

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

In the Matter of	)	
	)	
Requests for Review of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Agra Public Schools I-134	)	File No. SLD-363747, <i>et al.</i>
Agra, Oklahoma, <i>et al.</i>	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: May 26, 2010**

**Released: May 26, 2010**

By the Deputy Chief, Wireline Competition Bureau:

**I. INTRODUCTION**

1. In this order, we resolve 104 appeals of decisions made by the Universal Service Administrative Company (USAC) concerning the schools and libraries universal service support mechanism, also known as the E-rate program.<sup>1</sup> As explained below, we deny the 104 appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days as required by the Commission's rules, and the petitioners have failed to show special circumstances necessary for the Commission to waive the deadline.<sup>2</sup> In addition, we deny the waiver requests because filing deadlines for appeals are needed to provide finality in the decision-making process, the decision is consistent with Commission precedent, and applicants are provided with specific information regarding the appeal deadline when their requests are reduced or denied by USAC.

**II. BACKGROUND**

2. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>3</sup> The Commission's rules provide that any person aggrieved by an action taken

<sup>1</sup> In this order, the term "appeals" refers generally to both requests for review of decisions issued by USAC and requests for waiver of the Commission's rules. 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). Additionally, the Commission may waive any provision of its rules for good cause shown. 47 C.F.R. § 1.3. A list of the appeals is attached as Appendices A, B, and C. Specifically, appeals filed late with USAC are listed in Appendix A. Appeals filed late with the Commission are listed in Appendix B. Appeals filed late with both USAC and the Commission are listed in Appendix C.

<sup>2</sup> See Appendices A-C.

<sup>3</sup> 47 C.F.R. §§ 54.501-54.503.

by a division of USAC may seek review from the relevant committee governing that division or directly from the Commission.<sup>4</sup> Section 54.720 of the Commission's rules establishes deadlines for affected parties to seek review of decisions issued by USAC.<sup>5</sup> For those requests seeking review of decisions issued on or after August 13, 2001, the appeal must have been filed with the Commission or USAC within 60 days of the issuance of the decision that the party seeks to have reviewed.<sup>6</sup> The time period for filing an appeal commences on the issuance date of the decision.<sup>7</sup> The Commission's rules treat appeals filed with USAC or with the Commission as having been filed on the date the appeal is postmarked.<sup>8</sup>

### III. DISCUSSION

3. In this order, we deny 104 appeals on the grounds that the petitioners failed to timely submit their appeals to either the Commission or USAC. As indicated above, a party seeking appeal of an adverse USAC decision must file an appeal with USAC or the Commission within 60 days after the issuance of that decision.<sup>9</sup> USAC denied the appeals listed in Appendix A on the grounds that the appeals were untimely filed with USAC.<sup>10</sup> Additionally, the petitioners listed in Appendix B failed to timely file their appeals with the Commission.<sup>11</sup> Finally, the petitioners listed in Appendix C filed untimely appeals with both USAC and the Commission.<sup>12</sup>

4. In support of their appeals, petitioners assert that they failed to timely file their appeals due to various reasons,<sup>13</sup> such as employee inattention.<sup>14</sup> Other petitioners attribute their late filings to a

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<sup>4</sup> 47 C.F.R. § 54.719.

<sup>5</sup> See 47 C.F.R. § 54.720.

<sup>6</sup> 47 C.F.R. § 54.720(a), (b); see *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339, 340, para. 3 (Com. Car. Bur. 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002) (modifying the 30-day deadline for filing an appeal of a decision made by USAC, and stating that the new 60-day deadline would apply to all such pleadings that were required to be filed on or after September 12, 2001 and were received by the Commission on or after September 12, 2001).

<sup>7</sup> See 47 C.F.R. § 54.720.

<sup>8</sup> 47 C.F.R. § 54.720(e); see *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, 9222, para. 57 (2003) (*Schools and Libraries Second Report and Order*).

<sup>9</sup> 47 C.F.R. § 54.720(a), (b).

<sup>10</sup> See Appendix A. Those petitioners then appealed USAC's denial to the Commission.

<sup>11</sup> See Appendix B.

<sup>12</sup> See Appendix C.

