

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

In the Matter of)	
)	
Requests for Waiver of the Commission's Rules)	
and/or Review of Decisions of the)	
Universal Service Administrator by)	
)	
Associated Marine Institutes)	File No. SLD-507644, <i>et al.</i>
Tampa, Florida, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: November 23, 2010

Released: November 23, 2010

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

1. We grant the appeals by twenty-six petitioners seeking an extension of the services delivery implementation deadline for non-recurring services they requested under the E-rate program (more formally known as the schools and libraries universal service program) for funding years 2001 through 2007.¹ Consistent with precedent, and based on our review of the record, we find that these petitioners attempted in good faith to comply in a timely manner in seeking an extension of the deadline for non-recurring services.² Therefore, to the extent that these petitioners violated section 54.507(d) of the Commission's rules, we find that good cause exists to waive this rule.³ We also direct the Universal Service Administrative Company (USAC) to waive any other procedural deadlines that were missed while these issues were on appeal with the Commission.⁴

¹ A list of the requests for waiver and/or review is attached in the appendix. In this order, we use the term "appeals" to generally refer to requests for review and/or waiver of decisions issued by USAC. 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 *Request for Waiver of the Decision of the Universal Service Administrator by Great Rivers Education Cooperative and I-K Electric Company*, CC Docket No. 02-6, Order, 21 FCC Rcd 14115 (Wireline Comp. Bur. 2006) (*Great Rivers Order*); *Request for Review of the Decision of the Universal Administrator by Tekoa Academy of Accelerated Studies*, CC Docket No. 02-6, Order, 23 FCC Rcd 15456 (Wireline Comp. Bur. 2008) (*Tekoa Academy Order*); *Request for Waiver of Section 54.507(d) of the Commission's Rules by Harvest Preparatory School*, 25 FCC Rcd 5501 (Wireline Comp. Bur. 2010); 47 C.F.R. § 54.507(d) (2009).

³ See 47 C.F.R. § 54.507(d) (2009) (allowing an applicant to request an extension of the service delivery deadline on or before the September 30 deadline if one of certain criteria is met). We estimate that the appeals granted in this order involve applications for approximately \$12,508,870 in funding. We note that USAC has already reserved sufficient funds to address outstanding appeals. See, e.g. Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Fourth Quarter 2010 (Aug. 2, 2010).

⁴ See, e.g., USAC website, Schools and Libraries, Invoice Deadlines and Extension Requests, <http://www.usac.org/sl/applicants/step11/invoice-deadlines-extension-requests.aspx> (last visited Nov. 1, 2010).

2. We emphasize, however, the limited nature of this decision. Although we grant these appeals, this order does not alter the obligation of participants in the E-rate program to comply with the Commission's rules. Applicants continue to be responsible for requesting service delivery deadline extensions on time and in the proper format.

3. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the appeals filed by the petitioners as listed in the appendix ARE GRANTED and the underlying applications ARE REMANDED to USAC for further consideration to the extent provided herein.

4. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, that section 54.507(d) of the Commission's rules, 47 C.F.R. § 54.507(d) IS WAIVED to the extent provided herein.

5. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, that USAC SHALL COMPLETE its review of each remanded application listed in the appendix 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.

6. IT IS FURTHER ORDERED, pursuant to section 1.103(a) of the Commission's rules, 47 C.F.R. § 1.103(a), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

List of Appeals

Petitioner Name	Application Number/s	Funding Year/s	Date Appeal Filed
Associated Marine Institutes Tampa, FL	507644	2006	June 10, 2008
Delano Comprehensive High School No. 2 Delano, CA	529873	2006	July 25, 2008
Deli Union School District Deli, CA	537209	2006	July 15, 2008
Detroit Public Schools Detroit, MI	314073 369151	2002 2003	Oct. 10, 2007
Dos Palo-Oro Loma Joint Unified School District, Dos Palos, CA	431418	2004	July 25, 2006
Erie 1 Board of Cooperative Education Services West Seneca, NY	407327	2004	Dec. 4, 2008
Fall River Public School District Fall River, MA	527271	2006	Feb. 25, 2008
Fowler Unifed School District Fowler, CA	478141	2005	July 15, 2008
Friedman Computer Solutions Rockville, MD	477964	2005	Jan. 10, 2008
Gila Bend Unified School District 24 Gila Bend, Arizona	244592	2001	Mar. 3, 2004
Glascok County Schools Gibson, GA	534323	2006	Aug. 19, 2008
Greenville Public School District Greenville, Mississippi	370208	2003	June 11, 2007
Kershaw County School District Camden, SC	533866	2006	Nov. 17, 2008
Knox County Schools Knoxville, TN	230649 242398	2001	July 15, 2005
Littleton Elementary School District 65 Glendale, AZ	583227	2007	Mar. 31, 2009
Lukachukai Boarding School Lukachukai, AZ*	232888	2001	July 25, 2003

Middletown City School District Garden City, NY	489400	2005	Apr. 3, 2009
Nashua School District Nashua, NH	523501	2006	Mar. 20, 2009
Orange County Public Schools Orlando, FL	525703	2005	Jan. 29, 2009
Owensboro Independent School District, Owensboro, KY	449513	2005	Apr. 2, 2007
Pittsburgh School District Pittsburgh, PA	458637	2005	May 16, 2007
Romoland Elementary School District Homeland, CA	406478	2004	May 11, 2009
Santa Ana Unified School District Santa Ana, CA	478400	2005	Mar. 24, 2008
Tuba City Unified School District Tuba City, CA	535992	2006	Nov. 13, 2008
United Systems, Inc. Oklahoma City, OK	410009, 401266 414187, 404347 344745, 407928 414370, 406999 403439, 356964 410684, 412762 416832, 413282 406581, 413812 345378, 402490 406537	2003 2004	Sept. 16, 2006
Ysleta Independent School District El Paso, TX	458576, 458578	2005	May 2, 2008

* This appeal was filed by E-rate Consulting Services on behalf of Lukachukai Boarding School.