



PUBLIC NOTICE

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

CC Docket No. 96-45
CC Docket No. 97-21
CC Docket No. 02-6
WC Docket No. 02-60
WC Docket No. 06-122
WC Docket No. 08-71

Pursuant to our revised 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 grants and 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

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, 14-58, Public Notice, 29 FCC Rcd 11094 (Wireline Comp. Bur. 2014). 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).

² See 47 C.F.R. §§ 1.106, 1.115; see also 47 C.F.R. § 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).

Schools and Libraries (E-rate)
CC Docket No. 02-6

Granted³

*Failure to Timely Respond to USAC with Information*⁴

Ramaz School Administration, Application No. 960680, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2014)

Surry County School District, Application No. 937676, Request for Waiver, CC Docket No. 02-6 (filed Dec. 16, 2014)

*Late-Filed FCC Form 471 Applications*⁵

Kingsville Public Library, Application No. 973917, Request for Waiver, CC Docket No. 02-6 (filed Oct. 30, 2014)

Taylor County School District, Application Nos. 992824, 993689, 993549, 993488, Request for Waiver, CC Docket No. 02-6 (filed Nov. 3, 2014)

*Signed Contract Requirement*⁶

Lowndes County School District, Application No. 976642, Request for Waiver, CC Docket No. 02-6 (filed Dec. 10, 2014)

³ We remand the underlying applications to USAC. In remanding these applications to USAC, we make no other findings as to the ultimate eligibility of the underlying services or the petitioners' applications.

⁴ *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 (Wireline Comp. Bur. 2014) (granting requests for review for applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

⁵ *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, 9259-60, paras. 8-9 (2010) (granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline, or filed within 30 days despite medical issues).

⁶ *See, e.g., Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526 (Wireline Comp. Bur. 2008) (granting appeals on the merits in instances where applicants demonstrated they were in compliance with the Commission's rule to have a signed contract in place prior to filing their applications). We 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 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 C.F.R. § 54.514(a) (codifying the invoice filing deadline).

*Considering Price of Eligible and Ineligible Items as Primary Factor in Vendor Selection*⁷

Puerto Rico Department of Education, Application No. 990161, Request for Waiver, CC Docket No. 02-6 (filed Dec. 12, 2014)

*Service Implementation Delay*⁸

Pinon High School, Application No. 457585, Request for Waiver, CC Docket No. 02-6 (filed Jan. 19, 2010)

*Violation of the Competitive Bidding 28-Day Rule*⁹

Educational Service Unit #4, Application Nos. 848002, 851835, 907581, 915960, 867389, 847086, 851850, 909931, 914947, 847971, 851890, 916696, 847690, 860356, 909943, 914952, 847162, 851899, 909968, 914964, 859135, 859159, 847940, 851855, 914593, 916050, 847230, 851857, 909960, 914968, 847145, 851862, 909989, 914976, 847967, 851868, 909279, 916089, 909285, 916104, 916528, 916640, 909743, 914779, 909807, 914875, 916692, 915819, 907645, 916021, Request for Waiver, CC Docket No. 02-6 (filed Jan. 10, 2014)

Denied

*Late-Filed FCC Form 471 Application – Petition for Reconsideration*¹⁰

Galena Public Library, Application No. 993588, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 26, 2014)

⁷ See *Petition for Reconsideration by Spokane School District 81; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 29 FCC Rcd 9695 (Wireline Comp. Bur. 2014) (granting waiver of requirement that price of E-rate supported services be the primary factor in bid evaluation where the petitioner demonstrated that the winning bid offered the lowest price on E-rate eligible services).

⁸ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Expanets of North America; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5507 (Wireline Comp. Bur. 2010) (granting a waiver of the service implementation deadline because the service provider was, at most, only a month late in installing its services and such a short delay in service implementation does not warrant the complete rejection of funding).

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 because 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).

¹⁰ 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, 29 FCC Rcd 10356 (Wireline Comp. Bur. 2014) (denying 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).

