service Delivery Deadline*²²

Orange County Public Schools, VA, Application No. 161045819, Request for Waiver, CC Docket No. 02-6 (July 20, 2018)

Partial Grant

*Unable to timely File Awaiting USAC Action*²³

Annapolis Area Christian School et al., MD et al., Application No. 1018895 et al., Request for Waiver, CC Docket No. 02-6 (filed Feb. 8, 2017)

²² See *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, DA 18-1060, 4, para. 8 (WCB 2018) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures). Orange County Public Schools was unable to complete implementation for reasons beyond its control (i.e., inclement weather, permitting delays, and delayed funding disbursements) and made good faith efforts to comply with Commission rules and procedures (e.g., timely filing service delivery deadline extension requests with USAC). Accordingly, we waive the special construction service delivery deadline and direct USAC to set a new service delivery deadline of June 30, 2019 and adjust any associated administrative deadlines accordingly.

²³ We grant this appeal for Toledo Christian School, Application No. 1018971, which had an FCC Form 498 pending at the time of the invoice deadline. See, e.g., *Ada Public Library Order*, 32 FCC Rcd at 1911, para. 6 (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). However, we deny the rest of the requests for waiver filed together on Feb. 8, 2017. See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3835, para. 7 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

Denied*Invoice Deadline Extension Requests*²⁴

ACE Preparatory, SC, Application No. 161034847, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2018, supplemented May 2, 2018)

CABLExpress Corporation (Martinsville School District), VA, Application No. 161027356, Request for Waiver, CC Docket No. 02-6 (filed Mar. 2, 2018)

Hillel Day School, FL, Application No. 161050057, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2018)

Regional Office of Administration #26 Fulton/Hancock/McDonough/Schuyler, IL, Application No. 1034362, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2018)²⁵

Southern California Edison (Corporation for Education Network Initiatives in California), CA, Application No. 161059378, Request for Waiver, CC Docket No. 02-6 (filed Aug. 22, 2018)

Warrensville Heights City Schools, SC, Application No. 161053084, Request for Waiver, CC Docket No. 02-6 (filed June 11, 2018)

*Late-Filed FCC Form 471 Applications*²⁶

Alma Public School District, AR, Application No. 181043291, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2018)

Detroit Public Library, MI, Application No. 181039871, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2018)

North Lawndale College Preparatory Charter High School, IL, Application No. 181043248, Request for Waiver, CC Docket No. 02-6 (filed Sept. 28, 2018)

Potosi R-III School District, MO, Application No. 181043337, Request for Waiver, CC Docket No. 02-6 (filed Oct. 3, 2018)

²⁴ See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3835, para. 7 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

²⁵ We also deny the request for an extension of the service delivery deadline for Regional Office of Administration #26 Fulton/Hancock/McDonough/Schuyler. The petitioner failed to show that the extension was required because of circumstances beyond the service provider's control and failed to demonstrate it made significant efforts to secure the necessary extensions in a timely manner. See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13653, para. 3 (WCB 2014) (denying late-filed extensions of the deadline for service implementation when applicants failed to demonstrate they were unable to complete implementation on time for reasons beyond the service providers' control and failed to make significant efforts to secure the necessary extensions in a timely manner).

²⁶ 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, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Rise Preparatory Mayoral Academy, RI, Application No. 181043272, Request for Waiver, CC Docket No. 02-6 (filed Sept. 5, 2018)

Rocky Mountain Lutheran High School, CO, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2018)

Sesser Public School Library, IL, Application No. 181040494, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2018)

State of Rhode Island and Providence Plantations, RI, Application No. 181042473, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2018)

The Guidance Charter School, CA, Application No. 181043048, Request for Waive, CC Docket No. 02-6 (filed July 10, 2018)

The Link School, MN, Application No. 181043276, Request for Waiver, CC Docket No. 02-6 (filed Sept. 7, 2018)

The Passport School Inc., FL, Application No. 181043336, Request for Waiver, CC Docket No. 02-6 (filed Oct. 2, 2018)

Tri-Valley Free Public Library, PA, Application No. 181043141, Request for Waiver, CC Docket No. 02-6 (July 26, 2018, supplemented Aug. 6, 2018)²⁷

*Ministerial and/or Clerical Errors*²⁸

Good Shepherd School, NY, Application No. 181034458, Request for Waiver, CC Docket No. 02-6 (Sept. 18, 2018)

*Untimely-Filed Appeals or Waiver Requests*²⁹

Darien School District 61, IL, Application No. 967964, Request for Waiver, CC Docket No. 02-6 (filed Oct. 5, 2016)

Hudson County Schools of Technology, NJ, Application No. 171045331, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 24, 2018)

Inner City Educational Foundation Public Schools Consortium, CA, Application No. 847805, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 7, 2014)

²⁷ Applicant's December 2017 filing – Application No. 171049905 – was also filed outside the filing window, i.e., before the window opened.

²⁸ 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). Here, Good Shepherd School failed to provide documentation showing that the service provider and monthly rate were selected prior to the filing of its FCC Form 471 application.

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

Riverdale Academy, LA, Application No. 181012432, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2018)

Springfield Commonwealth Academy, MA, Application No. 171022433, Request for Waiver, CC Docket No. 02-6 (filed Sept. 26, 2018)

Stargate Charter School, CO, No Application No. for FY2017, Application No. 181042506, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

St. Matthew School, TX, Application No. 171046774, Request for review, CC Docket No. 02-6 (filed July 16, 2018)

Trout Creek School District #6, MT, Application No. 181023163, Request for Waiver, CC Docket No. 02-6 (filed Oct. 2, 2018)

Unite Private Networks, LLC (Omaha Public School District), NE, Application No. 1009247, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 3, 2018)

Perspectives Charter School, AZ, Application No. 636194, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 1, 2009)

USD 493 Columbus, KS, Application No. 171027938, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 6, 2018)

Contribution Methodology

WC Docket No. 06-122

Denied

*Request for Waiver of FCC Form 499-A Revision Deadline*³⁰

Everstream GLC Holding Company, LLC, Request for Review of Universal Service Administrator Decision and Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Aug. 21, 2018)

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

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³⁰ See, e.g., *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) (finding that alleged mistakes by Outfitter's accounting firm and internal accounting staff were not adequate grounds for waiver); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator by IP Telecom Group, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 11213 (WCB 2011); *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 requests for deadline waivers where claims of good cause amounted to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control).