

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Requests for Review of
Decisions of the
Universal Service Administrator by
Trillion Partners, Inc.
Austin, Texas
Schools and Libraries Universal Service
Support Mechanism
File Nos. SLD-635812, et al.
CC Docket No. 02-6

ORDER

Adopted: April 17, 2012

Released: April 17, 2012

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

1. Consistent with precedent,1 we grant the requests from Trillion Partners, Inc. ("Trillion") seeking review of decisions made by the Universal Service Administrative Company (USAC) concerning Widefield School District 3's ("Widefield") applications under the E-rate program (more formally known as the schools and libraries universal service support program).2 In each decision, USAC found that Widefield violated the Commission's competitive bidding requirements by engaging in improper communications with Trillion.3 Based on our review of the record, we find that Widefield and Trillion complied with the Commission's competitive bidding requirements and, therefore we grant Trillion's requests. Unlike communications discussed in recent precedent,4 we find that the communications at issue here did not impede the fair and open nature of Widefield's competitive bidding processes. We also find that at this time there is no evidence of waste, fraud and abuse in the record. On our own motion, we waive section 54.507(d) of the Commission's rules and any USAC procedural deadline, such as the

1 See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Dimmitt Independent School District, et al., Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-06, Order, 26 FCC Rcd 15581 (Wireline Comp. Bur. 2011); Request for Review by Approach Learning and Assessment Center, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order, 22 FCC Rcd 5296, 5303, para. 19 (Wireline Comp. Bur. 2007); 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, 26939, para. 66 (2003); Request for Review by Dickenson County Public Schools, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order, 17 FCC Rcd 15747, 15748, para. 3 (2002); Request for Review by Mastermind Internet Services, Inc., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket No. 96-45, Order, 16 FCC Rcd 4028, 4033, para. 10 (2000).

2 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).

3 See Appendix.

4 See Requests for Review of the Decisions of the Universal Service Administrator by Marana Unified School District, et. al, Order, DA No. 12-196 (Wireline Comp. Bur. rel. Feb. 15, 2012).

invoicing deadline, that might be necessary to effectuate our ruling.⁵ We find good cause to waive section 54.507(d) because filing an appeal of a denial is likely to cause the applicant to miss the program's subsequent procedural deadlines in that funding year.

2. 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 each application listed in the appendix and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the underlying applications. We direct USAC to discontinue recovery actions against those parties based on the denials that are addressed herein.⁶

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, 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 filed by Trillion Partners, Inc. ARE GRANTED and the underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

4. 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 section 54.507(d) of the Commission's rules, 47 C.F.R. § 54.507(d), IS WAIVED for the parties to the limited extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Trent Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

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

⁶ USAC shall cease recovery actions against both the applicant and the service provider, unless otherwise provided in this order.

APPENDIX

Petitioner	Application Number	Funding Year	Date Request for Review Filed
Trillion Partners, Inc.	635812	2008	Mar. 11, 2011
Austin, TX	694957	2009	Mar. 11, 2011
(Widefield School District 3, Colorado Springs, CO)	766988	2010	Mar. 12, 2012