CC DOCKET NO. 02-6 IN THE MATTER OF REQUEST FOR WAIVER BY INCARNATION SCHOOL
CC DOCKET NO. 96-45 OF THE DECISION OF THE UNIVERSAL SERVICE ADMINISTRATOR

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Attached is an Appeal to the Federal Communications Commission for Incarnation School [BEN: 69609]. The purpose of this document is to appeal the Universal Service Administrative Company's decision to deny our original appeal. In this decision, the Universal Service Administrative Company (USAC) denied Incarnation School's request to waive the Form 486 Filing Deadline. The reason provided for why the appeal was denied is that the appeal was postmarked more than 60 days after the Form 486 Notification Letter was issued.

The FCC has decided rejection or reduction of ERate applications whose applicants did not submit a timely FCC Form 486 is not warranted, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule. By granting this limited waiver of the deadline, they believe they will provide for a more effective application processing system that ensures eligible schools and libraries will be able to realize the intended benefits of the program. The following FCC Decisions have ruled in favor of waiving the deadline for filing the Form 486:

- Archdiocese of Chicago School, et al., File Nos. SLD-766468, et al., DA 12-28, Order, 27 FCC Rcd 200
- Academy St. Benedict Stewart, et al., File Nos. SLD-660086, et al., DA 10-2352, Order, 25 FCC Rcd 17309
- Alaska Gateway School District - File Nos. SLD-412028, et al., DA 06-1871, Order, 21 FCC Rcd 10182

Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. We will demonstrate (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

Please let me know if you have any questions, or if there is any additional information I can provide. We greatly appreciate your consideration of our Request For Waiver. Thank you for your time, effort, patience, and continued support of Incarnation School.

Stephen Weiss
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(4) Alaska Gateway School District - File Nos. SLD-412028, et al., DA 06-1871, Order, 21 FCC Rcd 10182 [Pages 20 – 35]

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
Request for Waiver by Incarnation School	)	
Of Decision Of	)	
Universal Service Administrator	)	
	)	
Incarnation School	)	
Chicago, Illinois	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	CC Docket No. 96-45

(1) A Statement setting forth Incarnation School's interest in the matter presented for review.

In this matter presented for review, Incarnation School is the sole appellant organization. Incarnation School is seeking an Request for Waiver by the Federal Communications Commission. Incarnation School wishes to seek consideration of the Universal Administrative Service Company's decision to deny our original appeal.

(2) A full statement of relevant, material facts with supporting affidavits and documentation.

Appellant / Organization Name: INCARNATION SCHOOL
Contact Person Name: Stephen Weiss
Contact Mailing Address: 233 S. Wacker Dr. Suite 3430, Chicago, IL
Contact Phone Number: 312-850-4134
Contact Fax Number: 312-893-2038
Contact Email Address: sweiss@colemangroupconsulting.com

Funding Year: 2011
Dates of FCDL Decisions: 7/12/11
Billed Entity Name: INCARNATION SCHOOL
Billed Entity Number: 69609
Form 471 Application Numbers: 821382

Funding Request #1
Funding Request Number: 2236788

SPIN Code: 143001912
Committed Commitment Request: $1,020.20
Actual Expenses for Funding Year: $3,060.60

Section III of the Instructions for Completing the Schools and Libraries Universal Service Receipt of Service Confirmation Form [Filing Requirements and General Instructions] states as follows:

- The complete Form 486 – with Certification – MUST be received by USAC, submitted online or postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of your FCDL, whichever is later, in order to receive discounts retroactively to the Service Start Date. If the Form 486 is postmarked later than the deadline, the date 120 days before the Form 486 postmark date will become the service start date for discounted services on those FRN's featured on the Form 486. USAC will not provide discounts for the services rendered prior to the new start date and will reduce the funding commitment for the relevant FRN as appropriate.

We would like to ask USAC to make an exception for INCARNATION SCHOOL for the following reasons:

1. Under Commission precedent in the Alaska Gateway Order and subsequent orders[1], complete rejection of ERate applications whose applicants failed to submit timely Forms FCC 486 is not warranted, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule.

- In our appeal on behalf of INCARNATION SCHOOL, we were late according to the 486 procedural deadline, but did not violate any Commission rules.

2. Under the same precedent, waivers of filing deadlines were granted because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision, or because of circumstances beyond the applicants' control.

- Our attempts to process the electronic certifications for the Form 486s have generated errors on the USAC website approximately 50% of the time.

