

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Review or Waiver of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Mt. Olive Township School District)	SLD Nos. 451894, <i>et al.</i>
Budd Lake, New Jersey, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER AND ORDER ON RECONSIDERATION

Adopted: January 7, 2013

Released: January 7, 2013

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

1. Consistent with precedent,¹ we deny two 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 Based on our review of the record, we find that the petitioners failed to submit their requests either to the Commission or to USAC within 60 days, as required by the Commission's rules, and failed to demonstrate that special circumstances exist to justify a waiver of the deadline.⁴

2. Consistent with precedent,⁵ we also dismiss a petition for reconsideration filed by Texas Serenity Academy Charter School (Texas Serenity) seeking review of a Wireline Competition Bureau

¹ See *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134, et al., 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); *Requests for Review of Decisions of the Universal Service Administrator by Bloom High School District 206, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-779911, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 14029 (Wireline Comp. Bur. 2012) (both orders denying 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 without showing special circumstances necessary for the Commission to waive the deadline).

² The requests are listed in Appendix A.

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 (setting forth the 60-day deadline for appeals of USAC decisions). The Commission may waive any provision of its rules for good cause shown. 47 C.F.R. § 1.3.

⁵ See *Requests for Review for Waiver and/or Review of Decisions of the Universal Service Administrator by Chadbad Outreach Center, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-

(continued...)

(Bureau) order that denied, as untimely, its initial requests for review.⁶ We dismiss the petition for reconsideration filed by Texas Serenity because it relies on arguments that fail to identify any material error, omission, or reason warranting reconsideration and relies on arguments that have been fully considered and rejected by the Bureau within the same proceeding.⁷

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, 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 waiver filed by the petitioners listed in Appendix A ARE DENIED.

4. IT IS FURTHER ORDERED, pursuant to authority contained in sections 1-4 and 254 of the Communications Act, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, 1.106, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.106, and 54.722(a), that the petition for reconsideration listed in Appendix B IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

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703513, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 11079 (Wireline Comp. Bur. Sept. 13, 2012)(dismissing petitions for reconsideration seeking review of decisions that denied as untimely their initial requests for review).

⁶ The petition for reconsideration is identified in Appendix B. Texas Serenity's initial request for review was denied in *Requests for Review of Decisions of the Universal Service Administrator by Bloom High School District 206, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-779911, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 14029 (Wireline Comp. Bur. 2012) (denying, *inter alia*, Texas Serenity Academy Charter School request for review). The Bureau has the authority to act on petitions requesting reconsideration of final actions taken pursuant to delegated authority. 47 C.F.R. § 1.106(a)(1).

⁷ 47 C.F.R. § 1.106(p)(1), (3). In its petition for reconsideration, Texas Serenity states that if the Bureau does not rule favorably on its petition for reconsideration, it would like review by the full Commission within 30 days of the Bureau decision. We note that if Texas Serenity is dissatisfied with this decision on reconsideration, it will have to file an additional application for review with the Commission in accordance with the Commission's rules. *See* 47 C.F.R. § 1.115.

APPENDIX A

Requests for Review or Waiver

Petitioner	Application Numbers	Funding Year	Date Request for Review/Waiver Filed
Mt. Olive Township School District Budd Lake, New Jersey	451894	2005	Jul. 29, 2008
St. David School Ft. Lauderdale, Florida	835273	2012	Dec. 3, 2012

APPENDIX B

Petition for Reconsideration

Petitioner	Application Number	Funding Year	Date Petition for Reconsideration Filed
Texas Serenity Academy Charter School Houston, Texas	581786	2007	Dec. 6, 2012