



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-1657

Released: November 17, 2014

WIRELINE COMPETITION BUREAU REMINDS PARTIES OF REQUIREMENTS FOR REQUESTS FOR REVIEW OF DECISIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 96-45
WC Docket No. 02-6
WC Docket No. 02-60
WC Docket No. 06-122
WC Docket No. 10-90
WC Docket No. 11-42
WC Docket No. 13-184
WC Docket No. 14-58

By this Public Notice, the Wireline Competition Bureau (Bureau) provides information about the recent revisions to the Commission's requirements for parties seeking review of decisions of the Universal Service Administrative Company (USAC or Administrator) and reminds parties of the other requirements for seeking review of USAC decisions.

Parties Seeking Review of Administrator Decisions. The Commission recently modified the rules governing requests for review of decisions issued by USAC, and the new rules became effective September 18, 2014.¹ Previously any party aggrieved by an action of USAC, could seek review of that action from USAC or the Commission.² Effective September 18, 2014, pursuant to section 54.719 of the Commission's rules, any person seeking review of an action taken by USAC, as defined by sections 54.701, 54.703, or 54.705 of the Commission's rules, must first seek review from USAC.³ By this Public Notice, we announce that we will treat any requests that are first filed with the Commission pursuant to section 54.719 as being filed with USAC and transmit such requests to USAC for processing through the end of the calendar year.⁴ After USAC issues a decision on an initial request for review, parties may seek

¹ See *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8970-71, paras. 250-52 (revising sections 54.719 and 54.720 of the Commission's rules to, among other things, require parties seeking appeal of a USAC decision to first seek review with USAC). The new procedural requirement applies to all USAC decisions. *Id.* at 8970, para. 250, n.611. USAC is the administrator of the federal universal service programs, and is identified in the relevant rules as "the Administrator."

² 79 Fed. Reg. 49160 (Aug. 19, 2014) (announcing effective date of modified rules as September 18, 2014).

³ 47 C.F.R. § 54.719.

⁴ Pursuant to section 1.3 of the Commission's rules, we find good cause to waive section 54.719 for the specified period to allow time to update USAC's website and ensure that other communications with recipients and

review from the Commission.⁵ By contrast, parties seeking waivers of the Commission's rules must seek relief directly from the Commission.⁶

Filing Deadlines. Parties seeking Commission review of an Administrator decision, pursuant to section 54.719, or seeking a waiver of the Commission's rules, pursuant to section 54.719(c), must file a request for review within sixty (60) days from the date that USAC issues a decision.⁷ Requests for review filed pursuant to section 54.719 of the Commission rules are deemed filed on the postmark date. If the postmark date cannot be determined, petitioners must file a sworn affidavit stating the date that the request for review was mailed.⁸

General Filing Requirements. We also take this opportunity to remind parties that requests for review directed to the Commission must be filed in accordance with the general requirements of Part I of the Commission rules, and must be captioned as "In the Matter of Request for Review by (name of party seeking review) of Decision of the Universal Service Administrator."⁹ The request must reference the applicable docket number(s) and contain the following information:

- A statement setting forth the party's interest in the matter presented for review;
- A full statement of relevant, material facts with supporting affidavits and documentation;
- The question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and
- A statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought.

Requests for review that are submitted to the Commission must be served on USAC consistent with the requirements for service of documents in the Commission's rules.¹⁰

For additional information concerning this Public Notice, please contact Vickie Robinson at (202) 418-2732, in the Telecommunications Access Policy Division, Wireline Competition Bureau.

- FCC -

contributors reflect this rule change. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Beginning January 1, 2015, any requests for review that are first filed with the Commission will be dismissed without prejudice pursuant to the Commission's rules.

⁵ 47 C.F.R. § 54.719(b).

⁶ 47 C.F.R. § 1.3 (providing that the Commission may waive its rules on its own motion or on petition if good cause is demonstrated). USAC does not have authority to act on waiver requests under the Commission's rules.

⁷ 47 C.F.R. § 54.719(a).

⁸ 47 C.F.R. § 54.720(b).

⁹ 47 C.F.R. § 54.721(a).

¹⁰ 47 C.F.R. § 54.721(c).