

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

In the Matter of	)	
	)	
Requests for Waiver by	)	
	)	
E-Rate Central	)	File Nos. SLD-383936, 383937,
Seaford, New York	)	383939, 383941, 383942, 383943,
	)	383945, 383949, 383953, 383954,
	)	383956, 383957, 383958, 383959,
	)	383963, 383965, 383966, 383967,
	)	383968, 383970, 383971, 383980,
	)	383994, 383997, 384002, 384004
	)	
Gerrish-Higgins School District	)	File No. SLD-338493
Roscommon, Michigan	)	
	)	
Haverhill Public Schools	)	File No. SLD-357540
Haverhill, Massachusetts	)	
	)	
Ringwood School District	)	File Nos. SLD-384669, 384670
Ringwood, New Jersey	)	
	)	
School District of the Menomonie Area	)	File No. SLD-363584, 365673
Menomonie, Wisconsin	)	
	)	
St. Martha School	)	File No. SLD-384120
Sarasota, Florida	)	
	)	
Yankton School District 63-3	)	File No. SLD-383985
Yankton, South Dakota	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: February 16, 2005**

**Released: February 16, 2005**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration Requests for Waiver filed by E-Rate Central, Seaford, New York; Gerrish-Higgins School District, Roscommon, Michigan; Haverhill Public Schools, Haverhill, Massachusetts; Ringwood School District, Ringwood, New Jersey; School District of the Menomonie Area, Menomonie, Wisconsin; St. Martha School, Sarasota, Florida; and Yankton School District 63-3, Yankton, South Dakota (collectively, Petitioners).<sup>1</sup>

<sup>1</sup> Letter from Bretton Himsworth, E-Rate Central, Seaford, New York, to Federal Communications Commission, filed November 18, 2003; Letter from Donald Mick, Gerrish-Higgins School District, Roscommon, Michigan, to

The Requests for Waiver seek waiver of the FCC Form 471 filing window deadline for the schools and libraries universal service program. Consistent with precedent, we deny the Requests for Waiver.

2. In the Requests for Waiver, each Petitioner concedes it filed the FCC Form 471 application after the close of the filing window, and each requests a waiver of the filing window deadline.<sup>2</sup> Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.<sup>3</sup>

3. We find that the above-captioned Petitioners have not demonstrated special circumstances to warrant waiver. The Commission has strictly and consistently enforced filing deadlines, allowing waivers of deadlines only in very limited and compelling situations.<sup>4</sup> In light of the large number of applications that the Schools and Libraries Division (SLD) of USAC reviews and processes each year, it is administratively necessary to place on the applicant the responsibility of complying with all relevant rules and procedures, including filing deadlines.<sup>5</sup> Hence, employee illness, staff failure to perform a job properly, inclement weather, or misunderstanding of the rules does not relieve applicants of their responsibility to comply with the Commission's rules and procedures.<sup>6</sup> Further, the assertion that

---

Federal Communications Commission, filed July 10, 2003; Letter from Christopher Hottel, Haverhill Public Schools, Haverhill, Massachusetts, to Federal Communications Commission, filed August 7, 2003; Letter from Diane Deblock, Ringwood School District, Ringwood, New Jersey, to Federal Communications Commission, filed July 15, 2003; Letter from Cathy Huth, School District of the Menomonie Area, Menomonie, Wisconsin, to Federal Communications Commission, filed April 14, 2003; Letter from Elizabeth Bowman, St. Martha School, Sarasota, Florida, to Federal Communications Commission, filed May 24, 2004; and Letter from Richard Unruh, Yankton School District 63-3, Yankton, South Dakota, to Federal Communications Commission, filed August 22, 2003 (collectively, Requests for Waiver).

<sup>2</sup> The deadline for Funding Year 2003 applications was February 6, 2003. See Universal Service Administrative Company (USAC) website, What's New, December 2, 2002, <<http://www.sl.universalservice.org/whatsnew/2002/122002.asp>>.

<sup>3</sup> 47 C.F.R. § 1.3. See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>4</sup> See, e.g., *Request for Waiver by Stephen-Argyle 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-228975, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 15879, 15880-81, paras. 4-5 (Acc. Pol. Div. 2001); *FCC Overrules Caldwell Television Associates, Ltd.*, Public Notice, 58 RR 2d 1706 (1985) (permitting waivers only for particularly unusual and compelling circumstances).

<sup>5</sup> 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, 25612-13, para. 8 (Com. Car. Bur. 2000) ("In light of the thousands of applications that SLD reviews and process each funding year, it is administratively necessary to place on the applicant the responsibility of understanding all relevant program rules and procedures.").

<sup>6</sup> *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, para. 3 (Wireline Comp. Bur. 2003); *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, paras. 3-5 (Com. Car. Bur. 2002). 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, paras. 6-8 (Com. Car. Bur. 2002); *Request for Waiver by Midland School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*,

denial of an application may have a detrimental impact on an applicant does not create special circumstances or suggest particular facts that warrant a waiver of the Commission's rules.<sup>7</sup> In keeping with our prior decisions, we determine that the Petitioners here have not demonstrated the special circumstances necessary for a waiver of our rules.

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 Requests for Waiver filed by E-Rate Central, Seaford, New York, on November 18, 2003; Gerrish-Higgins School District, Roscommon, Michigan, on July 10, 2003; Haverhill Public Schools, Haverhill, Massachusetts, on August 7, 2003; Ringwood School District, Ringwood, New Jersey, on July 15, 2003; School District of the Menomonie Area, Menomonie, Wisconsin, on April 14, 2003; St. Martha School, Sarasota, Florida, on May 24, 2004; and Yankton School District 63-3, Yankton, South Dakota, on August 22, 2003, respectively, are DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

---

File No. SLD-269321, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 17920, 17922-23, paras. 5-6 (Com. Car. Bur. 2001).

<sup>7</sup> *Application for Review by Information Technology Department State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 21521, 21528, para. 18 (2003).