

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of a
Decision of the
Universal Service Administrator by
Progressive Communications, Inc.
Eastman, Georgia
Schools and Libraries Universal Service
Support Mechanism
File Nos. SLD-607806, 607887
CC Docket No. 02-6

ORDER

Adopted: August 11, 2010

Released: August 11, 2010

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

1. We grant an appeal filed by Progressive Communications, Inc. (Progressive), a service provider for Dodge County School District (Dodge County), of a decision by the Universal Service Administrative Company (USAC) concerning applications for discounted services under the E-rate program (more formally known as the schools and libraries universal service program) for funding year 2008. Consistent with precedent, and based on our review of the record, we find that Dodge County conducted a fair and open competitive bidding process, that there is no indication in the record that Dodge County benefited from its mistake and, at this time, there is no evidence of waste, fraud and abuse. Therefore, to the extent that Dodge County violated section 54.504(b)(4) of the Commission's rules, we find that good cause exists to waive this rule.

2. ACCORDINGLY, IT IS ORDERED, pursuant to sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3

1 See Request for Review by Progressive Communications, Inc., to Federal Communications Commission, CC Docket Nos. 02-6, 96-45 (filed July 2, 2009) (Request for Waiver) (regarding FCC Form 471 application numbers 607806 and 607887). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

2 See 47 C.F.R. § 54.504(b)(4); Request for Review of the Decision of the Universal Service Administrator by Aberdeen School District, Aberdeen, WA, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-297249, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007) (Aberdeen School District Order); Request for Review of a Decision of the Universal Service Administrator by Albert Lea Area Schools, Albert Lea, MN, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-517274, et al., CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (2009).

3 See 47 C.F.R. § 54.504(b)(4) (requiring applicants to wait 28 days from the date on which its description of services is posted on USAC's website before making commitments with the its selected service providers).

and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that a waiver of section 54.504(b) of the Commission's rules, 47 C.F.R. § 54.504(b), IS GRANTED.

3. IT IS FURTHER ORDERED, pursuant to sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), the appeal filed by Progressive Communications, Inc. IS GRANTED and the underlying applications ARE REMANDED to USAC for further action consistent with this order.

4. IT IS FURTHER ORDERED, pursuant to sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 54.722(a), that USAC SHALL COMPLETE its review of the underlying applications and ISSUE an award or a denial based on a complete review and analysis no later than 60 calendar days from the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau