# PUBLIC NOTICE

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

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**DA 16-220**
**Released: February 29, 2016**

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

**CC Docket No. 02-6**
**WC Docket No. 06-122**
**WC Docket No. 02-60**

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]

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

Dismiss to File Appeal with USAC[3]

Chatfield School District 227, MN, Application No. 946913, Request for Review, CC Docket No. 02-6 (filed Jan. 22, 2016)

Fridley School District 14, MN, Application No. 950028, Request for Review, CC Docket No. 02-6 (filed Feb. 11, 2015)

KIPP San Antonio, TX, Application No. 946492, Request for Waiver, CC Docket No. 02-6 (filed Nov. 30, 2015)

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[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).

[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, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Lanesboro Public School, MN, Application No. 952769, Request for Review, CC Docket No. 02-6 (filed Jan. 22, 2016)

Leadore Community Library, ID, Application No. 941794, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2015)

Marshall County Memorial Library, TN, Application No. 1006789, Request for Review, CC Docket No. 02-6 (filed Feb. 11, 2016)

Dismiss for Failure to Comply with the Commission's Basic Filing Requirements[4]

Fazil Bhimani, MN, No Application Number Given, CC Docket No. 02-6 (filed Jan. 22, 2016)

Fazil Bhimani, MN, No Application Number Given, CC Docket No. 02-6 (filed Jan. 22, 2016)

Sedona Charter School, AZ, No Application Number Given, CC Docket No. 02-6 (filed Jan. 5, 2016)

Vision Net, MT, No Application Number Given, CC Docket No. 02-6 (filed Jan. 27, 2016)

Dismiss as Moot[5]

Collinsville Public Library, AL, Application No. 977992, Request for Review, CC Docket No. 02-6 (filed Apr. 28, 2015)

Harambee Institute of Science and Technology Charter School, PA, Application No. 874945, Request for Review, CC Docket No. 02-6 (filed June 25, 2015)

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[4] 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, including the requirement that the request for review include supporting documentation); *see also Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

[5] *See Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

Dismiss on Reconsideration[6]

Biblioteca Abelardo Díaz Alfaro, PR, Application No. 807387, Petition for Reconsideration, CC Docket No. 02-6 (filed Apr. 27, 2015)

Yeshiva D'Monsey, NY, Application No. 693241, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 3, 2015)

Dismiss on Reconsideration - Untimely[7]

Black Mesa Community School, AZ, Application No. 873629, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 27, 2016)

Granted[8]

*Granting Additional Time to Respond to USAC's Request for Information*[9]

Center for Advance Learning, CA, Application No. 1041418, Request for Review, CC Docket No. 02-6 (filed Feb. 2, 2016)

Erie Rise Leadership Academy Charter School, PA, Application No. 993108, Request for Review, CC Docket No. 02-6 (filed Feb. 16, 2016)

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[6] *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, 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).

[7] *See, e.g., Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 26 FCC Rcd 13004 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions); *Petitions for Reconsideration by Lincoln Parish School Board et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 7992, 7992, para. 1 n.1 (WCB 2011) (stating that the Bureau has the authority under 47 CFR § l.l06(p) to dismiss petitions for reconsideration of a Commission action that plainly do not warrant consideration by the Commission, such as petitions that are late-filed).

[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., 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).

*Discount Calculation - Urban/Rural Classification*[10]

St. Anthony Grade School, HI, Application No. 944613, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2014)[11]

*Eligible Services*[12]

Hackley Public Library, MI, Application No. 838141, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 22, 2015)

Scranton Public Library, PA, Application Nos. 442455, 495363, 541934, 592057, 649268, 713891, 776424, Request for Review, CC Docket No. 02-6 (filed July 22, 2011)

*Ministerial and/or Clerical Errors – FCC Form 471*[13]

St. Catherine School, WI, Application No. 1017995 (FRN 2763124), Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)

Strive Preparatory School - District, CO, Application No. 1011445, Request for Review and Waiver, CC Docket No. 02-6 (filed Jan. 11, 2016, supplemented Feb. 8, 2016)

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[10] *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (remanding applications for further processing when it appeared that USAC reduced the requested discount rate without providing the applicants with a sufficient opportunity to provide supporting evidence).

