

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request for Waiver and Review of )
a Decision of the )
Universal Service Administrator by )
Burke County Board of Education ) File No. SLD-535983
Waynesboro, Georgia )
Schools and Libraries Universal Service ) CC Docket No. 02-6
Support Mechanism )

ORDER

Adopted: July 30, 2012

Released: July 30, 2012

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

1. Consistent with precedent,1 we grant a request from the Burke County Board of Education (Burke County)2 seeking review of a decision made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program) denying a request for support on the grounds that the applicant failed to comply with state and local procurement laws.3 Based on our review of the record, the underlying application involves the same alleged competitive bidding issue addressed in the Aberdeen Order, in which we determined that Burke County conducted a fair and open competitive bidding process under Commission rules in effect at the time.4 We therefore grant the request for review as it concerns FCC Form 471 application number 535983 and remand the application to USAC for additional processing consistent with this order.5

2. To ensure that the underlying application is resolved expeditiously, we direct USAC to complete its review of the application and issue an award or a denial based on a complete review and

1 Requests for Review of Decisions of the Universal Service Administrator by Aberdeen School District, et al., Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 27 FCC Rcd 1941 (2012) (Aberdeen Order) (finding that the petitioners conducted a fair and open competitive bidding process under Commission rules in effect at the time of their applications).

2 See Letter from James Hyder, Jr., General Counsel, Burke County Board of Education, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Oct. 29, 2010) (regarding FCC Form 471 application number 535983, funding request number (FRN)1483243).

3 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).

4 See Aberdeen Order, 27 FCC Rcd 1941, para. 1.

5 We intend to address the remaining issues concerning Burke County's FCC Form 471 application number 530681 (FRN 1464648), FCC Form 471 application number 529893 (FRNs 1463004, 1462672, and 1457299), and FCC Form 471 application number 522743 (FRN 1455019) in a subsequent order.

analysis no later than 60 calendar days from the release date of this order. In remanding the application to USAC, we make no finding as to the ultimate eligibility of the services requested or Burke County's application.

3. 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), the request for review filed by the Burke County Board of Education IS GRANTED as it concerns FCC Form 471 application number 535983 and the underlying application IS REMANDED to USAC for further consideration in accordance with this order.

FEDERAL COMMUNICATIONS COMMISSION

Trent Harkrader  
Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau