

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)
Annette Islands School District) File Nos. SLD-621380, et al.
Metlakatla, Alaska, et al.)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER

Adopted: March 5, 2012

Released: March 5, 2012

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

1. Consistent with precedent,1 we grant six requests from petitioners2 seeking waiver or 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 case, USAC found that the petitioners failed to secure timely extensions of the deadlines for services implementation, as required by section 54.507(d) of the Commission's rules,4 and of the deadlines for invoice submission. Based on our review of the record, we find that the petitioners either were unable to complete implementation on time for reasons beyond the service provider's control - one of the criteria required by the rule for an extension of services implementation - or they failed to do so because of clerical error. In all cases they made significant efforts to secure the necessary extensions. Furthermore, there is no evidence of waste, fraud and abuse in the record at this time.

2. Therefore, we grant the petitioners' requests and waive section 54.507(d) of the Commission's rules. Additionally, on our own motion, we waive any Commission or USAC procedural deadline, such as the invoicing deadline, that might be necessary to effectuate our ruling.

1 Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5319-20, para. 9 (2006) (Bishop Perry Order); Request for Waiver of the Decision of the Universal Service Administrator by Great Rivers Education Cooperative and I-K Electric Company, CC Docket No. 02-6, Order, 21 FCC Rcd 14115 (Wireline Comp. Bur. 2006) (Great Rivers Order); Request for Review of the Decision of the Universal Administrator by Tekoa Academy of Accelerated Studies, File No. SLD-242830, CC Docket No. 02-6, Order, 23 FCC Rcd 15456, 15458, para. 5 (Wireline Comp. Bur. 2008) (Tekoa Academy Order).

2 The requests for waiver or review are listed in the appendix.

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).

4 47 C.F.R. § 54.507(d) (requires non-recurring services to be implemented by September 30 following the close of the funding year).

3. We therefore remand the underlying applications listed in the appendix to USAC for further action consistent with this order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of the submitted invoices related to each application and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from its receipt of the submitted invoices. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services requested or the petitioners' applications.

4. 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 GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

5. IT IS FURTHER 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), that 54.507(d) of the Commission's rules, 47 C.F.R. § 54.507(d) IS WAIVED for the petitioners listed in the appendices to the limited extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

Petitioner	Application Number	Funding Year	Date Request for Review/Waiver Filed
Annette Islands School District Metlakatla, AK	621380	2008	April 6, 2010
Browning School District 9 Browning, MT	427438	2004	Aug. 27, 2010
Chicago Public Schools Chicago, IL	517618	2005	Mar. 22, 2010
Computer Assets, Inc Española, NM	238132	2003	Jun. 2, 2003
Innovative Technology, Ltd. Grandfield, OK	300598	2005	Aug. 25, 2005
Natchez-Adams School District Natchez, MI	623703	2008	May 26, 2010