[11] A review of the record indicates that USAC denied petitioner's request for a rural discount based on an erroneous conclusion that St. Anthony Grade School is located in Honolulu County, Hawaii. Petitioner's application states that the school is located in the town of Wailuku. Petitioner's location in Wailuku is not disputed in the record. Wailuku is located in Maui County, not Honolulu County. We remand this application to provide petitioner with the opportunity to support its requested discount based on its accurate location. We express no opinion regarding petitioner's ultimate eligibility for a rural discount. Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by Animas School District 6 et al.; Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, 26 FCC Rcd 16903, 16905, para. 4 (WCB 2011) (granting petitioners waivers of our filing deadline for appeals because their late-filed appeal would never have been necessary absent an error on the part of USAC); 47 CFR §§ 54.720(a), (b).

[12] *See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District 5 et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2080 (WCB 2012) (finding that USAC erred in its eligibility determination regarding the services petitioners sought for funding and reversing USAC's decision to reclassify services).

[13] *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320 nn.5 & 13 (WCB 2010) (permitting applicant to add item it failed to enter from pre-existing documentation associated with the application and to correct mischaracterization of non-discounted price as the pre-discount price). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late); 47 CFR §§ 54.720(a), (b).

Trinity Lutheran School, IA, Application No. 1011029, Request for Review, CC Docket No. 02-6 (filed July 23, 2015)

*Necessary Resources*[14]

Northside Children's Day Center, NY, Application No. 145762, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 25, 2005)[15]

*Service Substitution*[16]

Cornerstone Sch-Nevada, MI, Application No. 758131, Request for Review, CC Docket No. 02-6 (filed Jan. 29, 2013)

*Waiver of Appeal Filing Deadline*[17]

Bastrop Independent School District, TX, Application No. 962244, Request for Waiver, CC Docket No. 02-6 (filed Jan. 27, 2016)

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[14] *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Academy of Excellence et al.; Schools and Libraries Universal Service Support Mechanism* CC Docket No. 02-6, Order, 22 FCC Rcd 8722, 8727-28 (2007) (granting applicants the chance to reduce their funding requests to levels such that they had the necessary resources to use them effectively before being reevaluated by USAC when there was no evidence of fraud or abuse and their initial requests appeared to represent a good faith effort to purchase only what they could use effectively).

[15] We also grant this appeal with respect to the issue about its technology plan. *See, e.g., Requests for Review or Waiver of the Decisions of the Universal Service Administrator by Brownsville Independent School District et al.*; *Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, 22 FCC Rcd 6045, 6049, para 8 (2007) (waiving procedural aspects of the technology plan rules for petitioners that failed to show that they had an approved technology plan in place for the relevant funding year).

[16] *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Beaufort County Public School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, 29 FCC Rcd 3124, 3125, para. 3 (WCB 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 CFR § 54.504(d) and had a reasonable explanation for missing the deadline). Additionally, we direct USAC to grant the applicant an extension of the service implementation deadline to allow it to implement its service substitution request. *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, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation when applicants meet the requirements for a service implementation deadline extension).

[17] *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 these appeals and remand these applications back to USAC to make a determination on the merits. *See supra* note 8.

*Waiver of Competitive Bidding Requirement to Comply with State and Local Procurement Rules*[18]

Riverside Unified School District, CA, Application Nos. 775641, 799564, 818678, 820175, 820454, Request for Declaratory Ruling or Waiver, CC Docket No. 02-6 (filed Dec. 10, 2015)

*Waiver of Price as Primary Factor Requirement: Applicant Selected Lowest-price Solution*[19]

Troup County School System, GA, Application No. 845112, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 30, 2015)

Denied

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*[20]

Biblioteca Abelardo Díaz Alfaro, PR, Application No. 989482, Request for Review and Waiver, CC Docket No. 02-6 (filed Oct. 16, 2015)[21]

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[18] *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1941, 1941, para 1 (WCB 2012) (granting waiver to San Jose Unified School District of competitive bidding rule requiring compliance with state and local procurement law when the applicant violated a state rule requiring the RFP to be published in a newspaper of general circulation but the applicant published the RFP on its website and received sufficient bid responses, and there was no evidence of waste, fraud, and abuse). This waiver applies to FRNs 2102832, 2165204, 2232257, 2233278, and 2227717.

[19] *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) (waiving the requirement that an applicant be able to demonstrate that it used price as the primary factor in vendor selection when the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse).

[20] *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 and 97-21, Order, 18 FCC Rcd 26406, 26410, para. 7 (2003) (clarifying that the requirement for a bona fide request for services means that "applicants must submit a list of specified services for which they anticipate they are likely to seek discounts consistent with their technology plans, in order to provide potential bidders with sufficient information on the FCC Form 470, or on an RFP cited in the FCC Form 470, to enable bidders to reasonably determine the needs of the applicant"); *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 (WCB 2013) (finding that the applicant violated the Commission's competitive bidding requirements by failing to include sufficient information on its FCC Form 470 to enable prospective service providers to identify and formulate bids).

