

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

In the Matter of	)	
	)	
Requests for Waiver and/or Review of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Chadbad Outreach Center	)	SLD Nos. 703513, <i>et al.</i>
Hollywood, Florida, <i>et al.</i>	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER AND ORDER ON RECONSIDERATION**

**Adopted: September 13, 2012**

**Released: September 13, 2012**

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

1. Consistent with precedent,<sup>1</sup> we deny six requests from petitioners<sup>2</sup> seeking review of decisions 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).<sup>3</sup> Based on our review of the record, we find that the petitioners failed to submit their requests either to the Commission or to USAC within 60 days as required by the Commission's rules, and failed to demonstrate that special circumstances exist to justify a waiver of the deadline.<sup>4</sup>

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<sup>1</sup> See *Request for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-363747, *et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (Wireline Comp. Bur. 2010) (denying 104 appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days as required by the Commission's rules without showing special circumstances necessary for the Commission to waive the deadline); *Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by Bonnie Brae Educational Center School, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-625470, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 1344 (Wireline Comp. Bur. 2012) (denying 22 appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days as required by the Commission's rules and without showing special circumstances necessary for the Commission to waive the deadline).

<sup>2</sup> The requests are listed in Appendix A.

<sup>3</sup> 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).

<sup>4</sup> 47 C.F.R. § 54.720 (setting forth the 60 day deadline for appeals of USAC decisions). The Commission may waive any provision of its rules for good cause shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of (Continued...)

2. We also dismiss petitions for reconsideration filed by Couch School District R-1 (Couch) and East St. Louis School District 189 (East St. Louis) seeking review of an earlier Wireline Competition Bureau order.<sup>5</sup> We dismiss Couch's petition for reconsideration because it is untimely.<sup>6</sup> We dismiss East St. Louis's petition for reconsideration 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 Bureau within the same proceeding.<sup>7</sup>

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, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the requests for review filed by the petitioners listed in Appendix A ARE DENIED.

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. § 15 1-154 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 petitions for reconsideration listed in Appendix B ARE DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

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overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

<sup>5</sup> *Requests for Waiver and/or Review Churchill County School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD- 664502, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 7103 (Wireline Comp. Bur. June 21, 2012). 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). The petitions are listed in Appendix B.

<sup>6</sup> 47 C.F.R. § 1.106(p)(9). Petitions for reconsideration must be filed within 30 days of public notice of the action. 47 C.F.R. § 1.106(f).

<sup>7</sup> 47 C.F.R. § 1.106(p)(1), (3).

## APPENDIX A

## Request for Review and/or Waiver

<b>Petitioner</b>	<b>Application Number(s)</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Chadbad Outreach Center Hollywood, Florida	795483	2011	Jul. 19, 2012
Hubbard Exempted Village School District Munroe Falls, Ohio	813499	2011	Sept. 6, 2012
Lake Grove School Lake Grove, New York	460942, 460951, 460976, 461957, 507510	2005, 2006	Sept. 5, 2012
Mount Prospect Public Schools Mount Prospect, Illinois	522188	2006	Jul. 26, 2006
Northwest Institute Contemporary Learning, Inc. Chicago, Illinois	760932	2010	Aug. 23, 2012
Pike County School District Troy, Alabama	742466, 742490	2010	Aug. 23, 2012

## APPENDIX B

## Petitions for Reconsideration

<b>Petitioner</b>	<b>Application Number(s)</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Couch School District R-1 Myrtle, Missouri	772930	2011	Aug. 8, 2012
East St. Louis School District 189 East St. Louis, Illinois	511426, 511431, 516224, 516308, 516727, 516729, 524764	2006	July 23, 2012