



PUBLIC NOTICE

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STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 96-45
CC Docket No. 97-21
CC Docket No. 02-6
WC Docket No. 02-60
WC Docket No. 06-122
WC Docket No. 08-71

Pursuant to our revised procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau grants and denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket No. 96-45, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 06-122, WC Docket No. 08-71, WC Docket No. 10-90, WC Docket No. 11-42, WC Docket No. 14-58, Public Notice, 29 FCC Rcd 11094 (Wireline Comp. Bur. 2014). 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).

² See 47 C.F.R. §§ 1.106, 1.115; see also 47 C.F.R. § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

Schools and Libraries (E-rate)
CC Docket No. 02-6

Granted³

*Late-Filed FCC Form 471 Applications*⁴

Erie Rise Leadership Academy Charter School, Application No. 993108, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2014)

Lexington R 5 School District, Application No. 980354, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2014)

Lincoln School District, Application No. 993003, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2014)

The Pathways School, Application No. 957970, Request for Waiver, CC Docket No. 02-6 (filed Nov. 12, 2014)

*Signed Contract Requirement*⁵

Cherry Valley District Library, Application No. 948945, Request for Waiver, CC Docket No. 02-6 (filed Nov. 14, 2014)

Patchogue-Medford Library, Application No. 989975, Request for Waiver, CC Docket No. 02-6 (filed Oct. 17, 2014)

³ We remand the underlying applications to USAC. In remanding these applications to USAC, we make no other findings as to the ultimate eligibility of the underlying services or the petitioners' applications.

⁴ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259-60, paras. 8-9 (2010) (granting appeals on the merits in instances where applicants demonstrated they timely filed their FCC Forms 471; finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline, or filed their FCC Forms 471 on time, but failed to timely file their certifications; and denying waivers where petitioners failed to present special circumstances justifying waivers of our rules).

⁵ See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526 (Wireline Comp. Bur. 2008) (granting appeals on the merits in instances where applicants demonstrated they were in compliance with the Commission's rule to have a signed contract in place prior to filing their applications). We waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 C.F.R. § 54.514(a) (codifying the invoice filing deadline).

Denied

*Late-Filed FCC Form 471 Applications*⁶

Lincoln School Department, Application No. 993928, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2014)

Manzanita Charter School, Application No. 995528, Request for Waiver, CC Docket No. 02-6 (filed Oct. 21, 2014)

*Untimely Filed Request for Review*⁷

The Academy Charter School, Application No. 910344, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2014)

Evergreen School District 50, Application 919347, Request for Waiver, CC Docket No. 02-6 (filed Dec. 4, 2014)

Lamar Consolidated Independent School District, Application No. 959630, Request for Waiver, CC Docket No. 02-6 (filed Nov. 4, 2014)

School Administrative Unit 50, Application No. 580726, Request for Waiver, CC Docket No. 02-6 (filed Jul. 15, 2011)

Turning Point Consortium, Application No. 783475, Request for Waiver, CC Docket No. 02-6 (filed Nov. 10, 2014)

⁶ See *supra* note 4.

⁷ 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 Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (Wireline Comp. Bur. 2014) (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).

Rural Health Care (RHC)

WC Docket No. 02-60, CC Docket Nos. 96-45, 97-21

Dismissals

*Untimely Filed Requests for Waiver*⁸

Bristol Bay Area Health Corporation, Kakanak Hospital, HCP No. 10992, Request for Waiver, WC Docket No. 02-60 (filed Oct. 17, 2007)

Chitina Health Clinic, HCP No. 13933, Request for Waiver, WC Docket No. 02-60 (filed Oct. 1, 2007)

Contribution Methodology

WC Docket No. 06-122

Granted

*End-User DSL Internet Access*⁹

Madison River Communications, LLC, Request for Review, WC Docket No. 06-122 (filed Dec. 12, 2008)¹⁰

⁸ See 47 C.F.R. § 54.720 (requiring that appeals of USAC decisions be filed within 60 days of issuance of a USAC decision); *Request for Review of the Universal Service Administrator by MeritCare Clinic Mayville, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket No. 96-45, CC Docket No. 97-21, Order, 15 FCC Rcd 5543 (Comm. Car. Bur. 2000) (dismissing petitioner's appeal because it was filed after the deadline); *Requests for Review or Waiver of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (Wireline Comp. Bur. 2014) (denying appeals on the grounds that, among other things, petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by Commission rules).