3. Under the same precedent, requests for Review and/or Requests for Waiver were granted, and the applications were remanded to USAC for further consideration.

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[1] 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., DA 06-1871, 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 Archdiocese of Chicago School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-766468, et al., DA 12-28, Order, 27 FCC Rcd 200 (Wireline Comp. Bur. 2012); 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., DA 10-2352, Order, 25 FCC Rcd 17309 (Wireline Comp. Bur. 2010).

(i) Special circumstances that warrant a deviation from the general rule

There are 2 sets of circumstances that warrant a deviation from the general rule:

- We went through a process to re-document our compliance with CIPA
- We chose not to file a BEAR asking for the entire commitment amount in order to force a BEAR denial letter that could be appealed within 60 days

In preparation for the effective date of the Protecting Children in the 21st Century Act, we went through an internal process to re-document our compliance with CIPA. We waited until the documentation was completed prior to completing the Form 486.

In order to force a USAC decision that can be appealed within 60 days, we could have filled out our BEAR Form 472 with the total remaining commitment (regardless of the Form 486 date) amount in Block 1 Number 8 and Block 2 Number 15. The BEAR would have been denied because the amount we would have asked for in the BEAR would have been too high. We would then file a subsequent BEAR with the dollar amounts reduced proportionately to match the Form 486 Date we currently have. However, we decided it would not be an efficient use of both USAC's time and our time to go through those extra steps. Therefore we filed the proportionately reduced BEAR and moved straight to the appeal process.

(ii) Deviation from the general rule will serve the public interest.

Incarnation School, guided by the Spirit of Jesus, Word Incarnate, is a faith-filled community of all who teach, learn, and minister to one another in their educational and Gospel oriented setting.

The emphasis of Incarnation School flows from the Gospel and Mission of Jesus. They are a prayerful community challenged to be one family --- loving, caring, sharing and respecting the uniqueness and giftedness of one another. They are committed to excellence and quality education, developing the potential of students in kindergarten through eighth grade, recognizing the realities of the present, and visualizing the possibilities of the future.

Incarnation School is an integral part of the larger community of Incarnation Parish. Through their participation in the liturgical, sacramental, prayer, and service life of the parish, they lead their school community to be conscious and active in the Church.

(3) The question presented for review, with reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision.

Incarnation School received the Universal Service Administrator's Decision on Appeal. The decision states as follows:

- Our records show that your appeal was postmarked more than 60 days after your date your Form 486 Notification letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest[6]. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Consistent with precedent[7], we have demonstrated (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

(4) A statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought.

Incarnation School seeks relief from the Universal Service Administrator's decision. In that decision our request to waive a Form 486 deadline because our appeal was postmarked more than 60 days after the date of our Form 486 Notification letter.

Incarnation School filled out their BEAR Form 472 with the proportionately reduced commitment amount in Block 1 Number 8 and Block 2 Number 15. We would like to go back and submit an additional BEAR form for the remainder of the appropriate proportion of the commitment amount (subsequent to being adjusted for our actual expenses).

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[6] *Northeast Cellular Telephone Co. v FCC, 897 F.2d 1164, 1168*6

[7] *NetworkIP, LLC v. FCC, 548 F.3d 116, 125-12*

Thank you once again for taking the time to consider this appeal for Incarnation School. Please let me know if you have any questions. Thank you very much for all of your help. We greatly appreciate your time, effort, patience and continued support.

USAC
Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2011-2012

October 22, 2012

Stephen Weiss
Coleman Group Consulting
134 North Lasalle Street Suite 1400
Chicago, IL 60602-1181

Re:	Applicant Name:	INCARNATION SCHOOL
	Billed Entity Number:	69609
	Form 471 Application Number:	821382
	Funding Request Number(s):	2236788
	Decision Letter Date:	January 25, 2012
	Date Appeal Postmarked:	October 15, 2012
	Your Correspondence Dated:	October 15, 2012

Our records show that your appeal was postmarked more than 60 days after the date your Form 486 Notification Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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 in the "Appeals Procedure" posted in the Reference Area 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.

Schools and Libraries Division
Universal Service Administrative Company

Stephen Weiss
Coleman Group Consulting
134 North Lasalle Street Suite 1400
Chicago, IL 60602-1181

Billed Entity Number: 69609
Form 471 Application Number: 821382
Form 486 Application Number:

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, *et al.*	)	File Nos. SLD-766468, *et al.*
	)	
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,* [1] 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.[2] 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[3] 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.[4]

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

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[1] *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).

