

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
ABC Unified School District,
Cerritos, California, et al.
Schools and Libraries Universal Service
Support Mechanism
File Nos. SLD-584091, et al.
CC Docket No. 02-6

ORDER

Adopted: August 4, 2011

Released: August 4, 2011

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

1. Consistent with the Bureau’s decision in the Alton Order,1 we grant 24 appeals of
decisions made by the Universal Service Administrative Company (USAC) that reduced or denied
funding from the E-Rate program for various funding years on the grounds that the petitioners’ invoice
forms, either the FCC Form 472 or the FCC Form 474, were submitted late or not received by USAC.2

2. We first grant five petitioners waivers of our filing deadline for appeals3 because we find
they submitted their appeals to the Commission within a reasonable period of time after receiving actual
notice of USAC’s adverse decision.4 Turning to the merits of the appeals, petitioners offer a number of
explanations for submitting their invoices late or failing to submit them at all. These Petitioners either
claim that the late or missed filings were the result of clerical, ministerial, or procedural errors,5 or were
due to circumstances beyond their control.6

1 Request for Review of the Decision of the Universal Service Administrator by Alton Community Unit School
District 11, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-518052, et al., CC
Docket No. 02-6, 25 FCC Rcd 7089 (Wireline Comp. Bur. 2010) (Alton Order) (granting 49 appeals after finding
good cause to waive USAC’s deadline for filing FCC Forms 472 or 474).

2 The requests for review and/or waiver are listed in appendices A and B. In this order, we use the term “appeals” to
refer generally to requests for review or waiver that are related to 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) (2011). The E-rate program is more formally known as the
schools and libraries universal service support mechanism.

3 See 47 C.F.R. § 54.720.

4 Request for Waiver by Canutillo Independent School District, Request for Review by Danex Systems, Inc. (FCC
Form 471 application number 449656), Request for Review by Hamilton/Clermont Cooperative Association,
Request for Review by Pearl River Public School District, and Request for Waiver by Preble Shawnee Local School
District.

5 Request for Review by Annunciation Catholic School; Request for Review by Annunciation Elementary School;
Request for Review by Blair Christian Academy; Request for Waiver by Burlington School District RE-J6; Request
for Waiver by Canutillo Independent School District; Request for Review by Cleburne Independent School District;
(continued...)

3. Consistent with the Commission's *Alton Order*,<sup>7</sup> and based on our review of the record, we find that complete rejection of these requests for payment is not warranted given that the applicants missed a USAC procedural deadline and did not violate a Commission rule.<sup>8</sup> Therefore, we remand the underlying applications to USAC for further action consistent with this order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the appendices and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from release of this order.

4. 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 appendices ARE GRANTED and the underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

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 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 Canutillo Independent School District, Texas; Danex Systems, Inc. (FCC Form 471 application number 449656), Brooklyn, New York; Hamilton/Clermont Cooperative Association, Ohio; Pearl River Public School, New York; and Preble Shawnee Local School District, Ohio, to the extent necessary as provided herein.

FEDERAL COMMUNICATIONS COMMISSION

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

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Request for Review by Danex Systems, Inc. (Gan Yisroel); Request for Review by Danex Systems, Inc. (Mesivta M'kor Chaim School); Request for Review by Franklin School District; Request for Review by Hamilton/Clermont Cooperative Association; Request for Waiver by Harlandale Independent School District; Request for Waiver by Liberty School District 25; Request for Waiver by Nadaburg Elementary School; Request for Waiver by Newmarket School District; Request for Review by Pearl River Public School District; Request for Waiver by Plainfield Community Consolidated School District 202; Request for Waiver by Preble Shawnee Local School District; Request for Waiver by Shenandoah Free Library; Request for Review by Talmud Torah of Lakewood of Bais Avrohom; and Request for Waiver by Wickenburg Unified School District.

<sup>6</sup> Request for Review by ABC Unified School District; Request for Review by Archbishop Stepinac High School; Request for Waiver by Atoka Independent School District 15; and Request for Review by Cumberland County School District.

<sup>7</sup> *Alton Order*, 25 FCC Rcd at 7093, para. 6.

<sup>8</sup> *Id.*

## APPENDIX A

## List of Petitioners

Petitioner	Application Number	Funding Year	Date Request for Review/Waiver Filed
ABC Unified School District Cerritos, CA	584091	2007	8/24/2010
Annunciation Catholic School Columbus, MS	605726, 650753	2009	3/10/2011
Annunciation Elementary School Denver, CO	576164	2007	8/9/2010
Atoka Independent School District 15 Atoka, OK	392031	2004	3/23/2011
Blair Christian Academy Clayton, MO	578314	2007	7/6/2010
Archbishop Stepinac High School White Plains, NY	119239, 234780, 320126, 425485, 524399, 576784	2000, 2001, 2002, 2004, 2006, 2007	5/27/2010
Burlington School District RE-J6 Burlington, CA	206411, 262394, 398709, 464492, 556341, 614630	2000, 2001, 2004, 2005, 2007, 2008	7/7/2010
Canutillo Independent School District El Paso, TX	614789, 614795, 614809, 684230, 684272, 685073	2008, 2009	4/29/2011
Cleburne Independent School District Cleburne, TX	560684	2007	5/27/2010
Cumberland County School District Fayetteville, NC	599731	2008	5/2/2011
Danex Systems, Inc. (Gan Yisroel) Brooklyn, NY	513715	2006	9/4/2009
Danex Systems, Inc. (Mesivta M'kor Chaim School) Brooklyn, NY	449656	2005	4/1/2009
Franklin School District Franklin, NH	582948, 583472, 690166	2007, 2009	5/3/2011
Hamilton/Clermont Cooperative Association Cincinnati, OH	646889, 648512, 655946, 679018, 692876	2008	1/4/2011
Harlandale Independent School District Ada, OK	521272, 547747, 593640	2007, 2008	2/7/2011
Liberty School District 25 Glendale, AZ	549636	2007	5/17/2010
Nadaburg Elementary School District No. 81 Glendale, AZ	537967, 584573	2007	5/17/2010
Newmarket School District Newmarket, NH	474136	2005	8/23/2010
Pearl River Public School District Pearl River, NY	358100, 358119, 408569	2003, 2004	5/27/2010

<b>Petitioner</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Plainfield Community Consolidated School District 202 Plainfield, IL	680809	2009	2/24/2011
Preble Shawnee Local School District Camden, OH	<i>See Appendix B</i>	2010	9/20/2010
Shenandoah Free Library Shenandoah, PA	685086	2009	3/25/2011
Soille San Diego Hebrew Day School San Diego, CA	305442	2002	7/5/2007
Talmud Torah of Lakewood of Bais Avrohom Lakewood, NJ	635222	2008	4/22/2011
Wickenburg Unified School District Glendale, AZ	515495, 534361, 586388, 586483	2006	5/17/2010

## APPENDIX B

**List of Applicants and Application Numbers Included in the Request for Waiver filed September 20, 2010 by Preble Shawnee Local School District**

<b>Applicant Name</b>	<b>Application Number</b>
Camden Elementary School	138065, 246183, 308374, 362145, 425714, 479468, 535486, 576507
Preble Shawnee School District	138062, 185866, 246067, 309948, 362412, 422081, 424095, 480810, 534366, 534701, 577150, 577234
Shawnee Middle School	138061, 138067, 185684, 185789, 246287, 246678, 308493, 308780, 362432, 362599, 424797, 425575, 479112, 479618, 534904, 535143, 576996, 577079
West Elkton Elementary School	138063, 185580, 247029, 309519, 362666, 425877, 480009, 535311, 576795