<sup>13</sup> See Request for Review by American Internet Group, LLC (Academy of Dayton) (explaining that, notwithstanding receipt of a service provider funding commitment decision letter, the service provider filing the appeal did not receive notice of the funding denial in a timely manner from the school); Request for Waiver by Consorcio Colegios Católicos Arquidiócesis de San Juan (noting that a new employee, holidays, and work on other pressing E-rate matters were obstacles in filing a timely appeal); Request for Waiver by Dorchester School District Four (noting that appeal was filed late because of work on other E-rate matters and because employee was gone for part of December); Request for Review by Floyd County Board of Education (stating generally that it had appealed to USAC, but that the appeal was never adjudicated); Request for Review from Hamilton-Fulton-Montgomery BOCES (noting that it was awaiting evidence from its service provider to challenge the decrease in funding on the FCC Form 472 Notification Letter it received); Request for Waiver by Johnstown-Monroe Local School District (maintaining that it did not receive the out-of-window letter until it called USAC to check on its application status,

lack of awareness of the Commission's rules<sup>15</sup> or lack of knowledge of any defect in their original funding application.<sup>16</sup> Other petitioners argue that they did not file appeals earlier because, at the time, they did

though the record contains no evidence that this was the case); Request for Waiver by Lotus Academy (noting that school was relocating and decision letter was not forwarded to school's consultant); Request for Waiver by Minnesota Department of Education (NW-LINKS) (noting delays in its receipt of a relevant audit report and difficulties in communicating with USAC personnel); Request for Review by Moise Memorial Library (noting that appeal was late because its service provider could not supply documentation in a timely fashion due to staff turnover); Request for Waiver by Portsmouth Public Library (stating that it did not fully read the funding commitment decision letter to see changes made by USAC that the applicant now wants to appeal); Request for Review by Relcomm, Inc. (Atlantic City Board of Education) (requesting to reopen a previously withdrawn appeal due to the commencement of an internal review by the school board); Request for Waiver by School District Unit 46 (stating that it could not file until it resolved a billing dispute with its service provider); Request for Review by Seattle School District 1 (maintaining that it could not file its appeal because supporting information was not previously available).

<sup>14</sup> See Request for Waiver by Bancroft Neurohealth (stating that the appeal was untimely filed due to consultant resignation and staff turnover); Request for Review and/or Waiver by Brazos Independent School District (noting that its former E-rate consultant failed to answer USAC's questions and resigned without notice, and that the new consultant discovered in January 2009 that its request had not been funded); Request for Waiver by Casa Blanca Community School (noting that there was a high rate of turnover in E-rate coordinators and that it was unknown if the school had previously appealed or responded to USAC's inquiries); Request for Review and/or Waiver by Chico Unified School District (noting that employee inadvertently allowed more than 60 days to elapse); Request for Review by City Day Community School (stating that the appeal date was overlooked due to the shifting of administrative responsibilities and a change in cellular service providers); Request for Waiver by Estancia Municipal School District (stating that it appealed late due to staff turnover); Request for Review by Mesivta M'Kor Chaim School (noting that appeal was overlooked due to an office reorganization); Request for Review by Presidio Networked Solutions, Inc. (Pharr-San Juan-Alamo ISD) (noting that the individual that managed the provider's E-rate program had departed the company); Request for Waiver by Santa Clara Day School (stating that it erroneously believed the prior E-rate coordinator had filed an appeal); Request for Review by Santa Maria Independent School District (stating that district underwent personnel changes and USAC's decision was sent to a person who was no longer employed by the district); Request for Waiver by Scholars Academy (noting that an appeal could not be timely filed due to staff turnover and consultant resignation); Request for Review by Septima Clark Public Charter School (stating that the school's E-rate coordinator left the school and USAC's decision was not passed on to the new contact person); Request for Review by St. Christopher-Ottillie Schools (noting that former consultant did not give school an opportunity to appeal); Request for Waiver by St. Rose of Lima School (noting that the former principal did not make efforts to comply with E-rate requirements); Request for Review by St. Simon Stock School (noting that a change in administration led to the late filing of its appeal); Request for Waiver by Western Reserve Board of Education (noting that the appeal was not timely filed due to staff turnover); Request for Review by Yonkers Public Schools (stating that its appeal date passed without the school being aware because it was involved in other filings).

<sup>15</sup> See Request for Review by Blessed Sacrament Elementary School (stating that it was unaware of the appeals time period for filing); Request for Review and/or Waiver by Conroe Independent School District (noting that it did not know it could appeal a COMAD letter until the deadline for doing so had passed); Request for Review by Lena Winslow School District (noting the person handling E-rate issues had no experience with the program and did not know the school district could appeal); Request for Waiver by Laverne Delphian Public Library (stating that it was the coordinator's first year applying for E-rate funding, and that she was not aware of the 60-day appeals deadline); Request for Waiver by Lucerne Valley Unified School District (noting that the staff person handling E-rate matters was not familiar with the program and its rules); Request for Waiver by Otis School District (noting that the new E-rate coordinator was unaware of the option of filing an appeal at the Commission until attending training); Request for Review and/or Waiver by Rochester School District (stating that it was confused about the appeals deadline); Request for Review by Bay Area Catholic Schools (St. John School) (asserting that it did not understand the process of appealing a denial).

