

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Review of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Academy Charter School et al.)	File Nos. SLD-688812 et al.
Pittsburgh, Pennsylvania)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: May 29, 2014

Released: May 29, 2014

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

1. Consistent with precedent,¹ we grant 11 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 In each case, USAC found that the petitioners failed to secure timely extensions of the deadlines for service implementation, as required by section 54.507(d) of the Commissions' rules.⁴ Based on our review of the record, we find that the petitioners were unable to complete implementation on time for reasons beyond the service providers' control, one of the criteria required by the rule for an extension of services implementation, and subsequently failed to timely file a substitution request.⁵ In all cases, we find the

¹ *Request for Waiver of the Decision of the Universal Service Administrator by Great Rivers Education Cooperative and I-K Electric Company*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 14115 (Wireline Comp. Bur. 2006); *Request for Review of the Decision of the Universal Service Administrator by Tekoa Academy of Accelerated Studies*, CC Docket No. 02-6, Order, 23 FCC Rcd 15456, 15458, para. 5 (Wireline Comp. Bur. 2008); *Request for Waiver and Review of the Decision of the Universal Service Administrator by Academy Charter School et al.*, CC Docket No. 02-6, Order, 28 FCC Rcd 12685 (Wireline Comp. Bur. 2013) (all three orders granting extensions of the services implementation deadline when petitioners failed to timely file requests to extend the deadline for reasons beyond their control or because of clerical error).

² The requests for review are listed in the Appendix.

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. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year, and providing criteria for applicants to request an extension). A request for an extension must be submitted to USAC on or before the September 30 deadline. *See* USAC, Service Delivery Deadlines and Extension Requests, <http://www.usac.org/sl/applicants/before-youre-done/delivery-extension.aspx> (last visited May 29, 2014).

⁵ *See* 47 C.F.R. § 54.507(d)(3).

petitioners made significant efforts to secure the necessary extensions. Furthermore, there is no evidence of waste, fraud and abuse in the record at this time.

2. Therefore, we grant the petitioners' requests under section 54.507(d) of the Commission's rules and remand the underlying applications listed in the Appendix to USAC for further action consistent with this Order.⁶ To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of the submitted invoices related to each application and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from its receipt of the submitted invoices. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services requested or the petitioners' applications.

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 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291 and 54.722(a), that the requests for review filed by the petitioners listed in the Appendix ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Acting Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁶ Eaton Academy was also denied a service substitution for funding request number (FRN) 2062849 because the service substitution request was received after the last date to implement service. *See* Letter from USAC, Schools and Libraries Division, to John Egan, Eaton Academy (dated Nov. 12, 2012). Because we now extend the deadline for service implementation, we direct USAC to revisit this service substitution request on remand.

APPENDIX

Petitioner	Application Number(s)	Funding Year	Date Request for Review Filed
Academy Charter School Pittsburgh, PA	688812	2009	Apr. 6, 2011 (filed for FRN 1898727)
			May 26, 2011 (filed for FRN 1898650)
Aspira School District Chicago, IL	672048	2009	Oct. 22, 2013
Eaton Academy Eastpointe, MI	763416	2010	Sept. 9, 2013 (filed for FRNs 2062825, 2062875)
			Jan. 29, 2013 (filed for FRN 2062849)
Elementary Site 4 Bakersfield, CA	848197, 848215, 848221	2013	Apr. 10, 2014
Espiritu Community Development Corp. Phoenix, AZ	728964	2010	Oct. 1, 2013
Los Angeles Leadership Academy High School Los Angeles, CA	870563	2012	Mar. 21, 2014
Prologue-CPS Chicago, IL	819328	2011	Apr. 14, 2014
Prologue-Joshua Johnston Chicago, IL	818591	2011	Apr. 14, 2014
Taylor School District Taylor, MI	850979	2012	Mar. 14, 2014