In the Matter of)

Requests for Waiver and Review of)
Decisions of the)
Universal Service Administrator by)
Alex Public School Dist I-56)
Alex, Oklahoma, et al.)
SLD Nos. 616014, et al.)
Schools and Libraries Universal Service)
Support Mechanism)
CC Docket No. 02-6)

ORDER


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

1. Consistent with precedent,1 we deny 10 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 case,
USAC denied or reduced funding on the grounds that the applicant failed to submit its requests for review
or waiver either to the Commission or to USAC within 60 days as required by the Commission’s rules.4
Based on our review of the record, we deny the 10 requests because the petitioners have failed to show
special circumstances necessary for the Commission to waive the deadline.5

1See 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); see also 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 13442
(Wireline Comp. Bur. 2012). (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, and the petitioners
have failed to show special circumstances necessary for the Commission to waive the deadline).

2 The requests for waiver and 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. § 54.720.

5 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 overall policy on an individual basis. WATE 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.
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), that the requests for review or requests for waiver filed by the petitioners listed in the appendix ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Trent Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
## APPENDIX

<table>
<thead>
<tr>
<th>Petitioner</th>
<th>Application Number(s)</th>
<th>Funding Year</th>
<th>Date Request for Review/Waiver Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alex Public School Dist I-56 Alex, Oklahoma</td>
<td>616014</td>
<td>2008</td>
<td>Jan. 30, 2012</td>
</tr>
<tr>
<td>Aurora Public Schools Aurora, Colorado</td>
<td>695092</td>
<td>2009</td>
<td>Feb. 16, 2011</td>
</tr>
<tr>
<td>Franklin County School District Louisburg, North Carolina</td>
<td>624121</td>
<td>2008</td>
<td>Nov. 25, 2008</td>
</tr>
<tr>
<td>Joan Macy School LaVerne, California</td>
<td>743410</td>
<td>2010</td>
<td>Jan. 31, 2011</td>
</tr>
<tr>
<td>Stetson School Barre, Massachusetts</td>
<td>767835, 768651</td>
<td>2010</td>
<td>Feb. 9, 2012</td>
</tr>
<tr>
<td>Timothy Academy South Clayton, Missouri</td>
<td>656309</td>
<td>2009</td>
<td>Jul. 19, 2010</td>
</tr>
<tr>
<td>White Shield School Parshall, North Dakota</td>
<td>753211</td>
<td>2010</td>
<td>Apr. 9, 2012</td>
</tr>
</tbody>
</table>