<sup>16</sup> See Request for Review by Bloom High School District 206 (noting that it did not realize until the invoice period that an appeal was needed); Request for Review by Duval County Public Schools (stating that it did not realize there

not have grounds for appeal.<sup>17</sup> These petitioners then filed untimely appeals after the release of Commission decisions containing precedent that, in their view, could affect previously denied applications. Several petitioners fail to provide an explanation for the untimely filing of their appeals.<sup>18</sup>

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was a problem with its service start date until the invoicing stage); Request for Waiver by Glendale Elementary School District #40 (noting that it discovered the funding decision error after the filing deadline); Request for Review by Greene County Schools (maintaining it was unaware an appeal needed to be filed until told by its service provider); Request for Review by The House of Good Shepherd (noting that it learned of the problem from its service provider after the appeal filing deadline); Request for Waiver by James V. Brown Library (asserting that it did not recognize the problem in its application until the appeal filing deadline had passed); Request for Review by Kane County School District (noting that it discovered its error when preparing E-rate application for the next year); Request for Review by Moore County School District (stating that the district's E-rate coordinator was new and learned of the mistake when reviewing paperwork); Request for Review by SER-Niños Charter School (noting that it was not aware of errors in its application until informed by the Texas Education Agency); Request for Waiver by Somerset Independent School District (noting that it did not realize mistake until the invoicing process); Request for Waiver by DRS Technologies (Southern California Tribal Chairman's Library Association) (stating that it was not aware of any mistake until after the appeals period ended).

<sup>17</sup> The following late-filed appeals seek review based on *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Support Mechanism*, File Nos. SLD-487170, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316 (2006) (*Bishop Perry Order*): Request for Review and/or Waiver by Coatesville Area School District; Request for Waiver by Conneaut Area City Schools; Request for Waiver by Danville CC School District 118; Request for Waiver by East Allegheny School District; Request for Review by Eminence R-1 School District; Request for Waiver by Lakewood Cheder School; Request for Waiver by Maryetta School; Request for Review by Monessen Public Library and District Center; Request for Waiver by North Salem Central School District; Request for Review by Schenectady City School District; Request for Review of Weld County School District RE-1; *see also* Request for Review by Alief Independent School District (stating that they learned of a change in the eligibility of web hosting services, but they had expected USAC to contact them); Request for Review by Arkansas School for the Blind (noting that new Commission precedent on signed contracts had been released); Request for Review by Bethlehem Central School District (stating that its appeal should be considered because the Commission recently waived procedural rules regarding clerical or ministerial errors in FCC Forms 486); Request for Review by Garden City Unified School District 457 (conceding that its appeal was untimely filed but stating that it would like its appeal to be considered because of a program change regarding dark fiber); Request for Waiver by Propel Charter Schools (noting that its appeal should be considered due to recent precedent and the fact the Commission has allowed waivers of the 60-day appeal deadline in the past).

<sup>18</sup> *See* Request for Waiver by Agra Public Schools I-134; Request for Review by Bethany Public Schools; Request for Review by Bethlehem Area School District; Request for Review by Billings Public School; Request for Waiver by Cheder Bnei Torah; Request for Waiver by Coloma Community School District; Request for Review by Congregation Yeshiva Beis Chaya Mushka Inc; Request for Waiver by Contra Costa County Community Services Department; Request for Waiver by Coolidge Public Library; Requests for Review by Douglas County School District #4; Request for Review by East Montpelier Elementary School; Request for Review by FTI Services, Inc.; Request for Review by Govplace (Placentia-Yorba Linda Unified School District); Request for Review by Green Tree School; Request for Review and/or Waiver by Harvest Preparatory Academy; Request for Review by Hollister Elementary School District; Request for Review by Holy Ghost Catholic School; Request for Review by Las Vegas City Schools; Request for Review by Lincoln Public Library; Request for Review by Long Branch School District; Request for Review by Mathematics, Civics and Sciences Charter School; Request for Review by Minnesota State Academies; Request for Review by Monroe Career & Technical Institute; Request for Review by Perspectives Charter School; Request for Review by Professional Education Resources, Inc. (Yarborough School District); Request for Waiver by Round Lake Area Schools Community Unit #116; Request for Waiver by Salisbury-Elk Lick School District; Request for Review by Sausalito Marin City School District; Request for Review by St. John Catholic School; Request for Review by St. Mark's High School; Request for Review by St. Michael School; Request for Review by St. Theresa School; Request for Review and/or Waiver by Traverse Area District Library; Request for Waiver by West Bonner County School District #83; Request for Review by Westchester Day School;