[2] 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.

[3] *See* 47 C.F.R. § 54.720.

[4] Request for Waiver by Idabel School District 5 and Request for Waiver by Otsego Nothern 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 73rd Summit Summit, IL	765762	2010	10/31/2011

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

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, *et al*.
Chicago, Illinois, *et al*.	)	
	)	
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.[1] Consistent with the Commission's *Alaska Gateway Order*, [2] 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[3] 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,[4] or because of circumstances beyond the applicants' control.[5]

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[1] 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).

[2] *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).

[3] *See* 47 C.F.R. § 54.720.

[4] 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

[5] 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

Applicant	Application Number	Funding Year	Date Appeal Filed
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

Applicant Name	Application Number
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 Waiver	)	
of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Alaska Gateway School District	)	File Nos. SLD-412028, *et al*.
Tok, AK, *et al.*	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

ORDER

Adopted: September 14, 2006 **Released: September 14, 2006**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant 128 appeals of decisions by the Universal Service Administrative Company (USAC) reducing or denying funding from the schools and libraries universal service support mechanism (also known as the E-rate program) on the grounds that they failed to timely submit an FCC Form 486.[1] As explained below, in each case we find that good cause exists to waive USAC's deadline for the FCC Form 486 filed with USAC and we remand the underlying applications associated with these appeals 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 Appendix and issue an award or denial based upon a complete review and analysis no later than 90 days from the release of this Order. In addition, we direct USAC to develop targeted outreach procedures designed to better inform applicants of approaching FCC Form 486 filing deadlines and to provide applicants with a 15-day opportunity to file or amend the form.

2. As we recently noted, applicants seeking funding from the E-rate program contend that the application process is complicated and time-consuming.[2] As a result, a significant number of

[1]In this Order, we use the term "appeals" to generically refer to requests for review of decisions, or to waivers related to such decisions, issued by the Commission, the Wireline Competition Bureau, or USAC. A list of these petitions is attached in the Appendix and we will refer to all of these parties as Petitioners. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

[2]*Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308 (2005) (*Comprehensive Review NPRM*).

applications for E-rate support are denied because of applicant ministerial or clerical errors. We find that the actions we take here to provide relief will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the "Act"), by helping to ensure that eligible schools and libraries obtain access to discounted telecommunications and information services.[3] In particular, we believe that by directing USAC to enhance certain application outreach procedures and granting this limited waiver of the deadline, we will provide for a more effective application processing system that ensures eligible schools and libraries will be able to realize the intended benefits of the program as we consider additional steps to reform and improve the E-rate program.[4] Requiring USAC to take these additional steps will not reduce or eliminate any application review procedures or program requirements that applicants must comply with to receive funding. Indeed, we retain our commitment to detecting and deterring potential instances of waste, fraud, and abuse by ensuring that USAC continues to scrutinize applications and takes steps to educate applicants in a manner that fosters program participation. We also emphasize that our actions taken in this Order should have minimal impact on the Universal Service Fund (USF or Fund) because the monies needed to fund these appeals have already been collected and held in reserve.[5]

II. BACKGROUND

3. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.[6] After an applicant for discounted services under the E-rate program has entered into agreements for eligible services with one or more service providers, it must file an FCC Form 471 with USAC.[7] The FCC Form 471 notifies USAC of the services that have been ordered and supplies an estimate of funds requested for eligible services.[8] USAC then issues a funding commitment decision letter indicating the funding, if any, for which the applicant is approved to receive. After the funding year begins and the applicant begins receiving services at the discounted rate, the applicant submits an FCC Form 486 to USAC. The FCC Form 486 indicates that the service has begun, specifies the service start date and demonstrates that the applicant has received approval of its technology plans.[9] The timely

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[3]47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

[4]*Comprehensive Review NPRM*, 20 FCC Rcd at 11324-25, paras. 37-40 (seeking comment on the application process and competitive bidding requirements for the schools and libraries program).

[5]We estimate that the appeals granted in this Order involve applications for approximately $11.3 million in funding for Funding Years 2000-2005. We note that USAC has already reserved sufficient funds to address outstanding appeals. *See, e.g.,* Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2006, dated May 2, 2006.

[6]*See* 47 C.F.R. §§ 54.501-54.503.

[7]*See* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 1997) (Funding Year 1999 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (Funding Year 2000 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Funding Year 2001 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2001) (Funding Year 2002 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2003) (Funding Year 2004 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) (Funding Year 2005 FCC Form 471) (collectively, FCC Form 471).

