

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
)
Petition for Reconsideration by )
)
Yakutat School District ) File No. SLD-822062
Yakutat, Alaska )
)
Schools and Libraries Universal Service ) CC Docket No. 02-6
Support Mechanism )

ORDER ON RECONSIDERATION

Adopted: September 5, 2012

Released: September 5, 2012

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

1. Consistent with precedent,<sup>1</sup> we dismiss a second petition for reconsideration filed by Yakutat School District, Yakutat, Alaska (Yakutat) of a decision by the Wireline Competition Bureau (Bureau) pertaining to E-rate program funding.<sup>2</sup> The petitioner seeks reconsideration of the Bureau’s decision denying the school district’s first petition for reconsideration because the first petition for reconsideration was filed more than 30 days after public notice of the initial Bureau decision.<sup>3</sup> We find that dismissal of this second petition for reconsideration is appropriate because it relies on arguments that

1 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 rely 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).

2 The Bureau has the authority to act on petitions requesting reconsideration of final actions taken pursuant to delegated authority. 47 C.F.R. § 1.106(a)(1); Letter from Rod Schug, Superintendent, Yakutat School District, to the Office of the Secretary, Federal Communications Commission, filed Oct. 6, 2011 (Yakutat Petition for Reconsideration). The E-rate program is more formally known as the schools and libraries universal service support program.

3 See 47 C.F.R. § 1.106(f) (2011) (requiring petitions for reconsideration to be filed within 30 days of the Bureau’s decision); 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). Yakutat was seeking reconsideration of the July 27, 2011 Beaver Area Memorial Library Order denying the school district a waiver of the E-rate program’s FCC Form 471 application filing window deadline. See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Beaver Area Memorial Library, et al., Schools and Libraries Universal Service Mechanism, File No. SLD-750009, et al., CC Docket No. 02-6, Order, 26 FCC Rcd 10317 (Wireline Comp. Bur. July 27, 2011) (Beaver Area Memorial Library Order).

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.<sup>4</sup>

2. 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, 1.3, 1.106, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.106, and 54.722(a), that the petition for reconsideration filed by Yakutat School District, Yakutat, Alaska is DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> 47 C.F.R. § 1.106(p)(1), (3).