

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Requests for Waiver and Review of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Alex Pilibos Armenian School	)	File No. SLD-992868 et al.
Los Angeles, California et al.	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER AND ORDER ON RECONSIDERATION**

**Adopted: June 30, 2014**

**Released: June 30, 2014**

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

1. Consistent with precedent,<sup>1</sup> we address requests from 28 applicants 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>2</sup> and one petition for reconsideration of a decision of the Wireline Competition Bureau (Bureau).<sup>3</sup> The petitioners seek waivers of the FCC Form 471 application filing window deadline under the E-rate program.<sup>4</sup> Based on

<sup>1</sup> See *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) (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); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Anderson Elementary School et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5319, 5319-20, para. 2 (Wireline Comp. Bur. 2012) (treating late-filed item 21 attachments like late-filed certifications); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ashtabula Area City Schools et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 4051, 4052-53, para. 4 (Wireline Comp. Bur. 2013) (dismissing a petition for reconsideration because the petitioner failed to identify any material error, omission, or reason warranting reconsideration, and relied on arguments fully considered and rejected by the Bureau within the same proceeding).

<sup>2</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>3</sup> 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>4</sup> The requests for review are listed in Appendices A-C. Section 54.507(c) of the Commission’s rules provides for E-rate funds to be made available on a first-come, first-served basis, but requires USAC to implement an initial funding window that treats all applicants filing within that window as if their applications were simultaneously received. 47 C.F.R. § 54.507(c). Although some petitioners did not explicitly request a waiver of the FCC Form 471 application filing window deadline, we treat as requests for waiver all of the requests for review involving FCC Form 471 applications that were submitted after the relevant filing window deadline.

the facts and special circumstances of these specific cases, we find that good cause exists to grant the requests for review for the applications of the petitioners listed in Appendices A and B.<sup>5</sup> We grant the 12 requests listed in Appendix A, because each of those applicants filed its application(s) within 14 days of the close of the filing window.<sup>6</sup> We grant the waiver requests listed in Appendix B because each of those three petitioners filed its application within 14 days of the close of the filing window, except for the related certifications or item 21 attachments.<sup>7</sup> At this time, we find no evidence of waste, fraud and abuse in the record with respect to the petitioners for which we grant relief. We therefore remand the underlying applications listed in Appendices A and B to USAC for further action consistent with this Order. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications.

2. We deny the requests of the 13 applicants listed in Appendix C because we find that those petitioners have failed to present special circumstances justifying waivers of the Commission's rules.<sup>8</sup> We also dismiss the petition for reconsideration listed in Appendix D because it fails 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>9</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 waiver and review filed by the petitioners listed in Appendices A and B ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

4. IT IS FURTHER 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 section 54.507(c) of the Commission's rules, 47 C.F.R. § 54.507(c), IS WAIVED for the petitioners listed in Appendices A and B, to the limited extent provided herein.

5. IT IS FURTHER 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 waiver and review filed by the petitioners listed in Appendix C ARE DENIED.

6. IT IS FURTHER 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,

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<sup>5</sup> See Appendices A and B. Generally, the Commission's rules may be waived if good cause is shown. 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. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Northeast Cellular*, 897 F.2d at 1166.

<sup>6</sup> See Appendix A.

<sup>7</sup> See Appendix B.

<sup>8</sup> See Appendix C.

<sup>9</sup> See Appendix D; 47 C.F.R. § 1.106(p)(1), (3).

0.291, 1.3, 1.106 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.106 and 54.722(a), that the petition for reconsideration listed in Appendix D IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

## APPENDIX A

**Requests for Waiver and Review Granted  
FCC Form 471 Applications Filed Within 14 Days of the Close of the Filing Window**

<b>Petitioner</b>	<b>Application Number(s)</b>	<b>Funding Year</b>	<b>Date(s) Request for Review/Waiver Filed</b>
Canyon-Owyhee School Service Agency Wilder, ID	992068	2014	May 21, 2014
East Oakland Leadership Academy Oakland, CA	992272	2014	May 15, 2014
Gallatin School District R5 Gallatin, MO	991961	2014	Jun. 10, 2014
Grant Parish School Board Colfax, LA	992089, 992112	2014	May 28, 2014
Guttenberg School District Guttenberg, NJ	992027, 992069	2014	May 15, 2014
Los Angeles County ISD Telecom Management Division Downey, CA	991898	2014	May 16, 2014
Miami School District R 1 Amoret, MO	993096	2014	Jun. 5, 2014
New Summerfield Independent School District New Summerfield, TX	955478	2014	May 19, 2014
Our Lady of the Snows School Floral Park, NY	990056, 992049	2014	April 9, 2014 supplemented on June 6, 2014
Sacred Heart Elementary School Omaha, NE	992961	2014	Jun. 10, 2014
St. Bernard School Brooklyn, NY	992055, 992058	2014	April 9, 2014 supplemented on June 6, 2014
Sky Mountain Charter Placerville, CA	991832	2014	May 15, 2014

## APPENDIX B

**Requests for Waiver and Review Granted  
Waivers Granted for Special Circumstances**

<b>Petitioner</b>	<b>Application Number(s)</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Alex Pilibos Armenian School Los Angeles, CA	992868	2014	May 14, 2014
Brooklyn Ascend Charter School Brooklyn, NY	952038	2014	Jun. 9, 2014
Saint John's School San Juan, PR	929428, 929609	2013	May 21, 2014

## APPENDIX C

## Requests for Waiver and Review Denied

<b>Petitioner</b>	<b>Application Number(s)</b>	<b>Funding Year</b>	<b>Date Request for Review/Waiver Filed</b>
Allan Shivers Library Woodville, TX	994568	2014	May 29, 2014
Camden-Frontier School District Camden, MI	993152	2014	Jun. 16, 2014
Camdenton School District R3 Camdenton, MO	993728	2014	May 19, 2014
Dayton City School District Dayton, OH	961516 962836	2013 2012	May 19, 2014
Du Page High School District 88 Addison, IL	994428	2014	May 16, 2014
Dupo School District 196 Dupo, IL	993808	2014	May 27, 2014
Hope Partnership for Education Philadelphia, PA	962316, 994229	2014	Jun. 12, 2014
Mt. Pleasant School District #4 Rolla, ND	986030	2014	Jun. 11, 2014
Nah Tah Wahsh Public School Wilson, MI	994008	2014	May 23, 2014
Norwalk City School District Norwalk, OH	935752	2013	Feb. 24, 2014
St. Mary School Bethel, CT	993189	2014	May 15, 2014
Xaverian Brothers High School Westwood, MA	971938, 994808	2014	Jun. 6, 2014
Youth Consultation Service Newark, NJ	Did not file	2014	May 1, 2014

## APPENDIX D

## Petition for Reconsideration Dismissed

<b>Petitioner</b>	<b>Application Numbers</b>	<b>Funding Year</b>	<b>Date Petition for Reconsideration Filed</b>
Monte del Sol Charter School Santa Fe, NM	993309, 993310	2014	Jun. 18, 2014