

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

In the Matter of)	
)	
Requests for Review and/or Waiver of)	
Decisions of the Universal Service Administrator by)	
)	
Bancroft Neurohealth)	File Nos. SLD-689221, <i>et al.</i>
Cherry Hill, New Jersey, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: August 3, 2011

Released: August 3, 2011

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

1. Consistent with the Commission's decision in the *Alaska Gateway Order*,¹ we grant 13 appeals of decisions by the Universal Service Administrative Company (USAC) that reduce or deny funding from the E-rate program for various funding years because USAC found that the applicants failed to timely submit FCC Forms 486.² In the *Alaska Gateway Order*, the Bureau granted 128 appeals of applicants denied funding because they failed to timely submit an FCC Form 486. The Bureau found that a complete rejection of the applications was not warranted, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule.³ Based on our review of the record, we find that the same analysis applies here, and we remand the underlying applications to USAC to allow the applicants another opportunity to file their FCC Form 486. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the appendix and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from its receipt of the requested information.

2. We also grant three petitioners waivers of our filing deadline⁴ for appeals because we find

¹ *Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (*Alaska Gateway Order*) (finding good cause to waive USAC's deadline for FCC Form 486 for several applicants); *see also Requests for Review and/or Waiver of the Decision of the Universal Service Administrator by Academy St. Benedict – Stewart, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-660086, *et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 17309 (Wireline Comp. Bur. 2010) (*Academy St. Benedict Order*).

² See appendix. 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) (2011). The E-rate program is more formally known as the schools and libraries universal service support program.

³ *Alaska Gateway Order*, at 5, para. 7.

⁴ See 47 C.F.R. § 54.720.

they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision.⁵

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 pursuant to 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 Requests for Review and/or Requests for Waiver filed by the petitioners as listed in the appendix ARE GRANTED and the underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

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 sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3 of the Commission's rules, that section 54.720(a) of the Commission's rules, 47 C.F.R. § 54.720(a), ARE WAIVED for Bancroft Neurohealth, Montgomery, Alabama; Camden Elementary School, Camden, Ohio; and Massac County Unit School District 1, Metropolis, Illinois to the extent necessary as provided herein.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ Request for Waiver by Bancroft Neurohealth, Request for Review by Camden Elementary School, and Request for Review by Massac County Unit School District 1.

APPENDIX

List of Petitioners

Applicant	Application Number	Funding Year	Date Appeal Filed
Bancroft Neurohealth Montgomery, AL	689221	2009	12/23/2010
Bank Street Head Start West New York, NY	682759	2009	12/20/2010
Camden Elementary School Camden, OH	629518	2008	8/9/2010
Glenpool Independent School District 13 Glenpool, OK	665701	2009	4/1/2011
Highline School District 401 Seattle, WA	678756, 678954, 692920	2009	12/3/2010
Jefferson-Lewis BOCES Watertown, NY	683003, 684086	2009	3/23/2011
Massac County Unit School District 1 Metropolis, IL	397533	2004	10/20/2005
Minocqua Elementary School Minocqua, WI	616945, 623412, 623482	2008	11/18/2009
Northport School District 211 Northport, WA	693018	2009	4/14/2011
Plains Independent School District Lubbock, TX	666266	2009	12/3/2010
Preble Shawnee School District Camden, OH	635052	2008	9/20/2010
Pueblo City School District 20 Pueblo, CO	650387, 696098	2009	12/27/2010
Stetson School Barre, MA	693638, 693795, 693908, 693997	2009	7/15/2010