

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

In the Matter of	)	
	)	
Petition for Reconsideration by	)	
	)	
Spokane School District 81	)	SLD No. 514942
Spokane, WA	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER ON RECONSIDERATION**

**Adopted: July 30, 2013**

**Released: July 30, 2013**

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

1. Consistent with precedent,<sup>1</sup> we dismiss a petition for reconsideration filed by Spokane School District 81 (Spokane)<sup>2</sup> seeking review of our *Spokane Order*.<sup>3</sup> The *Spokane Order* affirmed the decision of the Universal Service Administrative Company (USAC) to rescind Spokane's funding commitments under the E-rate program (more formally known as the schools and libraries universal service support program) for funding year 2006. In its decision, USAC found that Spokane violated the

<sup>1</sup> See *Petitions for Reconsideration by Lake Pend Oreille School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 1103 (Wireline Comp. Bur. 2013) (*Lake Pend Oreille Order*) (dismissing petitions for reconsideration because the petitioners relied on arguments that had been fully considered and rejected by the Commission within the same proceeding). See also *Requests for Review of a Decision of the Universal Service Administrator by Riverdale Unified School District and Cherokee County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11207 (Wireline Comp. Bur. 2011); *Request for Review of a Decision of the Universal Service Administrator by Ramirez Common School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 8430 (Wireline Comp. Bur. 2011); *Request for Review of a Decision of the Universal Service Administrator by Coahoma County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11201 (Wireline Comp. Bur. 2011); *Request for Review of a Decision of the Universal Service Administrator by Cascade School District #422; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6865 (Wireline Comp. Bur. 2011) (all explaining that an applicant must describe with specificity the services it is seeking to purchase on its FCC Form 470 or indicate on the form that it has a request for proposal (RFP) available providing detail about the requested services).

<sup>2</sup> See Letter from Clay Gehring, Spokane School District 81, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed May 30, 2013) (regarding funding year 2006 FCC Form 471 application number 514942, funding request numbers (FRN) 1453311, 1452858, 1453207, 1453383, 1453399, and 1453426) (Petition for Reconsideration).

<sup>3</sup> See *Request for Review of a Decision of the Universal Service Administrator by Spokane School District 81; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 6023 (Wireline Comp. Bur. 2013) (*Spokane Order*). 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)(l).

Commission's competitive bidding requirements by indicating on its FCC Form 470 that an RFP did not exist when an RFP was, in fact, issued.<sup>4</sup> Spokane sought review of USAC's decision, arguing that this omission was an administrative error and did not interfere with its competitive bidding process.<sup>5</sup> Based upon our review of the record, we affirmed USAC's decision and denied Spokane's request for review.<sup>6</sup>

2. In seeking reconsideration of our decision, Spokane merely reiterates its previous assertion that issuance of the RFP without notice on the FCC Form 470 "did not unduly interfere with the competitive bidding process or artificially constrict the potential pool of applicants [because] the entire RFP was sent to 17 vendors across the nation thereby creating a substantial pool of potential vendors."<sup>7</sup> We fully considered and rejected Spokane's arguments in our initial review of its appeal of USAC's decision.<sup>8</sup> Therefore, we dismiss Spokane's petition for reconsideration pursuant to section 1.106(p)(3) of the Commission's rules, which allows the Bureau to dismiss or deny petitions for reconsideration that rely on arguments that have been fully considered and rejected by the Commission within the same proceeding.<sup>9</sup>

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, 1.106 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.106 and 54.722(a), that the Petition for Reconsideration filed by Spokane School District 81 on May 30, 2013, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Kimberly A. Scardino  
Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>4</sup> See Letter from USAC, Schools and Libraries Division, to Michelle Huss, Spokane School District 81 (dated Sept. 4, 2012) (regarding FCC Form 471 application number 514942, FRNs 1453311, 1452858, 1453207, 1453383, 1453399, and 1453426).

<sup>5</sup> See Letter from Diane Boudreau, Spokane School District 81, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Oct. 1, 2012) (regarding funding year 2006 FCC Form 471 application number 514942, FRNs 1453311, 1452858, 1453207, 1453383, 1453399, and 1453426) (Request for Review). 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).

<sup>6</sup> See *Spokane Order*.

<sup>7</sup> Compare Petition for Reconsideration ("We do not believe failure to indicate the existence of an RFP for internal connections on our Form 470 unduly interfered with the competitive bidding process....") with Request for Review ("We made a clerical error and failed to place a checkmark on Item 11a that we were planning to release an RFP, although we intended to do so. In releasing the RFP, we followed E-rate rules and do not believe this prevented us from conducting a competitive bidding process.").

<sup>8</sup> See *Spokane Order*, 28 FCC Rcd at 6024, para. 3.

<sup>9</sup> See 47 C.F.R. § 1.106(p)(3).