

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

In the Matter of)	
)	
Request for Waiver of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Weyauwega-Fremont High School)	File No. SLD- 268031
Weyauwega, Wisconsin)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: July 12, 2002

Released: July 15, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Waiver Request filed by Weyauwega-Fremont High School (Weyauwega-Fremont), Weyauwega, Wisconsin.¹ Weyauwega-Fremont seeks waiver of the deadline for filing its FCC Form 471 application for discounts under the schools and libraries universals service support mechanism in Funding Year 2001.²

2. The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause.³ Weyauwega-Fremont has not shown good cause for the untimely filing of its application. Weyauwega-Fremont explains that its school principal failed to timely file the FCC Form 471 application because he was unable to cover this responsibility of the school's vacant technology director position, while fulfilling his primary duties as school principal.⁴

¹ Letter from Gerald Pardun, Weyauwega-Fremont High School, to Federal Communications Commission, filed May 22, 2002 (Waiver Request).

² The Funding Year 2001 deadline was established in section 54.720(b) of the Commission's rules. 47 C.F.R. § 54.720(b). In prior years, this funding period was referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. Thus the funding period which begins on July 1, 2001 and ends on June 30, 2002, previously known as Funding Year 4, is now called Funding Year 2001.

³ See 47 C.F.R. § 1.3.

⁴ Waiver Request.

3. We conclude that Weyauwega-Fremont has not demonstrated a sufficient basis for waiving the Commission's rules. 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.⁵ In requesting funds from the schools and libraries universal service support mechanism, the applicant has certain responsibilities. The applicant bears the burden of submitting its application to SLD within the established deadline if the applicant wishes its application to be considered pursuant to the Commission's funding priorities.

4. The particular facts of this case do not rise to the level of special circumstances required for a deviation from the general rule. In light of the thousands of applications that SLD reviews and processes each year, it is administratively necessary to place on the applicant the responsibility of adhering strictly to its filing deadlines.⁶ In order for the program to work efficiently, the applicant must assume responsibility for timely submission of its application to SLD if it wishes its application to be considered pursuant to the Commission's funding priorities. An applicant must take responsibility for the action or inaction of those employees, consultants and other representatives to whom it gives responsibility for submitting timely applications on its behalf.⁷ Here, Weyauwega-Fremont fails to present good cause as to why it could not timely file its application to SLD. We therefore find no basis for waiving the appeal filing deadline.

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under 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 Waiver Request filed May 22, 2002, by Weyauwega-Fremont High School, Weyauwega, Wisconsin, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁶ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8 ("In light of the thousands of applications that SLD reviews and processes each funding year, it is administratively necessary to place on the applicant the responsibility of understanding all relevant program rules and procedures.").

⁷ *See, e.g., Request for Review by Danbury Public Schools, Danbury, Connecticut, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.04-13-00.31900001, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 10910 (Com. Car. Bur. rel. May 23, 2001) (denying waiver request in case where employee responsible for filing failed to do so).