5. As an initial matter, we treat all the appeals addressed in this order as requests for waiver of the applicable filing deadline.<sup>19</sup> The Commission may waive any provision of its rules on its own motion and for good cause shown.<sup>20</sup> A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.<sup>21</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>22</sup> In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.<sup>23</sup>

6. Consistent with precedent, we find that the petitioners have not demonstrated the existence of special circumstances that would warrant a waiver of our rules and we deny the appeals listed in Appendices A, B, and C.<sup>24</sup> Filing deadlines for appeals are needed to provide finality in the decision-making process. Because the E-rate program has a cap of \$2.25 billion each year, USAC and the Commission must accurately determine the number of funding requests that will be able to be granted in any given year. While USAC maintains a reserve fund for appeals, the amount of money reserved in that fund is generally based on the appeals that can be filed within the 60-day deadline. If the Commission allowed applicants to appeal decisions significantly after the deadline, it would be difficult to estimate the amount of money that should be held in the reserve fund. The reserve fund could be increased; however, that funding would have to come from the same \$2.25 billion allocated for the program and would therefore effectively take money away from applicants that had followed the rules or timely filed appeals.

7. Moreover, our decision is consistent with precedent. In general, the Commission has enforced its appeal filing deadlines for the E-rate program, allowing waivers of deadlines only in limited, compelling situations.<sup>25</sup> For example, in the *Mescalero Order*, the Commission denied an application for review where the applicant asserted that its appeal was untimely filed because of disruption caused by the

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Request for Waiver by West Mifflin Area School District; Request for Review by World Wide Technology, Inc.; Request for Waiver by Yeshivas Darchei Torah; Request for Review by Yeshiva Yagdil Torah.

<sup>19</sup> Although many petitioners have titled their petitions as “Requests for Review,” where we find that the petitioners have not satisfied the standard for justifying a waiver of 47 C.F.R. § 54.720, we will not address the merits of such appeals in this order.

<sup>20</sup> 47 C.F.R. § 1.3.

<sup>21</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>22</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *aff’d*, 459 F.2d 1203 (D.C. Cir. 1972).

<sup>23</sup> *Northeast Cellular*, 897 F.2d at 1166. *Accord*, *Network IP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008).

<sup>24</sup> See Appendices A, B and C.

<sup>25</sup> See, e.g., *Application for Review of a Decision of the Wireline Competition Bureau by Mescalero Apache School, Schools and Libraries Universal Support Mechanism*, File No. SLD-317139, CC Docket No. 02-6, Order, 20 FCC Rcd 5848 (2005) (*Mescalero Order*) (upholding a Bureau-level decision denying a request for review as untimely filed); *Request for Review by Donna Public Library, Schools and Libraries Universal Support Mechanism*, File Nos. SLD-289464, 319218, 320003, 324301, 324627, CC Docket No. 02-6, Order, 19 FCC Rcd 6358 (Wireline Comp. Bur. 2004) (*Donna Public Library Order*) (Bureau-level decision declining to waive the 47 C.F.R. § 54.720 filing deadline and denying a request for review as untimely filed); *Request for Review of the Decision of the Universal Service Administrator by Albuquerque Public Schools, Schools and Libraries Universal Support Mechanism*, File Nos. SLD-242088, 24611, CC Docket No. 02-6, Order, 19 FCC Rcd 3985 (Wireline Comp. Bur. 2004) (same); but see *Request for Waiver by Greenfield Public School District, Schools and Libraries Universal Support Mechanism*, File Nos. SLD-431911, SLD-431129, CC Docket No. 02-6, Order, 21 FCC Rcd 2122 (Wireline Comp. Bur. 2006) (granting a waiver request where the district’s technology coordinator was unexpectedly called to active military duty in a time of war).



transfer of the school to a new location and a non-responsive vendor.<sup>26</sup> The Commission upheld the Bureau decision denying the applicant's request for review as untimely filed, stating that, in cases of missed deadlines, the Bureau rarely grants waivers for untimely filing of appeals to USAC.<sup>27</sup> The Commission also noted that the Bureau has "consistently held that applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures," and that "financial need does not meet the requirement of special circumstances that warrant a waiver of the Commission's rules."<sup>28</sup> Further, the United States Court of Appeals for the District of Columbia Circuit has "discourage[d] the Commission from entertaining late-filed pleadings 'in the absence of extremely unusual circumstances.'"<sup>29</sup>

