

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Waiver and Review of a)	
Decision of the)	
Universal Service Administrator by)	
)	
Loneman Day School)	File Nos. SLD-683946.
Ogala, South Dakota)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: February 15, 2012

Released: February 15, 2012

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

1. Consistent with precedent,¹ we grant a request filed by Loneman Day School (Loneman)² seeking review of a decision 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 its decision, USAC found that Loneman 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 Loneman’s service provider was 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 – and that Loneman made significant efforts to secure the necessary extensions. Therefore, we grant Loneman’s request and waive section 54.507(d) of the Commission’s rules.

2. We therefore remand the underlying application to USAC for further action consistent with this order. To ensure that the underlying application is resolved expeditiously, we direct USAC to complete its review of the application and issue an award or a denial based on a complete review and

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 See Letter from Deborah Bordeaux, Principal, Loneman Day School, to Federal Communications Commission, CC Docket Nos. 02-6 (filed Dec. 8, 2011) (Request for Review).

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).

analysis no later than 90 calendar days from the release date of this order. In remanding this application to USAC, we make no finding as to the ultimate eligibility of the services or of Loneman's application. At this time, there is no evidence of waste, fraud and abuse in the record.

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 request for review or waiver filed by Loneman Day School, Ogala, South Dakota, IS GRANTED and the underlying application IS 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 Loneman Day School to the limited extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
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