

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Requests for Waiver by)	
)	
Sacred Heart School)	File No. SLD-349393
Danbury, Connecticut)	
)	
GEMS Academy)	File Nos. SLD-373885, 377358
Humble, Texas)	
)	
Pawnee Independent School District)	File No. SLD-384358
Pawnee, Texas)	
)	
Adel Elementary Lake County School District #21)	File No. SLD-383641
Adel, Oregon)	
)	
Port Edwards Public Schools)	File No. SLD-383556
Port Edwards, Wisconsin)	
)	
Orange North Supervisory Union)	File No. SLD-383531
Williamstown, Vermont)	
)	
Lincoln Parish School Board)	File Nos. SLD-344917, 359293,
Ruston, Louisiana)	373945, 373993, 378343
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: April 9, 2004

Released: April 12, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division are requests to waive FCC Form 471 filing deadlines established by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) for discount applications under the schools and libraries universal service mechanism (E-rate).¹ The requests were filed by: Sacred Heart School, Danbury, Connecticut; GEMS Academy, Humble, Texas; Pawnee Independent School District, Pawnee, Texas; Adel Elementary, Lake County School District #21, Adel,

¹ 47 C.F.R. §§ 54.502, 54.503.

Oregon; Port Edwards Public Schools, Port Edwards, Wisconsin; Orange North Supervisory Union, Williamstown, Vermont; and Lincoln Parish School Board, Ruston, Louisiana.²

2. Each applicant concedes it missed the deadline for filing the E-rate application, FCC Form 471, and each requests a waiver of this deadline.³ The Commission may waive application of its rules, but only where special circumstances warrant a deviation from the general rule, and where strict compliance with the rule would be inconsistent with the public interest.⁴ We consistently have held applicants to a high standard before granting a waiver. Applicants are required to know the relevant rules of the E-rate program, and are ultimately responsible for the timely submission of their applications.⁵ Hence, neither employee illness, staff failure to perform a job properly, inclement weather, nor misunderstanding of the rules relieves applicants of their responsibility to comply with the Commission's rules and procedures.⁶ Further, the assertion that denial of an application may have a detrimental impact on an applicant does not create special circumstances or particular facts that warrant a waiver of the Commission's rules.⁷ In keeping with our prior decisions, we determine that the applicants here have not demonstrated the special circumstances necessary for a waiver of our rules.

² Letter from Lorraine Kozlowski, Sacred Heart School, Danbury, Connecticut, to Federal Communications Commission, filed May 28, 2003; Letter from Edward Watson, GEMS Academy, Humble, Texas, to Federal Communications Commission, filed June 16, 2003; Letter from Elaine Richardson, Pawnee Independent School District, Pawnee, Texas, to Federal Communications Commission, filed June 04, 2003; Letter from Vickie Bremont, Adel Elementary, Lake County School District #21, Adel, Oregon, to Federal Communications Commission, filed May 8, 2003; Letter from Sanata Lau, Port Edwards Public Schools, Port Edwards, Wisconsin, to Federal Communications Commission, filed May 22, 2003; Letter from Chris Locarno, Orange North Supervisory Union, Williamstown, Vermont, to Federal Communications Commission, filed May 20, 2003; Letter from Gerald W. Cobb, Lincoln Parish School Board, Ruston, Louisiana, to Federal Communications, filed June 10, 2003.

³ The deadline for Funding Year 2003-2004 applications was February 6, 2003. See SLD website, What's New, December 2, 2002, <<http://www.sl.universalservice.org/whatsnew/2002/122002.asp>>.

⁴ 47 C.F.R. § 1.3. See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

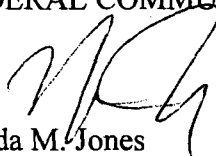
⁵ *Request for Waiver by Springdale Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-195867, CC Dockets Nos. 96-45 and 97-21, Order, 17 FCC Rcd 3543, 3545 (Com. Car. Bur. 2002); *Request 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, 5093 (Com. Car. Bur. 2002) (*Dermott Order*).

⁶ *Request for Waiver by Duncan Public Library, 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-325536, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22430, 22431 (Wireline Comp. Bur. 2003); *Dermott Order*, 17 FCC Rcd 5091, 5093. See also *Request for Waiver by Art In Context, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-262426, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 5087, 5089 (Com. Car. Bur. 2002); *Request for Waiver by Midland School District, Pleasant Plains, Arkansas, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-269321, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 17920 (Com. Car. Bur. 2001).

⁷ *Application for Review of a Decision by the Wireline Competition Bureau, Information Technology Department State of North Dakota, Bismarck, North Dakota, Federal-State Joint Board on Universal Service, Changes to the*

3. 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 Requests for Waiver filed by Sacred Heart School, Danbury, Connecticut on May 28, 2003; GEMS Academy, Humble, Texas on June 16, 2003; Pawnee Independent School District, Pawnee, Texas on June 4, 2003; Adel Elementary Lake County School District #21, Adel, Oregon on May 8, 2003; Port Edwards Public Schools, Port Edwards, Wisconsin on May 22, 2003; Orange North Supervisory Union, Williamstown, Vermont on May 20, 2003; and Lincoln Parish School Board, Ruston, Louisiana on June 10, 2003, respectively, are DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Narda M. Jones

Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau