



January 19, 2015

## Request for Waiver CC Docket No. 02-6

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

To Whom It May Concern:

We are filing a Request for Waiver on behalf of the Holbrook Unified School District for Funding Year 2013.

**Billed Entity:** Holbrook Unified School District  
**Billed Entity Number (BEN):** 143159  
**Form 471 Application Number:** 911361  
**FRN:** 2482459  
**Administrator's Decision on Appeal Date:** December 11, 2014

Appeal Request filed by:

Nicely Done Consulting, LLC  
Ernest N. Nicely, Project Manager  
3820 W Happy Valley Road  
Glendale, Arizona 85310

### Reason for Denial of Appeal to USAC:

"USAC has determined that your FCC Form 486 was not filed within 120 days calculated from August 14, 2013, the date of the FCDL or March 1, 2014, the Service Start Date (SSD) indicated on the FCC Form 486, whichever date is later..."

### Basis of Appeal:

The Holbrook Unified School District respectfully requests that the 486 Service Start Date be reset to July 1, 2013 for the listed FRN. FRN 2482459 was originally filed for Internet services through a service provider who was unable to deliver services. During PIA, the service provider was changed to Citizens Utility. However, due to technical issues for the new service provider, which were out of the control of the District, services were not installed until March 2014. A transitional SPIN change will be requested for services provided by the previous provider dating from July 2013 – March 2014 once this matter is settled. Due to the situation over installation of services, the District was unsure how to proceed for filing the 486 Form. As their new consultant, we filed the form when we were made aware of the issue.

The FCC has routinely instructed that applicants should be allowed such corrections to 486 Service Start Dates. On December 16, 2010 and January 12, 2012, the FCC ruled in DA10-2352 and DA12-28 respectively, in similar appeals that "applicants missed a USAC procedural deadline and did not violate a

Commission rule” and similar appeals were thus upheld. We believe the spirit of the ruling favors the review of the 486 Service Start dates for the above listed FRN.

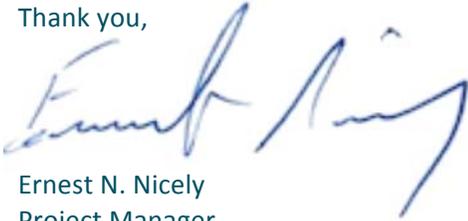
**Corrective Measure:**

We respectfully request that the 486 Deadline be entered as submitted as 7/1/2013 and funds restored for the entirety of the funding year.

**Supporting Documentation:**

- ◆ Appeal to the USAC dated November 12, 2014
- ◆ Denial of USAC Appeal dated December 11, 2014
- ◆ FCC Ruling DA 10-2352 dated December 16, 2010
- ◆ FCC Ruling DA 12-28 dated January 12, 2012

Thank you,



Ernest N. Nicely  
Project Manager  
Nicely Done Consulting, LLC



November 12, 2014

*Appeal for Service Start Date*

USAC  
Schools and Libraries Division  
100 South Jefferson Road  
PO Box 902  
Whippany, New Jersey 07981

To Whom It May Concern:

<b>Appellant name:</b>	HOLBROOK UNIFIED SCHOOL DISTRICT
<b>BEN:</b>	143159
<b>FY:</b>	<b>2013</b>
<b>471 #:</b>	911361
<b>FRNs:</b>	2482459

**Decision to be appealed:** 120 Day 486 Service Start Date Deadline

**Basis of appeal:**

The Holbrook Unified School District respectfully requests that the 486 Service Start Date be reset to July 1, 2013 for the listed FRN. FRN 2482459 was originally filed for Internet services through a service provider who was unable to deliver services. During PIA, the service provider was changed to Citizens Utility. However, due to technical issues for the new service provider, which were out of the control of the District, services were not installed until March, 2014. A transitional SPIN change has been requested for services provided by the previous provider dating from July 2013 – March 2014 and is pending at this time. Due to the situation over installation of services, the District was unsure how to proceed for filing the 486 Form. As their new consultant, we filed the form when we were made aware of the issue.

