

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Request to Hold In Abeyance Demand Payment )
Letters Issued by the Universal Service )
Administrative Company by )
Dooly County School System ) File Nos. SLD-482677, 531942
Vienna, Georgia )
Schools and Libraries Universal Service ) CC Docket No. 02-6
Support Mechanism )

ORDER

Adopted: December 18, 2012

Released: December 18, 2012

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

1. In this order, we dismiss a request filed by Dooly County School System (Dooly County) to hold in abeyance certain demand payment letters issued by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program) for funding years 2005 and 2006. In the Al-Ihsan Academy Order, the Wireline Competition Bureau (Bureau) found that Dooly County had failed to comply with the Commission’s E-rate competitive bidding rules and therefore denied Dooly County’s appeal of USAC’s recovery actions. We find that the dismissal of Dooly County’s request is appropriate because it provides no basis for holding the demand letters in abeyance, and Dooly County has not filed a timely petition for reconsideration that satisfies the requirements of section 1.106(d) of the Commission’s rules. We therefore direct USAC to continue its recovery actions in the instant matter.

1 See Letter from C. Scott Nutgrass, President, Universal Funding Consultants, Inc., on behalf of Dooly County School System, to the Office of the Secretary, Federal Communications Commission (filed Jan. 6, 2012) (Dooly County Request). The Bureau has authority to act on petitions requesting reconsideration of final actions taken pursuant to delegated authority. 47 C.F.R. § 1.106(a)(1).

2 Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy, South Ozone Park, New York, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-575979, 582051, 582081, et al., CC Docket No. 02-6, Order, 26 FCC Rcd 16415 (Wireline Comp. Bur. 2011) (Al-Ihsan Academy Order).

3 See 47 C.F.R § 1.106(d)(1) (petitions for reconsideration must “state with particularity the respects in which petitioner believes the action taken by the Commission ... should be changed”) and 47 C.F.R. § 1.106(d)(2) (requiring a petition for reconsideration to cite, where appropriate, “the findings [of fact] and/or conclusions [of law] which petitioner believes to be erroneous, and shall state with particularity the respects in which [the petitioner] believes such findings and/or conclusions should be changed”).

2. ACCORDINGLY, IT IS ORDERED, pursuant to the 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, and 54.722(a), that the request to hold in abeyance certain demand payment letters issued by the Universal Service Administrative Company filed by Dooly County School System IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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