[8]47 C.F.R. § 54.504(c).

[9]Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (April 2000) (2000 FCC Form 486 Instructions); Instructions for Completing the

submission of FCC Form 486 ensures that disbursements for discounts on eligible services are done in a prompt and efficient manner. Because the FCC Form 486 indicates the actual service start date, USAC will only issue disbursements to the service provider for discounts on eligible services after receipt of the form.[10]

4. The deadline for receipt of the FCC Form 486, which is established by USAC, has varied over the years. In Funding Year 2000, applicants with recurring services were required to submit the FCC Form 486 postmarked by December 14, 2001.[11] In Funding Year 2001, the FCC Form 486 was due October 28, 2001, unless the service start date began or a funding commitment decision letter was issued after October 28, 2001.[12] In that case, the FCC Form 486 was required to be postmarked no later than 120 days after the service start date or the date of the funding commitment decision letter, whichever was later, for applicants to receive discounts retroactively to the service start date.[13] If an applicant failed to meet this requirement, USAC adjusted the start date for discounted services to either the date that the FCC Form 486 was postmarked or, in cases where the funding commitment decision letter came after the October 28, 2001 deadline, to 120 days before the date that the FCC Form 486 was postmarked.[14] In Funding Year 2002 and subsequent funding years, the FCC Form 486 had to be postmarked no later than 120 days after the date service began or no later than 120 days after the date of the funding commitment decision letter, whichever was later, to receive discounts retroactively to the service start date.[15] For a late FCC Form 486, the start date for discounted services is reset to 120 days before the postmark date.[16] No

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Schools and Libraries Universal Service Receipt of Service Confirmation Form, OMB 3060-0853 (July 2001) (2001 FCC Form 486 Instructions); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (September 2002) (2002 FCC Form 486 Instructions); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (August 2003) at 2 (2003 FCC Form 486 Instructions) (collectively, FCC Form 486 Instructions).

[10] *See, e.g.,* 2003 Form 486 Instructions at 2. *See also Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12444, para. 4 (2002) (*CIPA II Order*); 47 C.F.R. § 54.520.

[11] *See* November 2001 Announcements, Funding Year 3 Disbursement Closeout Process, available at http://www.sl.universalservice.org/whatsnew/2001/112001.asp.

[12] *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182, 8188-89, 8191, paras. 10, 18 (2001) (*CIPA Order*); 47 C.F.R. § 54.520(g)(1) (2001); 2001 Form 486 Instructions. Under the Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (NCIPA), Congress imposed new conditions on schools with Internet access that request discounted services under the schools and libraries universal service support mechanism. 47 U.S.C. § 254(h)(5), 254(l). Schools seeking costs for Internet access or internal connections services must certify to these conditions on the FCC Form 486. For Funding Year 2001, Congress established a deadline of October 28, 2001, unless services began after that date or the funding commitment decision letter was sent after that date. 47 U.S.C. §§ 254(h)(5)(E), 254(h)(6)(E); *CIPA Order*, 16 FCC Rcd at 8188-89, 8191, paras. 10, 18. Because the October 28, 2001 deadline for that funding year is a statutory requirement, it cannot be waived.

[13] 2001 Form 486 Instructions at 8-10.

[14] Form 2001 486 Instructions at 9-10. *See, e.g., Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591, 24594, para. 7 (Wireline Comp. Bur. 2002) (providing funding only for services provided on or after the FCC Form 486 filing date of October 30, 2001, instead of the funding year start date of July 1, 2001).

[15] *CIPA II Order*, 17 FCC Rcd at 12445, para. 5; 2003 Form 486 Instructions at 6.

[16] *Id*.

funding is provided for services rendered prior to the new start date and funding commitments are reduced for the relevant funding request.[17]

5. One hundred and twenty-eight Petitioners have requested a waiver of the deadlines or a review of USAC's decision to deny or reduce funding because of the Petitioners' late filings. The Commission may waive any provision of its rules on its own motion and for good cause shown.[18] A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.[19] In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[20] In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.[21]

III. DISCUSSION

6. In this item, we grant 128 appeals of decisions reducing or denying requests for funding from the E-rate program and remand the underlying applications associated with these appeals to USAC for further action consistent with this Order.[22] Petitioners' requests for funding were denied or reduced because USAC found that the FCC Form 486 was filed late or the form may not have been filed.[23] These Petitioners, however, either claim that the filings were on time,[24] that the late filings were the result of immaterial clerical, ministerial or procedural errors,[25] or that the late filings were due to circumstances beyond their control.[26]

7. Based on the facts and the circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 486 for Petitioners.[27] Under Bureau precedent,

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[17] *Id.*

[18] 47 C.F.R. §1.3.