The FCC has routinely instructed that applicants should be allowed such corrections to 486 Service Start Dates. On December 16, 2010 and January 12, 2012, the FCC ruled in DA10-2352 and DA12-28 respectively, in similar appeals that “applicants missed a USAC procedural deadline and did not violate a Commission rule” and similar appeals were thus upheld. We believe the spirit of the ruling favors the review of the 486 Service Start dates for the above listed FRN.

**We respectfully request that the 486 Deadline be entered as submitted as 7/1/2013 and funds restored for the entirety of the funding year.**

Thank you,

Stephanie Nicely  
Consultant

Enclosure: Letter of Agency 2013



# HOLBROOK UNIFIED SCHOOL DISTRICT #3



July 30, 2013

Nicely Done Consulting  
3820 W Happy Valley Road  
Suite 141, #497  
Glendale, AZ 85310

**Re: Letter of Agency for Funding Year 2013-2014**

This is to confirm our participation with **Nicely Done Consulting** for the procurement of all Internet Services, Telecommunications Services, Internal Connections, Basic Maintenance of Internal Connections, and any eligible E-rate Services as defined by the approved Eligible Services List. I hereby authorize **Nicely Done Consulting** to conduct procurement activities compliant with the FCC Fair and Open Bidding Rules, and submit FCC Form 470, FCC Form 471, and other E-rate forms/responses/appeals to the Schools and Libraries Division of the Universal Service Administrative Company on behalf of the **Holbrook Unified School District #3**.

I understand that, in submitting these forms on our behalf, you are making certifications for **Holbrook Unified School District #3**. By signing this Letter of Agency, I make the following certifications:

- (a) I certify that schools in our district are all 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.
- (b) I certify that our school district has 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 to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our school/school district is covered by a technology plan(s) that is/are written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):
  - An individual technology plan for using the services requested in this application; and/or
  - Higher-level technology plan(s) for using the services requested in this application; or
  - No technology plan needed; applying for Priority 1 Services, as defined by the approved Eligible Services List.
- (d) I certify that the services the school, library or district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our school district has 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. I

acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

- (f) 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.
- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. 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 the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter 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) 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, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to Nicely Done Consulting for E-rate submission is true.

Name of  
Entity

Holbrook Unified School District #3

Signature



Date

9/5/2013

Name:

ANN GARDNER

Title:

TECHNOLOGY DIRECTOR



**Administrator's Decision on Appeal – Funding Year 2013-2014**

December 11, 2014

Stephanie Nicely  
Nicely Done Consulting  
3820 W Happy Valley Road  
Suite 141 #497  
Glendale, AZ 85310

Re: Applicant Name: HOLBROOK UNIFIED SCHOOL DIST 3  
Billed Entity Number: 143159  
Form 471 Application Number: 911361  
Form 486 Application Number: 1041593  
Funding Request Number(s): 2482459  
Your Correspondence Dated: November 12, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2482459  
Decision on Appeal: **Denied**  
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from August 14, 2013, the date of the FCDL or March 1, 2014, the Service Start Date (SSD) indicated on the FCC Form 486, whichever date is later. On December 20, 2013, USAC mailed an "Urgent Reminder" letter providing Holbrook Unified School Dist 3 with additional time and a new deadline to submit and/or certify their FCC Form 486. FCC Form 486 Application Number 1041593 was postmarked on September 15, 2014, which is after the new deadline. Consequently, the SSD was revised to May 18, 2014, 120 days before the FCC Form 486 Certification postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It

is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner. Consequently, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Ann Gardner

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Requests for Review and/or Waiver of	)	
Decisions of the Universal Service Administrator by	)	
	)	
Academy St. Benedict – Stewart	)	File Nos. SLD-660086, <i>et al.</i>
Chicago, Illinois, <i>et al.</i>	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: December 16, 2010**