8. We also believe that the situations presented here may be distinguished from those addressed by the Commission in the *Bishop Perry Order*.<sup>30</sup> In the *Bishop Perry Order*, while granting appeals of USAC decisions in which the applicants were denied funding due to clerical or ministerial errors in the application process, the Commission noted that "many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated."<sup>31</sup> Unlike the application process, however, the procedures for filing an appeal are straightforward. Each applicant is advised of the deadline and the procedure for filing an appeal when it receives a denial of or reduction of its funding commitment.<sup>32</sup> Moreover, in the *Schools and Libraries Second Report and Order*, the Commission took steps to ensure the manageability of the appeals process for applicants. Specifically, the Commission permanently extended to 60 days the time for filing an appeal with USAC or the Commission, noting that, because many E-rate applicants "have no experience with regulatory filing processes, . . . the 30-day time period is often not adequate to allow potential petitioners to gather the documents and synthesize the

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<sup>26</sup> *Mescalero Order*, 20 FCC Rcd at 5850, para 5.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *BDPCS, Inc. v. FCC*, 351 F.3d 1177, 1184 (D.C. Cir. 2003) (holding that the Commission does not abuse its discretion when it "decline[s] to entertain a late-filed petition in the absence of extenuating circumstances prohibiting a timely filing" (quoting *21st Century Telesis Joint Venture v. FCC*, 318 F.3d 192, 199-200 (D.C. Cir. 2003))).

<sup>30</sup> *Bishop Perry Order*, 21 FCC Rcd at 5316, para. 2.

<sup>31</sup> *Id.*

<sup>32</sup> See, e.g., Letter from USAC, Schools and Libraries Division, to Judith Santiago, St. Rose of Lima School (dated Oct. 1, 2008) (Form 486 Notification Letter) (noting that an applicant may file an appeal with USAC, stating what information the appeal should contain, listing USAC's address and stating that "[i]f you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the above date on this letter"); Letter from USAC, Schools and Libraries Division, to Chaim Garfinkel, Yeshiva Yagdil Torah (dated Sept. 16, 2008) (Funding Commitment Decision Letter) (noting that an applicant may file an appeal with USAC or the Commission, giving instructions on where to send appeal information, providing instructions on what information the appeal should contain, and noting that "your appeal must be received by USAC [or the FCC] or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal."); Letter from USAC, Schools and Libraries Division, to Bruce Hills, Coolidge Library (dated May 11, 2006) (Funding Year 2006 Form 471 Postmarked Outside of Window) (noting that an applicant may file an appeal with USAC, giving instructions on what information the appeal should contain, listing USAC's address, and noting that the appeal must be "postmarked within 60 days of the above date on this letter"); Letter from USAC, Schools and Libraries Division, to Carol Underriner, Rochester School District (dated Mar. 6, 2006) (Administrator's Decision on Appeal) (noting that applicant may file an appeal with the Commission, giving instructions on where to find appeal information, and noting that the appeal must be "POSTMARKED within 60 days of the above date on this letter" (emphasis in original)).

arguments needed to file pleadings in order to challenge funding decisions.”<sup>33</sup> The Commission also amended its rules to provide that appeals to USAC or the Commission will be treated as having been received on the date they are postmarked, rather than the date they are filed.<sup>34</sup> Thus, in light of the uncomplicated nature of the E-rate appeals procedure and the steps the Commission has already taken to enable applicants to file timely appeals, we restate our past finding that applicants are responsible for ensuring that their appeals are submitted in a timely manner and that they comply with program rules and procedures.<sup>35</sup>

9. Therefore, we find that the petitioners failed to comply with the filing deadline set forth in section 54.720 of the Commission’s rules, and that the petitioners have not demonstrated that waivers of the filing deadline are warranted in these cases. As a result, we deny the petitioners’ appeals as listed in Appendices A, B, and C.

#### IV. ORDERING CLAUSES

10. 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 pursuant to the authority delegated in 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 appeals filed by petitioners as listed in Appendices A, B, and C ARE DENIED.

11. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission’s rules, 47 C.F.R. §1.102(b)(1), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief  
Wireline Competition Bureau

<sup>33</sup> *Schools and Libraries Second Report and Order*, 18 FCC Rcd at 9221, para. 56.

<sup>34</sup> *Id.* at 9222, para. 57 (“Commenters note that this change would be consistent with other program filing deadlines.”). Prior to the *Schools and Libraries Second Report and Order*, appeals filed with USAC or the Commission were treated as having been filed on the date actually received. *See id.*

<sup>35</sup> *See, e.g., Donna Public Library Order*, 19 FCC Rcd at 6359, para. 3.

