

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

In the Matter of)	
)	
Request for Waiver filed by)	
)	
Community Consolidated School District 168)	File No. SLD-301711
Sauk Village, Illinois)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: January 14, 2005

Released: January 18, 2005

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Community Consolidated School District 168 (Community Consolidated), Sauk Village, Illinois, seeks review of a June 27, 2003 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ On March 2, 2004, Community Consolidated appealed an SLD decision to SLD.² SLD denied the appeal because Community Consolidated filed the appeal more than 60 days after the decision was rendered.³ For a review of decisions by SLD, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.⁴ Here, Community Consolidated filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore affirm SLD's decision and deny the Request for Waiver.

2. 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.⁵ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁶ As we have consistently held in the past, applicants are responsible

¹ Letter from George Kunkel, Community Consolidated School District 168, to Federal Communications Commission, filed June 2, 2004 (Request for Waiver). *See also* Letter from Schools and Libraries Division, Universal Service Administrative Company, to George Kunkel, Community Consolidated School District 168, dated June 27, 2003. 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 *See* Letter from George Kunkel, Community Consolidated School District 168, to Schools and Libraries Division, Universal Service Administrative Company, filed March 2, 2004

³ *See* Letter from Schools and Libraries Division, Universal Service Administrative Company, to George Kunkel, Community Consolidated School District 168, dated May 11, 2004.

⁴ 47 C.F.R. § 54.720(b). *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221, paras. 55-56 (2003).

⁵ 47 C.F.R. § 1.3; *see 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, 25612-13 (Com. Car. Bur. 2000).

for submitting their appeals in a timely manner and complying with program rules and procedures.⁷ Employee misunderstandings about program rules do not relieve applicants of their responsibility to understand and comply with the program rules or procedures.⁸ In keeping with our prior decisions, we find that Community Consolidated has not demonstrated the special circumstances necessary for a waiver of our rules.

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 Request for Waiver filed on June 2, 2004, by Community Consolidated School District 168, Sauk Village, Illinois, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁷ *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); *Request for Review by Danbury Public Schools, 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. 2001)

⁸ *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, 12938 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program rules). *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)