

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Requests for Review of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Bridgeport School District	)	File No. SLD-369030
Bridgeport, CT	)	
	)	
Chester Upland School District	)	File Nos. SLD-477878, 478251,
Chester, PA	)	478609, 481859
	)	
Hartford Public Schools	)	File No. SLD-362101
Hartford, CT	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: February 18, 2011**

**Released: February 18, 2011**

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

1. In this order, we grant three appeals of decisions by the Universal Service Administrative Company (USAC) denying requests for funding under the E-rate program (formally known as the schools and libraries universal service support program) for various funding years because the applicants failed to show that they had the necessary resources to use effectively the E-rate purchases they sought.<sup>1</sup> As an initial matter, we grant one petitioner a waiver of the appeal filing deadline due to a medical condition of its E-rate staff person.<sup>2</sup> Additionally, consistent with precedent and based on our review of the record, we grant all three petitioners an additional opportunity to provide documentation to USAC to demonstrate that they had the resources necessary to make effective use of the eligible services they requested.<sup>3</sup> We

<sup>1</sup> See Letter from Louis Engeldrum, Deputy Business Director, Bridgeport Public Schools, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Aug. 31, 2004) (Bridgeport Appeal); Letter from Michael Gillin, Chairman, Chester Upland School District, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed June 5, 2006) (Chester Upland Appeal); *Request for Review of the Decision of the Universal Service Administrator by Hartford Public Schools*, CC Docket No. 02-6, Request for Review (filed Apr. 14, 2004) (Hartford Appeal). We use the term “appeals” to refer generally to these requests for review 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).

<sup>2</sup> See 47 C.F.R. § 54.720; Chester Upland Appeal at 1.

<sup>3</sup> See *Requests for Review of the Decisions of the Universal Service Administrator by Academy of Excellence et al.*, File Nos. SLD-361209, *et al.*, CC Docket No. 02-6, Order, 22 FCC Rcd 8722, 8725-8728, paras. 6-9 (2007); *Requests for Review of the Decisions of the Universal Service Administrator by Chester Upland School District, et*

also waive section 54.504(c)(1)(iii) of the Commission's rules to permit the Hartford Public Schools to reduce its funding request to reflect the resources it had available.<sup>4</sup> Accordingly, we grant these appeals and remand the underlying applications to USAC for further action consistent with this order. We direct USAC to give applicants a 30-day opportunity to provide the relevant documentation to demonstrate that they had the resources necessary to make effective use of the requested services. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of the underlying applications 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 the release date of this order.<sup>5</sup>

2. 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 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the requests for review filed by the Bridgeport School District, the Chester Upland School District, and the Hartford Public Schools, ARE GRANTED and REMANDED to USAC for further consideration in accordance with the terms of this order.

3. 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, that sections 54.504(d) and 54.720 of the Commission's rules, 47 C.F.R. §§ 54.504(c)(1)(iii) and 54.720, ARE WAIVED as described 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 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 application and ISSUE an award or a 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 Spade  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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*al*, File Nos. SLD-429627, 431150, *et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15561, 15564-65 paras. 7-10 (Wireline Comp. Bur. 2008).

<sup>4</sup> 47 C.F.R. §54.504(c)(1)(iii) (requiring an applicant to certify that it has secured access to all of the resources necessary to make effective use of the services purchased under the E-rate program as well as pay the discounted charges for the eligible services).

<sup>5</sup> In performing a complete review and analysis of the underlying applications, USAC shall either grant the underlying applications before it, or, if denying an application, provide the applicant with any and all grounds for denial.