**Released: December 16, 2010**

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we grant 45 appeals of decisions by the Universal Service Administrative Company (USAC) that reduce or deny funding from the schools and libraries universal service support program (also known as the E-rate program) for various funding years because USAC found that the applicants failed to timely submit FCC Forms 486.<sup>1</sup> Consistent with the Commission’s *Alaska Gateway Order*,<sup>2</sup> and based on our review of the record, we find that complete rejection of these applications is not warranted, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule. Therefore, we remand the underlying applications to USAC for further action consistent with this order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the appendices and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from release of this order.

2. We also grant 14 petitioners waivers of our filing deadline<sup>3</sup> for appeals because we find they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC’s adverse decision,<sup>4</sup> or because of circumstances beyond the applicants’ control.<sup>5</sup>

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<sup>1</sup> In this order, we use the term “appeals” to generally refer to requests for review or waiver that are related to decisions issued by USAC. Section 54.719(c) of the Commission’s rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>2</sup> *Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (*Alaska Gateway Order*) (finding good cause to waive USAC’s deadline for FCC Form 486 for several applicants).

<sup>3</sup> See 47 C.F.R. § 54.720.

<sup>4</sup> Request for Review by Ahi Ezer Yeshiva School; Request for Review by Buckingham County Public Schools; Request for Waiver by Derry Co-Op School District; Request for Waiver by Newmarket School District (for FCC Form 471 application numbers 474136 and 584028); Request for Waiver by Newport School District; Request for Review by Long Beach Unified School District; Request for Review of Mitchell County Board of Education; Request for Review by Philadelphia School District; Request for Review by Westampton Township Public Schools; and Request for Review by Yeshivat Keter Torah.

3. ACCORDINGLY, IT IS 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 pursuant to authority delegated in sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the petitioners as listed in the appendices ARE GRANTED and the applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

4. 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, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that waivers of section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, ARE GRANTED to Ahi Ezer Yeshiva School, Buckingham County Public Schools, Derry Co-Op School District, Hancock Library System, Jemez Mountain School District, Long Beach Unified School District, Newmarket School District for FCC Form 471 Application Numbers 474136 and 584028, Newport School District, Philadelphia School District, Savannah River Challenge Program, School Administrative Unit #47, and Westampton Township Public Schools.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>5</sup> Request for Waiver by Hancock Library System; Request for Review by Jemez Mountain School District; Request for Waiver by School Administrative Unit #47; and Request for Review by Savannah River Challenge Program.

## APPENDIX A

## List of Petitioners

<b>Applicant</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Date Appeal Filed</b>
Academy St. Benedict – Stewart Chicago, IL	660086	2009	11/1/2010
Ahi Ezer Yeshiva School Brooklyn, NY	508856	2006	1/21/2009
Appoquinimink School District Odessa, DE	See Appendix B		
Buckingham County Public Schools Buckingham, VA	420166	2004	12/21/2005
Cascade School District 5 (Willamette Education Service District) Turner, OR	584671	2007	4/29/2010
City of Tavares Public Library Tavares, FL	666495	2009	4/14/2010
Conemaugh Valley School District Johnstown, PA	448001	2005	4/4/2007
Covina-Valley Unified School District Covina, CA	695134	2009	11/12/2010
Cuba Independent School District Cuba, MN	555895	2007	7/12/2010
Derry Co-Op School District Derry, NH	632694	2008	8/23/2010
Elko County School District Woodland Hills, CA	665113	2009	7/21/2010
Gila Bend Unified School District 24 Gila Bend, AZ	673841	2009	5/17/2010
Guntersville City School District Guntersville, AL	610659	2008	11/15/2010
Hancock County Library System Bay Saint Louis, MS	354032, 393974, 479566, 483775, 534582, 581931, 635497	2003, 2004, 2005, 2006, 2007, 2008	6/10/2010
Houston Public Library – Halan/IT Department Houston, TX	695460	2009	5/21/2010
Jemez Mountain School District Gallina, NM	426990	2004	4/19/2007