*Untimely Filed Request for Review*¹¹

Blessed Sacrament School, Application No. 891980, Request for Waiver, CC Docket No. 02-6 (filed Nov. 25, 2014)

Escambia County School District, Application No. 765519, Request for Review, CC Docket No. 02-6 (filed July 3, 2014)

Henry Senachwine School District Unit 5, Application No. 980665, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2014)

New Horizon Regional Education Centers, Application No. 993151, Request for Waiver, CC Docket No. 02-6 (filed Nov. 12, 2014)

Virden Public Library, Application No. 240211, Request for Waiver, CC Docket No. 02-6 (filed Oct. 28, 2014)

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*¹²

Our Lady of Charity School, Application No. 821782, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2014)

Our Lady of Tepeyac School, Application No. 821925, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2014)

Pope John Paul II Catholic School, Application No. 822024, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2014)

¹¹ 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 (Wireline Comp. Bur. 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 (Wireline Comp. Bur. 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).

¹² See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.; Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26410, para. 7 (2003); *Requests for Review of a Decision of the Universal Service Administrator by Riverdale Unified School District and Cherokee County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11207 (Wireline Comp. Bur. 2011); *Request for Review of a Decision of the Universal Service Administrator by Ramirez Common School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 8430 (Wireline Comp. Bur. 2011); *Request for Review of the Decision of the Universal Service Administrator by Washington Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13746, 13748, paras. 3-5 (Wireline Comp. Bur. 2013) (all explaining that failure by an applicant to describe with specificity the services it is seeking to purchase on its FCC Form 470 or to indicate on the FCC Form 470 or to indicate on the FCC Form 470 that it has a RFP available providing detail about the requested services violates the E-rate program's competitive bidding rules).

St. Agnes School, Application No. 821850, Request for Review, CC Docket No. 02-6 (filed Feb. 6, 2014)

St. Philip Neri School, Application No. 821885, Request for Review, CC Docket No. 02-6 (filed Feb. 6, 2014)

St. Procopius School, Application No. 821849, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2014)

St. Turibius School, Application No. 821886, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2014)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-rate Services Later Requested*¹³

Boston Public Schools, Application No. 851420, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2013)

Paxton Consolidated Schools, Application No. 931871, Request for Waiver, CC Docket No. 02-6 (filed Jan. 9, 2014)

South Kingstown School District, Application Nos. 984884, 982686, 982997, 984614, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2014)

St. Mary's School, Application No. 915912, Request for Waiver, CC Docket No. 02-6 (filed Feb. 14, 2014)

¹³ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (Wireline Comp. Bur. 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (Wireline Comp. Bur. 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

Rural Health Care (RHC)
WC Docket No. 02-60, CC Docket Nos. 96-45, 97-21

Denials

*Failure to Comply with Commission's Competitive Bidding Requirements*¹⁴

Amery Regional Medical Center, HCP No. 13041, WC Docket No. 02-60 (filed Sept. 24, 2013)
(concerning funding request numbers 62296, 62297, 62298, 62299, 62300, and 63573)

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

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¹⁴ See 47 C.F.R. § 54.603(b)(3) (providing that the health care provider shall wait at least 28 days from the date on which its FCC Form 465 is posted on the Universal Service Administrative Company's website before making commitments with the selected telecommunications carrier(s)); *Request for Review of the Decision of the Universal Service Administrator by Northern Arizona Regional Behavioral Health Authority; Federal-State Joint Board on Universal Services, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, 15 FCC Rcd 10029 (Com. Car. Bur. 2000) (finding that the applicant violated the Commission's competitive bidding rules by signing a service contract before the expiration of the 28-day waiting period); *Request for Review of the Decision of the Universal Service Administrator by Presbyterian Healthcare Services; Federal-State Joint Board on Universal Services, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, 15 FCC Rcd 18658 (Com. Car. Bur. 2000) (finding that the applicant violated the Commission's competitive bidding rules by signing a service contract before the expiration of the 28-day waiting period).