

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by)	
)	
Burlington Township School District Burlington, New Jersey)	File No. SLD-739222
)	
Holy Name of Jesus School Brooklyn, New York)	File No. SLD-673537
)	
Lakewood Cheder School Lakewood, New Jersey)	File No. SLD-287218
)	
The Center for Life Enrichment Washington, DC)	File Nos. SLD-432979, 433078, 433208,433178
)	
The Potomac School McLean, Virginia)	File No. SLD-760915
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6

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 *Alpaugh Unified School District Order*,¹ we grant five 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

¹ *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.*, File Nos. SLD-523576, *et al.*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007) (*Alpaugh Unified School District Order*) (granting 78 appeals of applicants denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame); *see also Requests for Review and/or Waiver of the Decision of the Universal Service Administrator by Academia Bautista de Puerto Rico Nuevo et al.*, File Nos. SLD-348673, *et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 17751 (Wireline Comp. Bur. 2010) (*Academia Bautista de Puerto Nuevo Order*) (granting 29 appeals of applicants denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

the applicants failed to respond to USAC's requests for additional information within the USAC-specified time frame.² In *Alpaugh Unified School District Order*, the Commission granted 78 appeals of applicants denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame.³ The Commission 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.⁴ Based on our review of the record, we find that the same analysis applies, and we remand the underlying applications to USAC to allow the applicants another opportunity to respond to USAC's requests for further information. 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.⁵

2. We also grant three petitioners waivers of our filing deadline for appeals⁶ because we find that they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decisions.⁷

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 Burlington Township School District, Holy Name of Jesus, Lakewood Cheder School, The Center for Life Enrichment, and The Potomac School ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

² Letter from Walter Spiehs, Burlington Township School District, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Oct. 5, 2010) (Burlington Request for Waiver); Letter from Joan Caccamo, Holy Name of Jesus School, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Mar. 22, 2010) (Jesus School Request for Review); Letter from Rabi Yechiel Waxman, Lakewood Cheder School, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Aug. 16, 2004) (Lakewood Cheder School Request for Review); Letter from Ms. U. Blake, The Center for Life Enrichment, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Feb. 8, 2006) (The Center for Life Enrichment Request for Review); Letter from Richard Senturia, Consultant, The Potomac School, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Jan. 20, 2011) (The Potomac School Request for Review). 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 *Alpaugh Unified School District Order*, 22 FCC Rcd at 6036-37, para. 4.

⁴ *Id.* at 6037, para. 5.

⁵ For those applications where the appropriate information was not submitted to USAC previously, we direct USAC to solicit submission of the information no later than 15 calendar days from the release of this order and to award funding, if warranted, no later than 90 calendar days from the receipt of the requested information.

⁶ See 47 C.F.R. § 54.720 (2011).

⁷ Burlington Township School District, Holy Name of Jesus School, The Center for Life Enrichment, and The Potomac School.

4. IT IS FURTHER ORDERED that, 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 Burlington Township School District, Holy Name of Jesus School, The Center for Life Enrichment, and The Potomac School to the extent necessary as 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, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that USAC SHALL COMPLETE its review of each remanded applications and ISSUE an award or denial based on a complete review and analysis no later than 90 calendar days from the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION

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