Long Beach Unified School District Long Beach, CA	293131	2002	8/9/2007
Los Angeles Leadership Academy Los Angeles, CA	693174	2009	7/28/2010
Mitchell County Board of Education Camilla, GA	430333	2004	5/23/2006
Mount Holly TWP Public Schools Mount Holly, NJ	649872	2009	8/23/2010
Nadaburg Elementary School District 81 Glendale, AZ	693850	2009	5/3/2010
Newmarket School District Newmarket, NH	474136	2005	8/23/2010
Newmarket School District Newmarket, NH	584028	2007	8/23/2010
Newport News School District Lee, NH	474136, 584844	2005, 2007	9/7/2010
Ohio County Schools Hartford, KY	425705	2004	12/12/2006
Ohio Valley Educational Service Center Cambridge, OH	674393	2009	6/23/2010
Philadelphia School District Philadelphia, PA	562026	2007	11/20/2008
Santa Ana Unified School District Santa Ana, CA	478400	2005	3/24/2008
Savannah River Challenge Program Sylvania, GA	522953	2006	5/7/2008
School Administrative Unit #47 Jaffrey, New Hampshire	577389	2007	2/17/2009
SS Cyril and Methodius School Lemont, IL	694212	2009	11/2/2010
St. Andrew School Chicago, IL	678773	2009	11/2/2010
St. Ann School Chicago, IL	687914	2009	11/2/2010
St. Benedict High School Chicago, IL	652196	2009	11/2/2010
St. Gregory High School Chicago, IL	689240	2009	11/2/2010
St. Ladislaus School Chicago, IL	668663	2009	11/2/2010
St. Louise De Marillac School Chicago, IL	680351	2009	11/2/2010

St. Norbert School Chicago, IL	679407	2009	11/2/2010
St. Richard School Chicago, IL	678640	2009	11/2/2010
St. Walter School Chicago, IL	694970	2009	11/2/2010
The Good Hope School Croix, VI	677964	2009	11/18/2010
Tiferes Bnos-Yeshiva Brooklyn, NY	602139, 602147, 602155	2008	6/11/2010
Val Verde Unified School District Perris, CA	669772, 670837, 670865, 670925, 688935, 689705	2009	11/2/2010
Westampton Township Public Schools Westampton, NJ	499969	2006	12/10/2007
Yeshivat Keter Torah Lakewood, NJ	533293	2007	6/8/2009

## APPENDIX B

**List of Applicants and Application Numbers Included in the Request for Waiver filed April 23,  
2010 by Appoquinimink School District**

<b>Applicant Name</b>	<b>Application Number</b>
Appoquinimink School District	663280
Academy of Dover	671316
Brandywine School District	663453
Ceasar Rodney School District	663489
Campus Community	663524
Cape Henlopen School District	663541
Capital School District	663560
Charter School of Wilmington	663866
Christina School District	663891
Colonial	663991
Delaware Military Academy	664013
Delmar	664053
Eastside Charter School	664053
Indian River School District	664261
Lake Forest School District	664310
Laurel School District	664339
Maurice J. Moyer Academy	664356
Milford School District	664840
Mot Charter School	664895
Newark Charter School	664930
New Castle County Voc Tech	665065
Poly Tech School District	665090
Providence Creek Academy	675865
Red Clay School District	665152
Seaford School District	665479
Smyrna School District	665497
Sussex Academy Arts & Sciences	665522
Sussex County Voc-Tech School District	665541
Thomas A. Edison Charter School	664221
Woodbridge School District	665562

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

In the Matter of	)	
	)	
Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by	)	
	)	
Archdiocese of Chicago School Chicago, Illinois, <i>et al.</i>	)	File Nos. SLD-766468, <i>et al.</i>
	)	
Schools and Libraries Universal Service Support Mechanism	)	CC Docket No. 02-6
	)	