[19] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

[20] *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972).

[21] *Northeast Cellular*, 897 F.2d at 1166.

[22] Eldora Public Library (Eldora) framed its request for review as an appeal of USAC's denial of its request for an extension of the invoice deadline (FCC Form 472). Our review of the record indicates that Eldora did not file its FCC Form 486. Eldora claims that it inadvertently failed to comply with program rules because of Eldora's small staff and the complexity of the E-rate program. On our own motion, we grant a waiver of Eldora's FCC Form 486 deadline.

[23] *See* Appendix.

[24] *See, e.g.,* Request for Review by Fair Haven School District; Request for Review by Oldham County Public Library; Request for Review by Schuylkill Intermediate Unit No. 29; Request for Review by Bordentown Regional School District; Request for Review by Diocese of Gallup Catholic Schools.

[25] *See, e.g.,* Request for Review by Quartzsite Elementary School District No. 4; Request for Review by Fort Plain Central School District; Request for Review by Good Shepard Center; Request for Review by Pueblo 60 School District; Request for Review by Lifeline Center for Child Development.

[26] *See, e.g.*, Request for Review by Yukon Flats School District; Request for Review by School District U 46; Request for Review by North Wasco County School District No. 21; Request for Waiver by Bay County School District; Request for Review by Western Christian High School.

[27] Because we waive the FCC Form 486 deadline, applicants should receive funding from their actual service start date. We also direct USAC to waive any of its subsequent deadlines if related to the late-filed FCC Form 486, such as the FCC Form 472 deadline, if necessary for the processing of Petitioners' applications.

deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 486.[28] As we recently noted in *Bishop Perry Middle School,* a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest.[29] Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline.[30] We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms.[31] Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants. Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.[32] We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

8. We emphasize the limited nature of this decision. Because the FCC Form 486 contains the Children's Internet Protection Act (CIPA) certification, all applicants must file the form with USAC.[33] While we have waived the deadline for filing, we do not waive the requirement of the filing itself. Furthermore, we recognize that filing deadlines are necessary for the efficient administration of the schools and libraries E-rate program. Although we grant the subject appeals before us, our action here does not eliminate USAC's deadline for filing the FCC Form 486. We continue to require E-rate applicants to submit complete and accurate information to USAC as part of the application review process. However, as of the effective date of this Order, we require USAC to develop additional outreach and educational efforts to inform applicants of the application requirements in an attempt to reduce these types of filing errors. Specifically, USAC shall develop a targeted outreach program designed to identify schools and libraries that have not filed their FCC Form 486 120 days from the date of their funding commitment decision letter or service start date, whichever is later.[34] The purpose of this outreach effort

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[28] *See Requests for Waiver by Lucia Mar Unified School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-249712, *et al*., CC Docket No. 02-6, Order, 19 FCC Rcd. 20364, para. 3 (Wireline Competition Bur. Rel. May 28, 2004); *Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc*., File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591, 24594, para. 7 (Wireline Comp. Bur. 2002).

[29] *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism,* File Nos. SLD-487170, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, para. 9 (rel. May 19, 2006) (*Bishop Perry Middle School*).

[30] Some Petitioners claim that they postmarked the FCC Form 486 on time. Given that we are waiving USAC's deadline for these applicants who mistakenly or knowingly filed late, we give these Petitioners the benefit of the doubt and, to the extent necessary, waive the FCC Form 486 filing deadline for them as well.

[31] For example, Western Christian High School's sole Universal Service Fund official suffered a debilitating stroke and was unable to meet the Form 486 deadline. Request for Review by Western Christian High School at 1.

[32] *See* 47 U.S.C. § 254(h).

[33] Those applicants that filed their FCC Form 486 with their appeal to the Commission must also file the form with USAC, if they have not already done so.

