

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

In the Matter of)	
)	
Requests for Waiver and Review of)	
Decisions of the)	
Universal Service Administrator by)	
)	
AllWays, Inc. (Prairie Hills School District 144))	File Nos. SLD-623007, <i>et al.</i>
Markham, Illinois, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: February 24, 2012

Released: February 24, 2012

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

1. Consistent with Commission rules,¹ we deny 25 requests from petitioners² 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).³ In each decision, USAC found that the applicants sought support for service, products or maintenance that are not eligible

¹ Under the E-rate program, applicants may only seek support for eligible services, products and maintenance. See 47 C.F.R. §§ 54.502, 54.504 and 54.518. See, e.g., *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9013, para. 444 (1997), *aff'd in part*, *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (subsequent history omitted); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9208, para. 17-18 (2003) (*Second Report and Order*); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26928, para. 40 (2003) (*Schools and Libraries Third Report and Order*); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Report and Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 6562 (2009) (*2009 ESL Order*); *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Sixth Report and Order, 25 FCC Rcd 18762 (2010) (*Sixth Report and Order*).

² The requests for waiver and review are listed in the appendix. We dismiss the appeal filed by Pleasants County School District because it had not received an adverse decision from USAC to appeal to the Commission. Therefore, its appeal was filed prematurely and is dismissed without prejudice. Another petitioner, Sweet Home Central School District, sought funding for internal connections components under the Internet access category. We agree with USAC that these eligible components should be moved to the internal connections category. Sweet Home Central School District, however, is not eligible to receive any funding for those requested services because its discount percentage was not high enough that funding year to receive funding for internal connections. See *Request for Review of Sweet Home Central School District*. In funding year 2006, USAC determined that funds were not sufficient to make commitments for priority 2 funding requests below the 86% discount level. See USAC website, Schools and Libraries News Brief, Jul. 6, 2007, <http://www.usac.org/sl/tools/news-briefs/preview.aspx?id=98> (last visited Jan. 25, 2012).

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).

for E-rate funding.⁴ Applicants may seek E-rate support only for eligible telecommunications services or the other services and products that have been designated as eligible for E-rate support.⁵ Based on our review of the record, we affirm USAC's decisions and deny these requests. We also find that petitioners have not demonstrated good cause justifying a waiver of the Commission's rules.

2. 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 requests for review or requests for waiver filed by the petitioners listed in the appendix ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ See *supra* note 1. See appendix.

⁵ See 47 U.S.C. § 254(h)(1)(B) and (h)(2)(A). See also USAC website, Eligible Services List, <http://www.usac.org/sl/tools/eligible-services-list.aspx> (last visited Jan. 19, 2012) (providing links to the Eligible Services Lists for funding years 2010-2012 and a link to archived Eligible Services Lists for funding years 1998-2009).

APPENDIX

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
AllWays, Inc. (Prairie Hills School District 144) Markham, Illinois	623007	2008	Oct. 11, 2011
Bridgeport School District Bridgeport, Connecticut	610843	2008	Mar. 19, 2010
Detroit Public Library Detroit, Michigan	362377	2003	Nov. 23, 2005
Digital Networks Group, Inc (Panama-Buena Vista School District) Bakersfield, California	623923	2008	Aug. 29, 2011
Diversified Computer Solutions (Orangeburg County School District 3) Holly Hill, South Carolina	536972	2006	Jul. 15, 2011
Emek Hebrew Academy Sherman Oaks, California	378260	2003	Dec. 22, 2003
Greensville County School District Emporia, Virginia	733398	2010	May 4, 2011
Information Transport Solutions, Inc. (Sumter County School Dist.) Livingston, Alabama	522125; 561762	2006; 2007	Apr. 19, 2011; May 6, 2011
Lexington County School District 2 West Columbia, South Carolina	566958	2007	Nov. 27, 2007
Los Angeles Unified School District and Vector Resources, Inc. Los Angeles, California	337123	2003	Oct. 22, 2007
Mattawan Consolidated School District Mattawan, Michigan	582769	2007	Oct. 3, 2008
Oswego Unified School District Oswego, Kansas	506312	2006	Apr. 13, 2011
Pitt County Schools Greenville, North Carolina	405782; 405985; 405831	2004	Oct. 18, 2005
Pleasants County School District Saint Marys, West Virginia	635103	2008	Aug. 11, 2008
Ridgewood Village School District Ridgewood, New Jersey	692467; 684891	2009	Oct. 20, 2009
San Marcos Consolidated Independent School District San Marcos, Texas	532185; 655683; 632665	2006;2008; 2009	Sept. 22, 2009; May 5, 2010; Jul. 7, 2011
Spring Cove School District Roaring Spring, Pennsylvania	756389	2010	Aug. 9, 2010
Sprint Local Telephone Division (Oak Ridge Elementary School) Tallahassee, Florida	420917	2004	Mar. 10, 2006

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Sprint Local Telephone Division (Pineview Elementary School) Tallahassee, Florida	421005	2004	Mar. 10, 2006
Sprint Local Telephone Division (Wesson Elementary School) Tallahassee, Florida	422448	2004	Mar. 10, 2006
Sweet Home Central School District Amherst, New York	492809	2006	Jun. 21, 2007
Tonasket School District 404 Tonasket, Washington	535250	2006	Jan. 11, 2011
Vertex Technologies, Inc. (Camden City Public Schools) Camden, New Jersey	424058	2004	Mar. 7, 2006
Vertex Technologies, Inc. (Lenape Regional High School District) Shamong, New Jersey	483421	2005	Jun. 19, 2007
Windber Area School District Windber, Pennsylvania	609497; 686107; 762951	2008; 2009; 2010	Nov. 26, 2008; Aug. 9, 2010