**ORDER**

**Adopted: January 12, 2012**

**Released: January 12, 2012**

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with the Commission's precedent in the *Alaska Gateway Order*,<sup>1</sup> we grant 22 appeals of decisions by the Universal Service Administrative Company (USAC) that reduce or deny funding from the E-rate program for various funding years because USAC found that the applicants failed to timely submit FCC Forms 486.<sup>2</sup> Based on our review of the record, we find that the same analysis in the *Alaska Gateway Order* applies here, and we remand the underlying applications to USAC to allow the applicants another opportunity to file their FCC Forms 486. We also waive any Commission or USAC procedural deadline, such as the invoicing deadline, that might be necessary because the FCC Forms 486 of these applicants were initially rejected. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the appendix and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from its receipt of the requested information. We also grant two petitioners waivers of our filing deadline<sup>3</sup> for appeals because we find they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision.<sup>4</sup>

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4

<sup>1</sup> See *Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (*Alaska Gateway Order*). See also *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Academy St. Benedict – Stewart, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-660086, *et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 17309 (Wireline Comp. Bur. 2010).

<sup>2</sup> See appendix. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c) (2011). The E-rate program is more formally known as the schools and libraries universal service support program.

<sup>3</sup> See 47 C.F.R. § 54.720.

<sup>4</sup> Request for Waiver by Idabel School District 5 and Request for Waiver by Otsego Northern Catskills BOCES.

and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the petitioners as listed in the appendix ARE GRANTED and the underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

3. 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, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3 of the Commission's rules, that section 54.720(a) of the Commission's rules, 47 C.F.R. § 54.720(a), ARE WAIVED for Idabel School District 5, Idabel, Oklahoma and Otsego Northern Catskills BOCES, Cicero, New York to the extent necessary as provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

## APPENDIX

## List of Petitioners

Applicant	Application Number	Funding Year	Date Appeal Filed
Archdiocese of Chicago School (Coleman Group Management Consulting) Chicago, IL	766468	2010	10/31/2011
Assumption of the Blessed Virgin Mary School, Pasadena, CA	696142	2009	8/3/2011
Assumption of the Blessed Virgin Mary School, Pasadena, CA	760378	2010	8/3/2011
Assumption Parish Library Napoleonville, LA	554053	2007	10/30/2008
Delta – Schoolcraft Intermediate School District, Escanaba, MI	753439, 753688	2010	10/27/2011
Flagstaff Unified School District Flagstaff, AZ	714034	2010	10/31/2011
Idabel School District 5 Idabel, Oklahoma	718144	2010	10/21/2011
Mitchell School District 55 Mitchell, OR	747772	2010	11/14/2011
Otsego Northern Catskills BOCES Cicero, NY	718050	2010	7/5/2011
Our Lady of Tepayac School Chicago, IL	763863	2010	10/31/2011
Pearce Elementary School District No. 22 Pearce, AZ	754877	2011	9/20/2011
Sacred Heart School Chicago, IL	768122	2010	10/31/2011
Springfield School District R-12 Springfield, MO	751104	2010	8/17/2011
St. Columbanus School Chicago, IL	767857, 768385, 768688, 768747	2010	10/31/2011
St. Cyprian School River Grove, IL	768940	2010	10/31/2011
St. Gabriel School Chicago, IL	766495	2010	10/31/2011
St. Helen School Chicago, IL	764598	2010	10/31/2011
St. Joseph 73 <sup>rd</sup> Summit Summit, IL	765762	2010	10/31/2011

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St. Luke School River Forest, IL	766074	2010	10/31/2011
St. Patricia School Hickory Hills, IL	760867	2010	10/31/2011
Wapanucka Independent School District 37 Ada, OK	719689	2010	9/20/2011
West Oak Lane Charter School Philadelphia, PA	762149	2010	10/6/2011