

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Waiver by)	
)	
Warren County School District)	Billed Entity No. 125548
Warren, Pennsylvania)	
)	
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: October 3, 2003

Released: October 6, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Waiver filed by Warren County School District, Warren, Pennsylvania (Warren), seeking a waiver of the Commission’s rules governing the schools and libraries universal service support mechanism.¹ For the reasons set forth below, we deny the Waiver Request.

2. Warren requests a waiver of the filing deadline for Funding Year 2002.² Warren argues that a waiver is appropriate because the staff member responsible for filing the application terminated her employment without informing anyone of her responsibilities pertaining to the schools and libraries universal service support mechanism.² Warren also argues that a waiver should be granted because of the detrimental impact the denial may have on schools in its school district.³

3. We find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation

¹ Letter from Amy Stewart, Warren County School District, to Federal Communications Commission, filed October 4, 2002 (Waiver Request). Section 54.719(c) of the Commission’s rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. §54.719(c).

² See Waiver Request.

³ *Id.*

would better serve the public interest than strict adherence to the general rule.⁴ Applicant's assertion that changes in staff contributed to the filing of the application out of a window is not a special circumstance warranting a waiver of the filing window.⁵ Further, we have consistently held that it is the applicant who has responsibility ultimately for the timely submission of the application.⁶ Finally, Warren's assertion that denial of its application may have a detrimental impact on schools within its borders does not create the special circumstances or particular facts that warrant a waiver of the Commission's rules.⁷ Therefore, we deny the Waiver Request.

4. 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 by Warren County School District on October 4, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).

⁵ See, e.g., *Request for Waiver by Hancock County Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-318275, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 19521 (Wireline Comp. Bur. 2002).

⁶ See *Request for Waiver by Dermott Special School District, et al, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD- 252777, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 5091 (Com. Car. Bur. 2002).

⁷ See *Request for Review by Northern Waters Library Service, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-183124, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 1756 (Com. Car. Bur. rel. Jan. 30, 2002) (denying a request for waiver of the Commission's rules based on the assertion that denial would cause applicant hardship; *Request for Review by Lansingburgh Central School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-109845, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 6999 (Com. Car. Bur. 1999) ("To simply advert...to its limited resources and the needs of its students, does not distinguish its situation from other applications the SLD must process each funding year in accordance with its filing deadlines.").