

**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	)	
	)	
Carbondale School District 95	)	SLD Nos. 810113 et al.
Carbondale, Illinois et al.	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER AND ORDER ON RECONSIDERATION**

**Adopted: February 19, 2013**

**Released: February 19, 2013**

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

1. Consistent with precedent,<sup>1</sup> we deny 24 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 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. Consistent with precedent,<sup>5</sup> we also dismiss a petition for reconsideration filed by Coosa County School District (Coosa County) seeking review of a Wireline Competition Bureau (Bureau) order

<sup>1</sup> 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 or Waiver of Decisions of the Universal Service Administrator by Mt. Olive Township School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-451894 et al., CC Docket No. 02-6, Order, 28 FCC Rcd 90 (Wireline Comp. Bur. 2013) (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).

<sup>2</sup> The requests 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 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-451894 et al., CC Docket No. 02-6, Order, 27 FCC Rcd 11079 (Wireline Comp. Bur. 2012) (dismissing petitions for reconsideration seeking review of decisions that denied as untimely the petitioners' initial requests for review).

that denied, as untimely, its initial request for review.<sup>6</sup> We dismiss the petition for reconsideration filed by Coosa County 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.<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 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 listed in Appendix B IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>6</sup> The petition for reconsideration is identified in Appendix B. Coosa County'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*, Coosa County School District's 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).

<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</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Carbondale School District 95 Carbondale, Illinois	810113	2011	Jan. 22, 2013
Christ the King School Chicago, Illinois	821860	2011	Dec. 26, 2012
Downingtown Area School District Downingtown, Pennsylvania	815703	2011	Jan. 30, 2013
Immaculate Conception School Chicago, Illinois	821383	2011	Dec. 26, 2012
Incarnation School Palos Heights, Illinois	821382	2011	Dec. 26, 2011
Infant Jesus of Prague School Flossmoor, Illinois	821715	2011	Dec. 26, 2012
Mary Seat of Wisdom School Park Ridge, Illinois	821901	2011	Dec. 26, 2012
Mequon-Thiensville School District Mequon, Wisconsin	877449	2011	Jan. 15, 2013
Metropolitan Nashville Public Schools Nashville, Tennessee	571357	2007	Nov. 17, 2010
Morgan County School District Decatur, Alabama	785850	2011	Sept. 4, 2012
Mountain Pine School District Mountain Pine, Arkansas	849141	2012	Jan. 28, 2013
Old St. Mary School Chicago, Illinois	817777	2011	Dec. 26, 2012
Our Lady of Destiny South Des Plaines, Illinois	819162	2011	Dec. 26, 2012
Our Lady of Perpetual Help School Glenview, Illinois	819584	2011	Feb. 12, 2013
Pope John XXIII School Evanston, Illinois	815685	2011	Feb. 12, 2013
School Administrative District 9 Farmington, Maine	861301	2012	Dec. 19, 2012
School District Unit 46 Elgin, Illinois	848130	2012	Jan. 4, 2013
Spanish Speaking Unity Council Oakland, California	875793	2012	Dec. 27, 2012
St. Benedict High School Chicago, Illinois	813684	2011	Feb. 12, 2013
St. Clement School Chicago, Illinois	814047	2011	Feb. 12, 2013
St. Columbanus School Chicago, Illinois	814617	2011	Feb. 12, 2013
St. Damian School	821762	2011	Feb. 12, 2013

<b>Petitioner</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Oak Forest, Illinois			
White Deer Independent School District White Deer, Texas	853957	2012	Dec. 12, 2012
Wilson Memorial Library Keota, Iowa	876048	2012	Jan. 9, 2013

**APPENDIX B****Petition for Reconsideration**

<b>Petitioner</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Date Petition for Reconsideration Filed</b>
Coosa County School District Rockford, Alabama	674444	2009	Dec. 14, 2012