[21] Although the applicant's appeal to USAC was filed late, consistent with precedent, we find good cause exists to waive section 54.720(a) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See, e.g., Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.*; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision). Therefore, we address this appeal on the merits and deny it because of competitive bidding violations.

Colegio Catolico Notre Dame Secundario, PR, Application Nos. 979835, 979879, 987304, 972245, 990843, Request for Review, CC Docket No. 02-6 (filed Sept. 14, 2015)

Consorcio Colegios Catolicos Diocesis Fajardo y Humacao, PR, Application Nos. 942769, 942755, 985436, 987380, 986857, Request for Review, CC Docket No. 02-6 (filed Sept. 15, 2015)

Consortium Escuelas Catolicas, PR, Application Nos. 979223, 978025, 991208, 978939, 991149, 987324, 987261, 978169, 983530, 983348, 982395, 978093, 978146, Request for Review, CC Docket No. 02-6 (filed Sept. 14, 2015)

*Ineligible Services*[22]

City of Boston, Dept. of Neighborhood Development, MA, Application No. 151059, Request for Review, CC Docket No. 02-6 (filed Mar. 18, 2004)

*Ministerial and/or Clerical Errors – FCC Form 471*[23]

Fall River Joint Unified SD, CA, Application No. 1012895, Request for Review and Waiver, CC Docket No. 02-6 (filed Feb. 4, 2016)

Risen Savior Lutheran School, WI, Application No. 1007714, Request for Review, CC Docket No. 02-6 (filed Oct. 13, 2015)

St. Catherine School, WI, Application No. 1017995 (FRN 2763122), Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)

St. Paul Lutheran School, LA, Application No. 1013728, Request for Review, CC Docket No. 02-6 (filed Dec. 7, 2015)

Timothy Academy South, PA, Application No. 1014359, Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)

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[22] *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by AllWays, Inc. (Prairie Hills School District 144); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1968, 1969, para. 1 (WCB 2012) (upholding denials of funding requests for services that had not been designated as eligible for E-rate support). In determining which party or parties to hold responsible for violations of E-rate rules, the Commission has directed USAC to consider which party was in the better position to have prevented the violation and which party committed the act or omission that forms the basis of the violation. *See Federal-State Joint Board on Universal Service; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 96-45, 97-21, 02-6, Order on Reconsideration and Fourth Report and Order, 19 FCC Rcd 15252, 15257, para. 15 (2004) (*Schools and Libraries Fourth Report and Order*). In this case, the service provider, W.T. Rich Company, Inc. submitted to USAC invoices that included ineligible services. Under the program rules in place at the time, the applicant, City of Boston, Dept. of Neighborhood Development, was not required to review invoices and did not make any certifications with respect to whether the services on the invoices were eligible. Accordingly, we direct USAC to continue recovery proceedings against W.T. Rich Company, Inc. only.

[23] *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).

The Neighborhood Academy, PA, Application No. 832296, Request for Review, CC Docket No. 02-6 (filed Oct. 31, 2012)

*Untimely Filed Request for Review*[24]

Crossroads Academy, FL, Application No. 1051023, Request for Review, CC Docket No. 02-6 (filed Feb. 1, 2016)

Gilroy Unified School District, CA, Application No. 830048, Request for Review, WC Docket No. 02-6 (filed Jan. 12, 2015)

Greater Albany Public Schools, OR, Application No. 846615, Request for Review, CC Docket No. 02-6 (filed Jan. 11, 2016)

Jersey Community Unit School District 100, IL, Application No. 947918, Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)[25]

Holy Cross School, IL, Application No. 992762, Request for Waiver, CC Docket No. 02-6 (filed Feb. 10, 2016)

Little Falls Township Public Schools, NJ, Application Nos. 985116,991002, Request for Review, CC Docket No. 02-6 (filed Jan. 12, 2016)

McCleary School District 65, WA, Application No. 1051602, Request for Waiver, CC Docket No. 02-6 (filed Feb. 12, 2016)

Nevada Joint Union High School District, CA, Application Nos. 826037, 864705, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2013)

Riverhead Central School District, NY, Application No. 1008865, Request for Review, CC Docket No. 02-6 (filed Feb. 1, 2016)

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[24] *See, e.g.*, *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by the Commission's rules, and did not show special circumstances necessary for the Commission to waive the deadline). Gilroy Unified School District, Greater Albany Public Schools and Little Falls Township Public Schools argue that their USAC decision appeals should have been considered timely since they were filed with USAC within 60 days of the Bureau's decision to dismiss the appeals. We note, however, that our rules specify that an affected party seeking review of a USAC decision shall file its request within 60 days from the date of that decision, not the Bureau's action in dismissing the appeal. *See* 47 CFR § 54.720(b).