[34] The service start date can be determined from Block 5 of the applicant's FCC Form 471.

will be to provide the applicant with an additional opportunity to file or amend its FCC Form 486. When an applicant has missed the deadline to file its FCC Form 486, applicants will have 15 calendar days from the date of receipt of notice in writing by USAC to file or amend its FCC Form 486.[35] Again, this direction will not limit or preclude any application review procedures of USAC; instead, this 15-day period will provide E-rate applicants with a limited additional opportunity to file or amend its FCC Form 486. The 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed for E-rate applicants and should be sufficient time to correct truly unintentional ministerial and clerical errors.[36] The opportunity for applicants to file or amend their filings to cure minor errors will also improve the efficiency and effectiveness of the Fund. Because applicants who are eligible for funding will now receive funding where previously it was denied for minor errors, we will ensure that funding is distributed first to the applicants who are determined by our rules to be most in need of funding. As a result, universal service support will be received by schools in which it will have the greatest impact for the most students. Furthermore, the opportunity to file or amend the application will improve the efficiency of the schools and libraries program. If USAC helps applicants file timely and correct forms initially, USAC should be able to reduce the money it spends on administering the fund because fewer appeals will be filed protesting the denial of funding for these types of issues. Therefore, we believe this additional opportunity to file the FCC Form 486 will improve the administration of fund. In addition, we note that the Commission has initiated a proceeding to address whether particular deadlines should be modified.[37]

9. Finally, we are committed to guarding against waste, fraud, and abuse, and ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the appeals addressed here, this action in no way affects the authority of the Commission or USAC to conduct audits and investigations to determine compliance with the E-rate program rules and requirements. Because audits and investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or Commission rules, such proceedings can reveal instances in which universal service funds were improperly disbursed or in a manner inconsistent with the statute or the Commission's rules. To the extent we find that funds were not used properly, we will require USAC to recover such funds through its normal processes. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. We remain committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under our own procedures and in cooperation with law enforcement agencies.

IV. ORDERING CLAUSES

10. ACCORDINGLY, IT IS ORDERED that, 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

[35] Such 15-day notice shall be 15 calendar days' notice, and shall commence on the date of receipt of such notice by applicant, or five (5) calendar days after such notice is postmarked as sent by USAC, whichever is sooner. Applicants will be presumed to have received notice five days after such notice is postmarked by USAC. USAC, however, shall continue to work beyond the 15 days with applicants attempting in good faith to file or amend their FCC Form 486.

[36] We note that applicants will retain the ability to appeal decisions denying funding requests on the grounds discussed herein.

[37] *Comprehensive Review NPRM*, 20 FCC Rcd at 11321, para. 29.

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.

11. IT IS FURTHER ORDERED that, 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 Appendix ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

12. IT IS FURTHER ORDERED that, 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 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, USAC SHALL COMPLETE its review of each remanded 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 release of this Order.

13. IT IS FURTHER ORDERED that this Order and the rules adopted herein SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Chief
Wireline Competition Bureau

Appendix:
FCC Form 486 Deadline Petitions

Applicant	Application Number	Funding Year	Type of Appeal
Alaska Gateway School District Tok, AK	412028	2004	Request for Review
Andrews County Library Andrews, TX	440481	2005	Request for Review
Antwerp Local School District Antwerp, OH	464507	2005	Request for Waiver
Archbishop Neale School La Plata, MD	302737	2002	Request for Waiver
Arlington Heights Memorial Library Arlington Heights, IL	415027	2004	Request for Waiver
Bay County School District Panama City, FL	398681	2004	Request for Waiver
Beaufort County School District Beaufort, SC	294836	2002	Request for Review
Berrien County School District Nashville, GA	317226	2002	Request for Waiver
Bledsoe County Public Library Pikeville, TN	301204	2002	Request for Review
Bobover Yeshiva Bnei Zion Brooklyn, NY	291074	2002	Request for Waiver
Bordertown Regional School District Bordertown, NJ	387135	2004	Request for Waiver
Brooks County School District Quitman, GA	321413	2002	Request for Waiver
Broome-Tioga BOCES Syracuse, NY	265671	2001	Request for Waiver
Brown Public Library Northfield, VT	328164	2002	Request for Waiver

