

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Requests for Waiver and/or Review of)
Decisions of the)
Universal Service Administrator by)
Churchill County School District) SLD Nos. 664502, et al.
Fallon, Nevada, et al.)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER

Adopted: June 21, 2012

Released: June 21, 2012

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

1. Consistent with precedent,1 we deny eight requests from petitioners2 seeking waiver of our rules and/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 We find that the petitioners failed to submit their requests for review and/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 eight requests because the petitioners have failed to show special circumstances necessary for the Commission to waive the deadline.5

1 See 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) (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); 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 1344 (Wireline Comp. Bur. 2012) (denying 22 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/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. § 54.720.

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 (Continued...)

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, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 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 B. Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

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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. *WAIT 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.

APPENDIX

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Churchill County School District Fallon, Nevada	664502	2009	May 8, 2012
Couch School District R1 Myrtle, Missouri	772930	2011	Apr. 23, 2012
East St. Louis School District 189 East St. Louis, Illinois	511426, 511431, 516224, 516308, 516727, 516729, 524764	2006	Apr. 23, 2012
George Washington Carver Academy Highland Park, Michigan	814222	2011	May 15, 2012
Leggett Independent School District Waco, Texas	818655	2011	May 11, 2012
Monsignor Donovan High School Toms River, New Jersey	510516, 550234, 6200716, 678078	2006, 2007, 2008, 2009	Apr. 25, 2012
Northwest Artic Borough School District Kotzebue, Alaska	569600	2007	Jun. 7, 2012
Western Line School District Avon, Mississippi	754724	2010	May 10, 2012