[25] Jersey Community Unit School District 100 filed an appeal with USAC seeking review of two separate decisions concerning the same application. We note that its appeal is untimely only in relation to the Oct. 7, 2015, Form 472 (BEAR) Notification Letter, not the Form 472 (BEAR) Notification Letter dated Nov. 12, 2015.

St. Michael School, IL, Application No. 986333, Request for Waiver, CC Docket No. 02-6 (filed Feb. 9, 2016)

*Violation of the Competitive Bidding 28-Day Rule*[26]

Henry County School District, VA, Application No. 1013393, Request for Review, CC Docket No. 02-6 (filed Feb. 2, 2016)[27]

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

Dismiss as Moot

*Late 499-Q Filing Waiver Request*[28]

Netwolves Network Services, LLC (f.k.a. Norstan Network Services), Petition for Waiver, WC Docket 06-122 (filed Sept. 1, 2015)

Dismiss Without Prejudice

*Late Filing Fee Waiver Request*[29]

Craig Communications, LLC, Petition for Waiver, WC Docket 06-122 (filed Feb. 2, 2016)

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[26] *See, e.g., Application for Review of A Decision of the Universal Service Administrator by Challis Joint School District #181; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 3812, 3814, para. 5 (WCB 2011) (denying request for review where applicant selected a service provider for E-rate services prior to submitting its FCC Form 470 when the rule requires the applicant to wait at least 28 days after such posting).

[27] USAC denied the appeal for Application No. 1013393 on the grounds that there was no signed contract in place when petitioner filed its FCC Form 471. However, on *de novo* review, we find that the petitioner failed to wait 28 days before making a determination to select a service provider for E-rate services. Thus, we deny this appeal on the ground that petitioner violated the Commission's competitive bidding 28-day rule.

[28] *Universal Service Contribution Methodology, Requests for Waiver of Decisions of the Universal Service Administrator by Ambess Enterprisesm Inc., et al*., WC Docket No. 06-122, 25 FCC Rcd 3722 (WCB 2010) (dismissing several petitions for waiver of USAC decisions because subsequent USAC action has provided relief sought by petitioners).

[29] *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding request procedurally defective for failure to comply with 47 CFR § 54.721).

Denial

*Late 499-A Filing Fee Waiver Request*[30]

Flatel Wireles, Inc. dba ZingPCS, Petition for Waiver, WC Docket 06-122 (filed Jan. 19, 2016)

**Rural Health Care (RHC)**
**WC Docket No. 02-60**

Grants

*Invoice Deadline Extension Request*[31]

Charles Cole Memorial Hospital, HCP No. 31776, FRN 1456059, WC Docket No. 02-60 (filed Dec. 29, 2015)

*Failure to Comply with Invoicing Procedures*[32]

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[30] *Universal Service Contribution Methodology, Federal-State Joint Board on Universal Service, Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology, Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology, Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC 499 instructions).

[31] *See, e.g.*, *Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15555, 15558, para. 6 (WCB 2008) (granting relief to petitioners demonstrating good faith in complying with the invoicing deadline).

[32] We find that Crawford Memorial Hospital and Health Services (Crawford) is the party at fault in violating the Commission's invoicing procedures. We therefore direct USAC to discontinue its recovery actions against AT&T Corporation for FRN 29817 and seek recovery of funding from Crawford, the party at fault in violating the Commission's invoicing procedures. We also clarify that recovery of funds improperly disbursed under the rural health care support mechanism (i.e., the Telecommunications and Healthcare Connect Fund programs) shall be directed at the party or parties who have committed the statutory or rule violation, regardless of whether that party is a beneficiary or a service provider. *See, e.g., Schools and Libraries Fourth Report and Order*, 19 FCC Rcd 15252, 15255-57, paras. 10-15 (directing USAC to pursue recovery actions against the party or parties that violated the Commission's rules); *Request for Review of the Decision by the Universal Service Administrator by Bell South*

(continued….)

AT&T Corporation, WC Docket No. 02-60 (filed June 3, 2011) (concerning Crawford Memorial Hospital and Health Services, HCP No. 10803, FRN 29817)

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

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*Telecommunications, Inc. and Union Parish School Board; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 11208 (WCB 2012) (seeking recovery of funding from the party that violated the Commission's rules); AT&T Petition.