Brunswick Central Schools Troy, NY	404068	2004	Request for Review
Buffalo Independent School District Buffalo, TX	371183	2003	Request for Review
Burgundy Farm Country Day School Alexandria, VA	191800	2000	Request for Review
Cabarrus County School Systems Concord, NC	299281 302819	2002	Request for Waiver
Carroll County School District Westminster, MD	302819	2002	Request for Review
Central Kansas Library System Great Bend, KS	328836	2002	Request for Waiver
Chattanooga-Hamilton County Bicentennial Library Chattanooga, TN	379922	2003	Request for Waiver
Cherokee County School District Canton, GA	322398	2002	Request for Review
Children's Home of Wyoming Conference Binghampton, NY	398068	2004	Request for Review
Chino Valley High School No. 51 Chino Valley, AZ	330837	2002	Request for Review
Chittenden Central SU 13 Montpelier, VT	415681	2004	Request for Review
Church of St. Aidan Parish School Williston Park, NY	297395	2002	Request for Review
Cinnaminson Township Public Schools Cinnaminson, NJ	356114	2003	Request for Review
Cleveland Elementary School Cleveland, AL	362832	2003	Request for Waiver
Clinton County Board of Education Albany, KY	291898	2002	Request for Waiver
Colton Joint Unified School District Colton, CA	366876	2003	Request for Waiver

Columbus Public Schools Columbus, OH	365588	2003	Request for Review and Waiver
Community Consolidated School District 59 Arlington Heights, IL	328076 328077	2002	Request for Review
Cundy's Harbor Library Harpswell, ME	292633	2002	Request for Waiver
Diocese of Gallup Catholic Schools Cortez, CO	352887	2003	Request for Review
Diocese of Gallup Catholic Schools Cortez, CO	355457	2003	Request for Review
Douglas County School District 04 Roseburg, OR	431083, 430560	2004	Request for Review
Dry Creek Joint Elementary School District Rosevill, CA	409881	2004	Request for Review
Dubuque Community School District Dubuque, IA	327890	2002	Request for Review
Eldora Public Library Eldora, IA	346316	2003	Request for Review
Emerson Board of Education Syracuse, NY	280479	2001	Request for Review
Estill Elementary School Estill, NC	234858 234895 234919 234944	2001	Request for Review
Fair Haven School District Fair Haven, NJ	367738	2003	Request for Review
Flint City School District Flint, MI	359243	2003	Request for Review
Fort Plain Central School District Fort Plain, NY	412951	2004	Request for Review
Fort Vancouver Regional Library District Vancouver, WA	291242	2002	Request for Waiver
Galloway TWP School District Galloway, NJ	305849	2002	Request for Review

Glades County School District Moore Haven, FL	453848, 454205	2005	Request for Waiver
Good Shepherd School Baltimore, MD	266044	2001	Request for Review
Good Shepherd School Frankfort, KY	172300	2000	Request for Waiver
Grand Coulee Dam School District Coulee Dam, WA	298633	2002	Request for Waiver
Hazlet Township School District Hazlet, NJ	361921	2003	Request for Review
Hennepin County Library St. Paul, MN	359143	2003	Request for Review
Hood River County School District Hood River, OR	364794	2003	Request for Review
Hudson County Schools of Technology North Bergen, NJ	297875	2002	Request for Waiver
Hull Public Library Hull, IA	298528	2002	Request for Review
Illinois School for the Deaf Jacksonville, IL	347661	2003	Request for Review
JEDI Distance Education Consortium Fort Atkinson, WI	327192	2002	Request for Waiver
Jefferson County School Board Monticello, FL	459304	2005	Request for Waiver
Karnes City Independent School District Karnes City, TX	357945	2003	Request for Waiver
Knox County Schools Knoxville, TN	215885	2001	Request for Review
La Gloria Independent Falfurrias, TX	178419	2000	Request for Review
Lamar Consolidated Independent School District Rosenberg, TX	459460	2005	Request for Review

Licking Valley Local School District Newark, OH	392774	2004	Request for Review
Lifeline Center for Child Development, Inc. Queens Village, NY	409570	2004	Request for Review
Lima City School District Lima, OH	470234	2005	Request for Review and Waiver
Lindsay Unified School District Lindsay, CA	410849 411165	2004	Request for Review and Waiver
Little Ferry School District Little Ferry, NJ	295815	2002	Request for Waiver
Lowell Public Schools Lowell, MA	359824	2003	Request for Waiver
Madison Metro School District Madison, WI	353089 353119 353212	2003	Request for Review
Madison-Oneida BOCES Verona, NY	462476	2005	Request for Waiver
Mahopac Public Library Mahopac, NY	402345	200	Request for Review
Maine School Administration District No. 56 Searsport, ME	243128 243720 249415 249470	2001	Request for Waiver
Martin Public School District Martin, MI	426227	2004	Request for Waiver
Martins Ferry City School District Martins Ferry, OH	302365	2002	Request for Review and Waiver
Modoc County Office of Education St. Alturas, CA	315896	2002	Request for Waiver
Moline School District Moline, IL	356437	2003	Request for Review
Monett School District R-1 Monett, MO	300380	2002	Request for Review
Montrose County School District Montrose, CO	427322	2004	Request for Review

