

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Petition for Reconsideration by)
)
Graydon Manor School) File No. SLD-228457
Leesburg, Virginia)
)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER ON RECONSIDERATION

Adopted: August 8, 2012

Released: August 8, 2012

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

1. Consistent with precedent,¹ we dismiss a petition for reconsideration filed by Graydon Manor School (Graydon Manor)² of a decision by the Wireline Competition Bureau (Bureau) finding that Graydon Manor failed to submit its E-rate program appeal to the Universal Service Administrative Company (USAC) within 60 days of the decision by USAC, as required by Commission rules.³

2. Petitions for reconsideration must be filed within 30 days of public notice of the Bureau's decision.⁴ Graydon Manor's petition for reconsideration was received on October 15, 2002, 32 days after

1 See Petitions for Reconsideration by Rockwood School District and Yakutat School District, Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-822485, 822062, CC Docket 02-6, Order, 26 FCC Rcd 13004 (Wireline Comp. Bur. 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions); Petitions for Reconsideration by Lincoln Parish School Board, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-344917, et al., CC Docket No. 02-6, Order, 26 FCC Rcd 7992 (Wireline Comp. Bur. 2011), at n.1 (stating that the Bureau has the authority under 47 C.F.R § 1.106(p) to dismiss petitions for reconsideration of a Commission action that plainly do not warrant consideration by the Commission, such as petitions that are late-filed).

2 See Letter from Walter D. Martin, Director, Business & Support Services, Graydon Manor School, to the Office of the Secretary, Federal Communications Commission (filed Oct. 15, 2002) (Petition for Reconsideration). The Bureau has authority to act on petitions requesting consideration of final actions taken pursuant to delegated authority. 47 C.F.R. § 1.106(a)(1). Although the Petition for Reconsideration references application number 242304, the filing is clearly intended for application number 228457. See, e.g., Petition for Reconsideration at attachment 1 (citing to application number 228457 in its appeal to USAC); Request for Review of the Decision of the Universal Service Administrator by Graydon Manor Day School, File No. SLD-228457, CC Docket No. 96-45, Order, 17 FCC Rcd 16849 (Wireline Comp. Bur. 2002) (Graydon Manor Order) (referencing application number 228457 in the decision that Graydon Manor is seeking to have reconsidered).

3 Graydon Manor Order, 17 FCC Rcd at 16849, para. 3; 47 C.F.R. § 54.720. The E-rate program is more formally known as the schools and libraries universal service support program.

4 47 C.F.R. § 1.106(f).

the order's release date.⁵ We therefore dismiss Graydon Manor's petition for reconsideration because it is untimely. We also find that dismissal of the petition for reconsideration is appropriate because it relies on arguments that fail to identify any material error, omission, or reason warranting reconsideration and relies on arguments that have been fully considered and rejected by the Commission within the same proceeding.⁶

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 pursuant to authority in sections 0.91, 0.291, 1.106, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.106, 54.722(a), that the Petition for Reconsideration filed by Graydon Manor IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

Petition for Reconsideration at 1. For non-rulemaking documents released by the Commission or staff, the date of public notice is the release date. 47 C.F.R. § 1.4(b)(2).

⁶ 47 C.F.R. § 1.106(p)(1), (3).