## APPENDIX A

## Appeals Filed Untimely With USAC

<b>Petitioner</b>	<b>Application Number</b>	<b>Funding Request Number (FRN)</b>	<b>Type of Appeal</b>	<b>Funding Year</b>	<b>Appeal Filed with the Commission</b>
Billings Public School Billings, Oklahoma	466603	1283316	Review	2005	November 9, 2006
Blessed Sacrament Elementary School Elizabeth, New Jersey	515433	1430611 1430615 1430616 1454757 1454769	Review	2006	March 5, 2007
Bloom High School District 206 Chicago Heights, Illinois	575765 578349 583350	1591914 1593860 1593884 1594019 1599719 1600216 1616798	Review	2007	December 10, 2008
City Day Community School Dayton, Ohio	593603	1635976	Review	2008	September 2, 2009
Contra Costa County Community Services Department Martinez, California	635692	1759525 1759690 1759963 1760020	Waiver	2008	September 14, 2009
Douglas County School District #4 Roseburg, Oregon	493870 493852	1362065 1379097	Review	2006	March 2, 2007
Duval County Public Schools Jacksonville, Florida	521826	1482670	Review	2006	August 5, 2008
East Montpelier Elementary School Barre, Vermont	535138	1480648 1480839 1481036	Review	2006	April 30, 2007



Garden City Unified School District 457 Garden City, Kansas	420437	1158659	Review	2004	April 4, 2005
Greene County Schools Snow Hill, North Carolina	381160	1048853	Review	2003	August 17, 2005
Hamilton-Fulton-Montgomery BOCES Johnstown, New York	397144	1085536 1049263	Review	2004	January 29, 2007
The House of Good Shepherd School Utica, New York	355090	956981	Review	2003	October 31, 2005
Kane County School District Kanab, Utah	462458	1271213	Review	2005	November 30, 2006
Las Vegas City Schools Las Vegas, New Mexico	405536	1160653 1160695 1160754 1160783 1160814	Review	2004	November 5, 2007
Laverne Delphian Public Library Laverne, Oklahoma	462676	1271362 1271379	Waiver	2005	September 19, 2005
Lena Winslow School District Camanche, Iowa	499984	1383697 1383712 1383727 1383734 1383738 1383742 1383745 1383749	Review	2006	October 1, 2007
Lotus Academy Philadelphia, Pennsylvania	538106	1490237	Waiver	2006	March 12, 2007
Mesivta M'kor Chaim School Brooklyn, New York	536822	1485784 1485833 1485877 1485908	Review	2006	May 9, 2007
Moise Memorial Library Santa Rosa, New Mexico	534865	1486046 1486084	Review	2006	September 14, 2007

Monroe Career & Technical Institute Bartonsville, Pennsylvania	537370 537133	1487710 1487095	Review	2006	May 1, 2007
Moore County School District Lynchburg, Tennessee	684395	1871415	Review	2009	November 12, 2009
Santa Maria Independent School District Santa Maria, Texas	480701	1329603	Review	2005	August 23, 2006
Sausalito Marin City School District Sausalito, California	630621	1741125	Review	2008	March 25, 2009
Schenectady City School District Schenectady, New York	461681	1275491	Review	2005	June 11, 2007
Seattle School District 1 Seattle, Washington	496159	1424224	Review	2006	September 23, 2008
SER-Niños Charter School Houston, Texas	536918	1485974	Review	2006	February 1, 2007
Somerset Independent School District Somerset, Texas	233277	545303 545208 545349	Waiver	2001	December 5, 2006
St. John Catholic School St. Pete Beach, Florida	585161	1624020 1624095	Review	2007	November 14, 2007
St. Michael School Remus, Michigan	403802	1107149	Review	2004	October 27, 2005
St. Simon Stock School Bronx, New York	535873	1482377 1482425 1482461 1482514 1482598	Review	2006	March 28, 2007

West Bonner County School District #83 Priest River, Idaho	539266	1493549 1493550 1493551 1493552 1493553 1493554 1493555 1493556 1493557 1493558 1493559 1493560 1493561 1493562 1493563 1493564	Waiver	2006	April 11, 2007
Westchester Day School Mamaroneck, New York	528865	1459205	Review	2006	May 1, 2007
World Wide Technology, Inc. (Cedar Unified School District 25) St. Louis, Missouri	374980	1043142	Review	2003	November 14, 2005
Yonkers Public Schools Yonkers, New York	369142	1010917	Review	2003	December 11, 2006

