

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
Barrow County School District
Ellijay, Georgia, et al.
Schools and Libraries Universal Service
Support Mechanism
File Nos. SLD-681012, et al.
CC Docket No. 02-6

ORDER

Adopted: March 22, 2011

Released: March 22, 2011

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

1. In this order, we grant six appeals of decisions by the Universal Service Administrative Company (USAC) that reduce or deny funding from the schools and libraries universal service support program (also known as the E-rate program) for various funding years.

2. The applicants affected by the USAC decisions state that they submitted the incorrect service start date when filing FCC Forms 486. As the Wireline Competition Bureau found in Glendale Unified School District, minor mistakes such as this do not warrant the complete rejection of these applications given that the applicants made a procedural error and did not violate a Commission rule.

1 See Appendix. In this order, we use the term "appeals" to generally refer 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.

2 Barrow County Request for Review for Review at 1, Duval County Request for Review at 1, Envision Request for Waiver at 1, Greater Albany Request for Review at 4, Lincoln County Request for Review at 1, and Los Lunas Request for Review at 1.

3 Request for Review and/or Waiver by Glendale Unified School District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-143548, CC Docket No. 02-6, Order, 21 FCC Rcd 1040 (Wireline Comp. Bur. 2006); see also Request for Waiver by Harvey Public Library District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-307716, CC Docket No. 02-6, Order, 23 FCC Rcd 15419 (Wireline Comp. Bur. 2008) (Glendale Unified School District) (both orders granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486).

complete review and analysis no later than 90 calendar days from release date of this order.<sup>4</sup> In addition, we also find good cause to waive section 54.720 of the Commission's rules for Greater Albany and Lincoln County.<sup>5</sup> Although Greater Albany's appeal was filed late, the district filed the appeal as soon they received actual notice of the denial.<sup>6</sup> Lincoln County's appeal was only two days late.<sup>7</sup>

3. ACCORDINGLY, IT IS 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, 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), the Requests for Review and/or Request for Waiver filed by the petitioners as listed in the appendices ARE GRANTED and the applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

4. IT IS FURTHERED 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, 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 waivers of section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, ARE GRANTED to Greater Albany Public Schools and Lincoln County School District.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> In performing a complete review and analysis of each underlying application, USAC shall either grant the underlying application before it or, if denying the application, provide the applicant with all grounds for denial.

<sup>5</sup> Specifically, section 54.720 of the Commission's rules provides parties with 60 days to appeal a decision by USAC to either USAC or the Commission. 47 C.F.R. § 54.720 (2009).

<sup>6</sup> Request for Review filed by Greater Albany at 4. See Letter from USAC, Schools and Libraries, to Paul Holt, Greater Albany Public Schools (dated Oct. 31, 2007) (Form 486 Notification Letter).

<sup>7</sup> Request for Review at 1. See Letter from USAC, Schools and Libraries, to Danny Dailey, Lincoln County School District (dated May 17, 2007) (Administrator's Decision on Appeal).

## APPENDIX

| <b>Applicant</b>   | <b>Application Number</b> | <b>Funding Year</b> | <b>Date Appeal Filed</b> |
|--|---------------------------|---------------------|--------------------------|
| Barrow County School District<br>Ellijay, Georgia          | 681012                    | 2009                | 2/1/2011                 |
| Duval County Public Schools<br>Jacksonville, Florida       | 521703                    | 2006                | 11/10/2008               |
| Envision Schools – Consortium<br>San Francisco, California | 571959                    | 2007                | 12/29/2007               |
| Greater Albany Public Schools<br>Albany, Oregon            | 549884                    | 2007                | 11/3/2008                |
| Lincoln County School District<br>Hamlin, West Virginia    | 477221                    | 2005                | 6/13/2007                |
| Los Lunas School District<br>Los Lunas, New Mexico         | 619387                    | 2008                | 9/13/2010                |