Morgan County School District Wartburg, TN	327398	2002	Request for Review and Waiver
Municipal Telephone Exchange Baltimore, MD	267659	2001	Request for Waiver
Nampa School District 131 Nampa, ID	318599	2002	Request for Waiver
National School District National City, CA	230814	2001	Request for Review
Nativity Academy at Saint Boniface Louisville, KY	419716	2004	Request for Waiver
North Wasco County School District 21 The Dalles, OR	409053	2004	Request for Waiver
Northwest Artic Borough School District Kotzebue, AK	406645	2004	Request for Review and Waiver
Oakland Unified School District Oakland, CA	414456 417784	2004	Request for Waiver
Oldham County Public Library Buckner, KY	400462	2004	Request for Review
Ontario School District 8 C Ontario, OR	295232	2002	Request for Waiver
Orange-Ulster BOCES Syracuse, NY	262616	2001	Request for Review
Our Lady of Refuge Brooklyn, NY	203596	2000	Request for Review
Phenix City School District Phenix City, AL	322329 323545	2002	Request for Review
Pioneer Regional School Corporation Royal Center, IN	346650	2003	Request for Waiver
Pitt County Schools Greenville, NC	254432	2001	Request for Review
Plymouth-Canton Community Schools Plymouth, MI	375805	2003	Request for Waiver
Prairie-Hills Elementary School District 144 Hazel Crest, IL	252724	2001	Request for Review

Providence School District Providence, RI	289156	2002	Request for Review and Waiver
Public Schools of Springfield, Massachusetts Springfield, MA	262612	2001	Request for Review
Pueblo City School District 60 Pueblo, CO	398109	2004	Request for Review
Quartzsite Elementary School District # 4 Ehrenberg, AZ	407280	2004	Request for Review
Redlands United School District Redlands, CA	286577	2002	Request for Review
Saint Bede School Ingleside, IL	302736	2002	Request for Waiver
San Bernardino City Unified School District San Bernardino, CA	229943 229951	2001	Request for Waiver
School District of Escambia County Pensacola, FL	459695 460757 464483	2005	Request for Waiver
School District U-46 Elgin, IL	387466	2004	Request for Review
Schuylkill Intermediate Unit 29 Mar Lin, PA	412852	2004	Request for Waiver
Seaford District Library Seaford, DE	186219 182411	2000	Request for Waiver
Sherburne-Earlville Central School District Sherburne, NY	351972	2003	Request for Waiver
Smyer Independent School District Smyer, TX	449773	2005	Request for Waiver
Southeastern Regional Vocational-Technical School South Easton, MA	470921	2005	Request for Waiver
Southwest Region School District Dillingham, AK	311369	2002	Request for Review and Waiver
Spring Hill Unified School District 230 Spring Hill, KS	289683	2002	Request for Review

St. Bernadette School Seattle, WA	358930	2003	Request for Review
St. Luke's Lutheran School St. Louis, MO	364411 364448	2003	Request for Review
St. Malachy School Rantoul, IL	339842	2003	Request for Review
Sweetwater County School District No. 2 Green River, WY	392435 392334 392324 392416	2004	Request for Waiver
Talullah Falls Schools Talullah Falls, GA	410133	2004	Request for Review
Tanana City School District Tanana, AK	381012	2003	Request for Waiver
Texas Education Telecommunications Network Austin, TX	330978	2002	Request for Review and Waiver
The School District of Marlboro County Bennettsville, SC	376637	2003	Request for Review
Union Beach Public Schools Union Beach, NJ	203423	2000	Request for Review
Vernon Verona Sherrill City School District Verona, NY	355243	2003	Request for Review
Washington State Department of Information Services Olympia, WA	229488	2001	Request for Review
Washington State Department of Information Services Olympia, WA	406070	2004	Request for Review
Western Christian High School Hull, IA	298244	2002	Request for Review
Whitman-Hanson Regional School District Whitman, MA	429515	2004	Request for Review
Windsor School District Windsor, VT	337525	2003	Request for Review

Wiscasset School Department Wiscasset, ME	398615	2004	Request for Waiver
Yukon Flats School District Fort Yukon, AK	435210	2004	Request for Review