

**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	)	
	)	
Academia Avance	)	SLD Nos. 818811 et al.
Los Angeles, California et al.	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER AND ORDER ON RECONSIDERATION**

**Adopted: August 30, 2013**

**Released: August 30, 2013**

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

1. Consistent with precedent,<sup>1</sup> we deny 14 requests from petitioners<sup>2</sup> 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).<sup>3</sup> Based on our review of the record, we find that the petitioners identified in Appendix A 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.<sup>4</sup>

2. Also consistent with precedent,<sup>5</sup> we dismiss petitions for reconsideration filed by Downingtown School District (Downingtown), Mifflin County Library (Mifflin County), and White Deer

<sup>1</sup> See, e.g., *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*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (Wireline Comp. Bur. 2010); *Requests for Review or Waiver of Decisions of the Universal Service Administrator by Chamberlain School District 7-1 et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 5486 (Wireline Comp. Bur. 2013) (*Chamberlain School District Order*) (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 did not show special circumstances necessary for the Commission to waive the deadline).

<sup>2</sup> The requests for review or waiver are listed in Appendix A.

<sup>3</sup> 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>4</sup> 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.

<sup>5</sup> See *Requests for Review or Waiver of Decisions of the Universal Service Administrator by Carbondale School District 95 et al.*, CC Docket No. 02-6, Order, 28 FCC Rcd 1291 (Wireline Comp. Bur. 2013) (*Carbondale School District Order*) (dismissing petitions for reconsideration under 47 C.F.R. § 1.106(p) because the petitioners failed to  
(continued...)

Independent School District (White Deer) seeking review of Wireline Competition Bureau orders involving late-filed appeals by those petitioners.<sup>6</sup> We dismiss these three petitions for reconsideration because they fail to identify any material error, omission, or reason warranting reconsideration and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding.<sup>7</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, 1.3, 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 waiver filed by the petitioners listed in Appendix A ARE DENIED.

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, 1.106, 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 petitions for reconsideration listed in Appendix B ARE DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

(Continued from previous page) \_\_\_\_\_  
identify any material error, omission, or reason warranting reconsideration and relied on arguments that had been fully considered and rejected by the Bureau within the same proceeding).

<sup>6</sup> Downingtown and White Deer are seeking reconsideration of the *Carbondale School District Order*. Mifflin County is seeking reconsideration of the *Chamberlain School District 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)(1). The petitions for reconsideration are listed in Appendix B.

<sup>7</sup> 47 C.F.R. § 1.106(p)(1), (3).

## APPENDIX A

## Requests for Review or Waiver

<b>Petitioner</b>	<b>Application Number(s)</b>	<b>Funding Year(s)</b>	<b>Date Request for Review/Waiver Filed</b>
Academia Avance Los Angeles, California	818811	2011	Apr. 30, 2013
Academia Avance Los Angeles, California	842187	2012	Apr. 30, 2013
Cabool School District R4 Cabool, Missouri	753784	2010	May 29, 2013
Caro Community School District Caro, Michigan	866246	2012	Jan. 2, 2013
Charlotte Christian School Charlotte, North Carolina	865754	2012	May 14, 2013
Country Club Hills School District 160 (Net56, Inc.) Country Club Hills, Illinois	530870, 579088, 632815	2006, 2007, 2008	Jul. 11, 2013
Jackson Public Schools Jackson, Michigan	840117	2012	Jun. 14, 2013
Jumoke Charter School Hartford, Connecticut	738719	2010	Jun. 27, 2013
La Academia Partnership Charter School Lancaster, Pennsylvania	844620	2012	Jul. 18, 2013
Legacy School Mesa, Arizona	874768	2012	May 6, 2013
Mora Independent School District Mora, New Mexico	533342	2006	Apr. 11, 2013
Paterson Public Schools Paterson, New jersey	463661	2005	Jan. 24, 2013
Santa Rosa Academy Menifee, California	845984	2012	Apr. 11, 2013
Zion School District 6 Zion, Illinois	634543, 690016	2008, 2009	Jan. 29, 2013

## APPENDIX B

## Petitions for Reconsideration

<b>Petitioner</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Date Petition for Reconsideration Filed</b>
Downingtown School District Downingtown, Pennsylvania	815703	2011	Mar. 20, 2013
Mifflin County Library Lewistown, Pennsylvania	783102	2011	Feb. 21, 2013
White Deer Independent School District White Deer, Texas	853957	2012	Mar. 11, 2013