

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Requests for Waiver by
Camden City Public Schools
Camden, NJ
School District of Greenville County
Greenville, SC
Lenoir County Public Schools
Kinston, NC
Schools and Libraries Universal Service
Support Mechanism
File No. SLD-297177
File No. SLD-312516, 316813
File No. SLD-321176
CC Docket No. 02-6

ORDER

Adopted: January 14, 2011

Released: January 14, 2011

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

1. We grant three requests for waiver by school districts seeking approval to use the E-rate discounts committed for equipment or services in specified schools within their districts at other eligible schools. In all three requests, the schools for which the services or equipment were originally requested closed and the school districts are seeking permission to transfer the requested services or equipment to other eligible schools within the same school district. Consistent with our Abbeville County School District Order, we find that such transfers of equipment and services to other eligible entities are permissible when the location where the equipment was originally to be installed is permanently or temporarily closed. Moreover, there is no evidence in the record of waste, fraud, or abuse. Because each

1 The E-rate program is more formally known as the schools and libraries universal service support program.

2 See Letter from Clyde Waters, Network Engineer, Camden Board of Education, to Office of the Secretary, Federal Communications Commission, CC Docket Nos. 96-45, 97-21 (filed Aug. 20, 2003) (Camden Request for Waiver); Letter from Scott Barash, Vice President and General Counsel, USAC, on behalf of the School District of Greenville County, to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 96-45 (filed July 8, 2003) (Greenville Request for Waiver); Letter from Leonard Reaves, Technology and Media Services, Lenoir County Public Schools, to Office of the Secretary, Federal Communications Commission, CC Docket Nos. 96-45, 97-21 (filed Sept. 5, 2003) (Lenoir Request for Waiver). The petitioners did not cite to any specific Commission rule in their requests for waiver. See Camden Request for Waiver; Greenville Request for Waiver; Lenoir Request for Waiver.

3 Abbeville County School District, et al, File No. SLD-570660, et al, CC Docket No. 02-6, Order, DA 10-1997 (released Oct. 18, 2010); 47 C.F.R. § 54.513(c); Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26923, para. 26 (2003). Although these requests for waiver were submitted prior to the adoption of 47 C.F.R. § 54.513(c) (permitting transfers of eligible services and equipment to other eligible entities in the event that the

school has its own discount rate based on the number of students eligible for free and reduced lunch and whether it is located in a rural area, however, we direct USAC to recalculate the amount of support based on the new schools' discounts rates, as long as the amount of funding committed is the same or lower than in the original requests.<sup>4</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, 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 waiver filed by the Camden City Public Schools, the School District of Greenville County, and the Lenoir County Public Schools ARE GRANTED and the underlying applications are REMANDED to USAC for further action consistent with this order no later than 60 calendar days from the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION

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

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particular location where the service originally was received is permanently or temporarily closed), we find that it is in the public interest to allow these applicants to transfer eligible service and equipment to other eligible entities.

<sup>4</sup> 47 C.F.R. § 54.505. We also direct USAC to disburse funding to these schools even if the eligible discount levels for the new locations were below the funding threshold for priority 2 funding for funding year 2002.