## APPENDIX B

## Appeals Filed Untimely With the Commission

Petitioner	Application Number	Funding Request Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Agra Public Schools I-134 Agra, Oklahoma	363747	986635 986646	Waiver	2003	April 26, 2006
Alief Independent School District Houston, Texas	672733	1836651	Review	2009	October 14, 2009
American Internet Group, LLC (Academy of Dayton) Detroit, Michigan	469896	1299731 1299765	Review	2005	September 18, 2006
Arkansas School for the Blind Little Rock, Arkansas	525196	1446698	Review	2006	November 21, 2006
Bancroft Neurohealth Montgomery, Alabama	601487	1657721 1657735	Waiver	2008	May 1, 2009
Bay Area Catholic Schools (St. John School) Essexville, Michigan	511956	1408634 1408759	Review	2006	July 1, 2008
Bethany Public Schools Bethany, Oklahoma	497533	1370251 1370305	Review	2006	October 15, 2007
Bethlehem Area School District Bethlehem, Pennsylvania	531843	1468898	Review	2006	January 9, 2007
Bethlehem Central School District Delmar, New York	443073	1223789	Review	2005	April 2, 2007

Brazos Independent School District Wallis, Texas	580467	1607435	Waiver	2007	March 3, 2009
Casa Blanca Community School Bapchule, Arizona	295587	774187 774213	Waiver	2002	March 18, 2008
Cheder Bnei Torah Lakewood, New Jersey	698363	1916341 1916342	Waiver	2009	September 14, 2009
Chico Unified School District Chico, California	499782	1375378	Review and/or Waiver	2006	May 29, 2007
Coatesville Area School District Coatesville, Pennsylvania	509428	1444270	Review and/or Waiver	2006	April 17, 2008
Coloma Community School District Coloma, Michigan	411228	1128574 1128666	Waiver	2004	January 12, 2009
Congregation Yeshiva Beis Chaya Mushka Inc. Brooklyn, New York	538813	1492585 1492586 1492587	Review	2006	November 9, 2007
Conroe Independent School District Conroe, Texas	346687	934625	Review and/or Waiver	2003	September 25, 2009
Consortio Colegios Católicos Arquidiócesis de San Juan Guaynabo, Puerto Rico	533788	1478772	Waiver	2006	February 14, 2007
Coolidge Public Library Solon, Maine	538959	1492930	Waiver	2006	October 10, 2006
Danville CC School District 118 Danville, Illinois	464298	1278253	Waiver	2005	July 13, 2006

Dorchester School District Four Saint George, South Carolina	537303 535958	1487374 1484688	Waiver	2006	April 30, 2007
DRS Technologies (Southern California Tribal Chairman's Library Association) Polson, Montana	421982	1198657	Waiver	2004	June 1, 2007
East Allegheny School District North Versailles, Pennsylvania	485105	1347044 1347137 1347167 1347219 1347399	Waiver	2005	August 27, 2007
Eminence R-1 School District Eminence, Missouri	513691	1417954	Review	2006	May 23, 2007
Floyd County Board of Education Rome, Georgia	182010	445882 445896	Review	2000	November 5, 2002
FTI Services, Inc. (Superior School; Success Community Schools; Tulare County Juvenile Detention Facility; TCOE Court / Community Schools; Farmersville Community School; Lindsay Community School; Dinuba Community School) Goleta, California	485193, 482822, 482794, 485021, 482660, 484144, 481614, 482420, 477941	1345180 1337350 1337185 1344723 1336748 1341687 1332804 1335848 1320067	Review	2005	January 13, 2009
Glendale Elementary School District #40 Glendale, Arizona	536684	1485250	Waiver	2006	August 15, 2007



Green Tree School Philadelphia, Pennsylvania	516425	1421243 1421268 1421368 1421374 1421387 1421393	Review	2006	May 17, 2007
Harvest Preparatory Academy Yuma, Arizona	422607	1165864 1165914 1165985 1166018 1198973	Review and/or Waiver	2004	April 22, 2008
Hollister Elementary School District Hollister, California	421282	1161535 1161691	Review	2004	June 17, 2005
Holy Ghost Catholic School Albuquerque, New Mexico	516819	1421766 1421767 1421768	Review	2006	February 28, 2007
James V. Brown Library Williamsport, Pennsylvania	555508	1532749 1561534	Waiver	2007	December 18, 2008
Johnstown-Monroe Local School District Johnstown, Ohio	642686	1776616	Waiver	2008	January 28, 2009
Lakewood Cheder School Lakewood, New Jersey	628118	1762922	Waiver	2008	March 4, 2009
Lincoln Public Library Lincoln, Rhode Island	697723	1915601 1915602	Review	2009	September 23, 2009
Long Branch School District Long Branch, New Jersey	627407	1731126 1731101	Review	2008	May 4, 2009
Lucerne Valley Unified School District Lucerne Valley, California	583749	1618734 1618797	Waiver	2007	February 12, 2008

