

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)
Chamberlain School District 7-1) SLD Nos. 872758 et al.
Chamberlain, South Dakota et al.)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER

Adopted: April 23, 2013

Released: April 23, 2013

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

1. Consistent with precedent,1 we deny 14 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. 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

1 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, 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).

2 The requests for review or waiver are listed in the Appendix. Tucumcari Public School District filed a request for waiver for two funding request numbers (FRNs) associated with application number 812502. We deny its appeal with respect to FRN 2207034 in this Order. FRN 2206952 will be handled in a separate Order.

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.

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 the Appendix ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

Requests for Review or Waiver

Petitioner	Application Number	Funding Year	Date Request for Review/Waiver Filed
Chamberlain School District 7-1 Chamberlain, South Dakota	872758	2012	Feb. 27, 2013
Collier County Public Library Naples, Florida	799997	2011	Feb. 25, 2013
Grayson County School District Leitchfield, Kentucky	806896	2011	Mar. 20, 2013
Imagine Columbia Leadership Academy Columbia, South Carolina	865394	2012	Feb. 27, 2013
Mifflin County Library Lewistown, Pennsylvania	783102	2011	Feb. 21, 2013
Pacific Union Elementary School District Fresno, California	794169	2011	Nov. 14, 2012
Rhett Brown Memorial Library (Elliot County Public) Sandy Hook, Kentucky	875371	2012	Mar. 13, 2013
St. Charles School, Newport Newport, Michigan	839622	2012	Mar. 7, 2013
St. Francis Borgia School Chicago, Illinois	821786	2011	Feb. 14, 2013
St. Francis De Sales School Lake Zurich, Illinois	817973	2011	Feb. 14, 2013
St. Gilbert School Grayslake, Illinois	817352	2011	Feb. 14, 2013
St. Jane De Chantal School Chicago, Illinois	819572	2011	Feb. 14, 2013
St. Juliana School Chicago, Illinois	821936	2011	Feb. 14, 2013
Tucumcari Public School District Tucumcari, New Mexico	812502	2011	Mar. 15, 2013