⁹ *Appropriate Framework for Broadband Access to Internet over Wireline Facilities*, CC Docket No. 02-33 et al., Notice of Proposed Rulemaking, 17 FCC Rec 3019, 3051, para. 72 (2002) (explaining that wireline telecommunications carriers are required to contribute to universal service only to the extent they provide broadband transmission services or other telecommunications services on a stand-alone basis); *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, et al.*, CC Docket No. 02-33 et al., WC Docket Nos. 04-242, 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853, 14872, para. 31 (explaining that *Computer II* unbundling obligations do not apply to facilities-based enhanced service providers other than traditional wireline carriers); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report to Congress, 13 FCC Rcd 11501, 11530, para. 60 (1998) (stating that "offerings by non-facilities-providers combining communications and computing components should always be deemed enhanced").

¹⁰ In reversing USAC's decision, we direct USAC to adjust Madison River's invoices with respect to its end-user DSL Internet access revenues, to reverse any associated interest, fees, and penalties, and to issue a refund as appropriate.

Dismissals

*Failure to Meet 60-day Deadline for Filing Requests for Review*¹¹

Sancom, Inc., d/b/a Mitchel Telecom, Petition for Limited Waiver and Review of a Decision of the Universal Service Administrator, WC Docket No. 06-122 (filed Dec. 3, 2014)¹²

*Failure to Comply With Section 54.721 of the Commission's rules*¹³

Biddeford Internet Corporation, Application for Review, WC Docket No. 06-122, (filed Sept. 16, 2014)¹⁴

For additional information concerning this Public Notice, please contact Erica Myers at (202) 418-7400, in the Telecommunications Access Policy Division, Wireline Competition Bureau.

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¹¹ See 47 C.F.R. § 54.720 (establishing a 60-day deadline for requesting review of a decision issued by the Administrator); *Universal Service Contribution Methodology; Request for Review by inContact, Inc. of a Decision by the Wireline Competition Bureau*, WC Docket No. 06-122, Memorandum Opinion and Order, 27 FCC Rcd 632 (2012) (upholding Bureau order that denied petitioner's request for review because petitioner failed to submit its appeal to the Commission within 60 days, as required by the Commission's rules).

¹² Sancom also requests waiver of the *RICA/Blackfoot Order* to the extent it provided relief only to (Rural Independent Competitive Alliance (RICA) members. See *Universal Service Contribution Methodology; Petition for Declaratory Ruling by the Rural Independent Competitive Alliance; Request for Review of a Decision of the Universal Service Administrative Company by Blackfoot Communications, Inc.*, WC Docket No. 06-122, Declaratory Ruling and Order, 28 FCC Rcd 16037 (Wireline Comp. Bur. 2013) (*RICA/Blackfoot Order*). USAC, however, determined that Sancom did not qualify for the relief in the order based on two facts: 1) Sancom was not a RICA member, and 2) the company did not provide supporting documentation as required by the *RICA/Blackfoot Order*. Because Sancom's request for review is dismissed as untimely, USAC's determination that Sancom did not provide the supporting documentation required by the *RICA/Blackfoot Order* remains valid. Accordingly, we do not reach Sancom's request that we waive the condition of RICA membership.

¹³ 47 C.F.R. § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, including the requirement that the request for review include supporting documentation); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (Wireline Comp. Bur. 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

¹⁴ Biddeford captioned its pleading as an "Application for Review." The pleading, however, asks the Commission to review a decision by the USAC. We therefore are treating it as a request for review under section 54.719 of the Commission's rules.