Maryetta Elementary School Stilwell, Oklahoma	482137	1353344 1353345 1353346 1353347 1353349 1353350 1353351	Waiver	2005	September 6, 2006
Mathematics, Civics and Sciences Charter School Philadelphia, Pennsylvania	472488	1346553	Review	2005	November 6, 2006
Minnesota Department of Education (NW-LINKS) Moorhead, Minnesota	514857	1440646 1440705 1440815 1440928	Waiver	2006	February 6, 2007
Minnesota State Academies Faribault, Minnesota	701723 702003	1921021 1922601 1922602	Review	2009	September 24, 2009
Monessen Public Library Monessen, Pennsylvania	456244	1254900 1255235 1293184	Review	2005	August 14, 2006
North Salem Central School District North Salem, New York	588235	1631286 1631287 1631288	Waiver	2007	November 20, 2007
Otis School District Otis, Colorado	410701	1126513	Waiver	2004	January 30, 2007
Perspectives Charter School Chicago, Illinois	527318	1461956	Review	2006	March 9, 2007
Portsmouth Public Library Portsmouth, Virginia	526678	1459854	Waiver	2006	December 18, 2006
Presidio Networked Solutions, Inc. (Pharr-San Juan-Alamo ISD) Greenbelt, MD	419172	1155298	Review	2004	August 6, 2009

Professional Education Resources, Inc. (Yarbrough School District) Little Rock, Arkansas	444755	1286465	Review	2005	February 9, 2009
Propel Charter Schools Canonsburg, Ohio	520936	1434009	Waiver	2006	May 18, 2007
Relcomm, Inc. (Atlantic City Board of Education) West Berlin, New Jersey	370716 374023 404818	1022916 1023492 1185824 1185996 1185946 1185717 1185789 1185745	Review	2003 2004	April 3, 2006
Round Lake Area Schools Community Unit District #116 Round Lake, Illinois	487173	1351842 1351843 1351844 1351845	Waiver	2005	October 13, 2005
Salisbury-Elk Lick School District Salisbury, Pennsylvania	608360	1676942	Waiver	2008	November 10, 2008
Santa Clara Day School Espanola, New Mexico	222384	617247	Waiver	2001	September 17, 2009
Scholars Academy St. Louis, Missouri	607013	1748112 1748123 1748135	Waiver	2008	April 17, 2009
School District Unit 46 Elgin, Illinois	620648	1709846	Waiver	2008	August 3, 2009
Septima Clark Public Charter School Washington, District of Columbia	633701	1755915 1755990 1756477 1756600	Review	2008	September 16, 2009

St. Christopher-Ottillie Schools Seaford, New York	434683	1211697 1211698 1211701 1211702	Review	2004	October 17, 2005
St. Mark's High School Wilmington, Delaware	480374	1342171	Review	2005	July 12, 2006
St. Rose of Lima School New York, New York	429290	1190833 1190871	Waiver	2004	March 2, 2009
St. Theresa School West Roxbury, Massachusetts	472242	1300986	Review	2005	February 20, 2007
Traverse Area District Library Traverse City, Michigan	489595	Unassigned	Review and/or Waiver	2005	December 13, 2005
Weld County School District RE-1 Gilcrest, Colorado	486343	1349552 1349609 1349655 1349682 1349732 1349754 1349778 1349797 1349812 1349846 1349862 1349878 1349892 1349903 1349925 1349951 1349962 1349976 1349990 1350000 1350008 1350017 1350026 1350080	Review	2005	December 21, 2006

Western Reserve Board of Education Berlin Center, Ohio	234951 234783	549905 549926 549964 550019 549311	Waiver	2001	May 30, 2006
West Mifflin Area School District West Mifflin, Pennsylvania	588835 588837	1631888 1631889	Waiver	2007	October 26, 2007
Yeshivas Darchei Torah Southfield, Michigan	398208	197400	Waiver	2004	October 20, 2005

## APPENDIX C

## Appeals Filed Untimely With USAC and the Commission

Petitioner	Application Number	Funding Request Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Conneaut Area City Schools Conneaut, Ohio	489200 489263	1357826 1357827	Waiver	2005	July 26, 2006
Estancia Municipal School District Estancia, New Mexico	585776	1625164	Waiver	2007	July 17, 2009
Govplace (Placentia-Yorba Linda Unified School District) Irvine, California	367373	1022022 1022031 1022039	Review	2003	March 15, 2006
Rochester School District Rochester, New Hampshire	353837	953205	Review and/or Waiver	2003	July 14, 2006
Yeshiva Yagdil Torah Brooklyn, New York	619267	1705847	Review	2008	February 25, 2009