

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of a)	
Decision of the)	
Universal Service Administrator by)	
)	
Odyssey Charter School)	File No. SLD-502935
Las Vegas, Nevada)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: May 17, 2011

Released: May 17, 2011

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

1. We grant an appeal filed by Odyssey Charter School (Odyssey) of a decision by the Universal Service Administrative Company (USAC) reducing discounts sought in an application for services under the E-rate program (more formally known as the schools and libraries universal service program) for funding year 2006.¹ Specifically, USAC reduced funding from the requested 50 percent discount level to 20 percent on the ground that Odyssey's did not support its request with sufficient documentation.² Consistent with precedent, we grant Odyssey's appeal and direct USAC to provide Odyssey with a limited 60-day opportunity to file additional documentation in order to support its request for a 50 percent discount³

2. In the *Academia Claret Order*, we held that USAC must inform applicants of any errors regarding the requested discount rate calculation along with a specific explanation of how the applicant can remedy such errors.⁴ We also directed USAC not to deny an applicant's funding request where the applicant made a good faith effort to comply with the survey guidelines but did not include some information on the student survey regarding the student's grade, address or number of persons in the

¹ See Letter from Robert Beck, Odyssey Charter School, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Nov. 27, 2006) (Request for Review). In this order, we use the term "appeal" to generally refer to a request for review of a decision 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).

² See Letter from USAC, Schools and Libraries Division, to Robert Beck, Odyssey Charter School (dated Sep. 27, 2006) (Administrator's Decision on Appeal).

³ See *Request for Review of the Decision of the Universal Service Administrator by Academia Claret, Puerto Rico, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-401699, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10703 (Wireline Comp. Bur. 2006) (*Academia Claret Order*).

⁴ See *Academia Claret Order*, 21 FCC Rcd at 10709, para. 14.

household.⁵ In the instant matter, Odyssey submitted documentation supporting its request for a 50 percent discount in the form of a survey.⁶ USAC determined that the survey documentation was incomplete because it was missing the students' grade level and denied Odyssey's request for a 50 percent discount. We find that USAC erred in denying Odyssey's request.⁷ Consistent with precedent, we direct USAC to provide Odyssey with a limited 60-day opportunity to file additional documentation, if necessary, in order to support its requested discount rate.⁸ In addition, in the record at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Thus, consistent with our findings in the *Academia Claret Order*, we grant this appeal and remand the underlying application to USAC for further action consistent with this order.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority contained in sections 1-4 and 254 of the Communications Act, as amended, 47 U.S.C. §§ 151-154 and 254, and authority delegated under 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 Request for Review filed by Odyssey Charter School, Las Vegas, Nevada, IS GRANTED and the underlying application IS REMANDED to USAC for further consideration in accordance with the terms of this order.

4. IT IS FURTHER ORDERED, pursuant to authority contained in sections 1-4 and 254 of the Communications Act, as amended, 47 U.S.C. §§ 151-154 and 254, and authority delegated under 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 Universal Service Administrative Company SHALL COMPLETE its review of the underlying 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

⁵ *Id.*

⁶ See Administrator's Decision on Appeal at 1-2.

⁷ *Id.*

⁸ See *Academia Claret Order*, 21 FCC Rcd at 10709, para. 14; *Requests for Review of Decisions of the Universal Service Administrator by Explore Knowledge, Las Vegas, Nevada, Heart and Health Academics, St. Claire Shores, Michigan, Saint John School, Orange, New Jersey, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-521433, 453660, and 487348, CC Docket No. 02-6, Order, 25 FCC Rcd 17022 (Wireline Comp. Bur. 2010). If Odyssey is working in good faith to provide USAC with the necessary documentation, USAC shall give Odyssey additional time to submit such documentation.