



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. 02-6

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 (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

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

Dismiss as Moot³

Systems Engineering and Management Associates, Inc. (Orleans Parish School District),
Application No. 376127, Request for Review or Waiver, CC Docket No. 02-6 (filed Aug. 1,
2006)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, 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).

³ *Requests for Review of the Decisions of the Universal Service Administrator by Chippewa Falls Schools District et al.*, Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 27 FCC Rcd 939, 939-40, para. 1 (Wireline Comp. Bur. 2012) (dismissing as moot requests for review where USAC subsequently rescinded its commitment adjustment (COMAD) letters).

Dismiss on Reconsideration⁴

The Cradle, Application Nos. 591853, 652683, 711947, 789620, 831131, 879327, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 30, 2015)

Dismiss Without Prejudice⁵

Hatch Valley Public Schools, Application Nos. 973253, 973547, 973676, 974799, 974914, 974988, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2015)

Granted⁶

*Allowing Deduction of Ineligible Costs*⁷

Fauquier County Public Schools, Application Nos. 714402, 774331, Request for Review or Waiver, CC Docket No. 02-6 (filed June 21, 2012)

Fauquier County Public Schools, Application No. 879484, Request for Review or Waiver, CC Docket No. 02-6 (filed Mar. 28, 2014)

Fullerton Elementary School District, Application No. 936563, Request for Review or Waiver, CC Docket No. 02-6 (filed Nov. 12, 2014)

Haiku Learning Systems, Inc., Application Nos. 820107, 825487 (Riverside Unified School District); Application Nos. 827954, 895974 (Granville County School District); Application No. 862994 (Area 30 Career Center); Application No. 881837 (Fullerton Elementary School District); Application No. 893520 (Moriah School of Engelwood); Application No. 882552 (Saddleback

⁴ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10356 (Wireline Comp. Bur. 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

⁵ See *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 15-571, para. 2 (Wireline Comp. Bur. May 11, 2015) (dismissing without prejudice an appeal that properly belongs before USAC pursuant to Commission rules).

⁶ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also 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).

⁷ See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8735, 8737-40, paras. 6, 9-10 (2007) (*Aiken County Public Schools Order*); *Requests for Review of Decisions of the Universal Service Administrator by Business Technologies, Inc. et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17033 (Wireline Comp. Bur. 2010) (directing USAC to provide applicants with the opportunity to have their funding requests reassessed after they removed ineligible services from their E-rate applications).

Valley Unified School District); Application No. 898162 (Dare County Schools), Request for Review or Waiver, CC Docket No. 02-6 (filed June 25, 2014)

Metropolitan School District of Warren Township, Application No. 867464, Request for Review and Waiver, CC Docket No. 02-6 (filed Jan. 31, 2013)

Saddleback Valley Unified School, Application No. 936635, Request for Review or Waiver, CC Docket No. 02-6 (filed Nov. 26, 2014)

*Eligible Services*⁸

Chapel Hill – Carrboro City District, Application No. 965006, Request for Review, CC Docket No. 02-6 (filed Feb. 18, 2015)

*Granting Additional Time to Respond to USAC’s Request for Information*⁹

Shelby County Education Service Center, Application No. 936604, Request for Waiver, CC Docket No. 02-6 (filed Feb. 9, 2015)

*Granting Late Filed Service Implementation Deadline Extension Request*¹⁰

Cleveland City School District, Application Nos. 380618, 323210, 323152, 380114, CC Docket No. 02-6 (filed Mar. 21, 2015)

*Late-Filed FCC Form 471 Applications Filed within 14 days of the close of the Window*¹¹

⁸ *Aiken County Public Schools Order*, 22 FCC Rcd at 8737-39, paras. 6-7 (granting appeals where improper labeling or a misleading response caused USAC to treat the requested services as ineligible).

⁹ *See, e.g., Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (Wireline Comp. Bur. 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC’s request for information within the USAC-specified time frame). Consistent with precedent, we also find good cause exists to waive section 54.720(a) of the Commission’s rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision, for Shelby County Education Service Center. *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, Order, 26 FCC Rcd 11019, 11019, para. 2 (Wireline Comp. Bur. 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

¹⁰ *Requests for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (Wireline Comp. Bur. 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers’ control and made significant efforts to secure the necessary extensions, despite the request being filed late).

¹¹ *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, para. 8 (2010) (*Academy of Math and Science Order*) (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).

Argenta – Oreana Public Library, Application Nos. 1051749, 1051750, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2015)

Bridgeport Public Library, Application No. 1051712, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2015)

Charles E. Smith Jewish Day School, Application No. 1051720, Request for Waiver, CC Docket No. 02-6 (file Apr. 24, 2015)

Connelly Holy Child School, Application No. 1051723, Request for Waiver, CC Docket No. 02-6 (filed Apr. 24, 2015)

Dayton Metro Library, Application No. 1051709, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2015)

Diocese of Memphis School, Application No. 1051270, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Donegal School District, Application No. 1000885, Request for Waiver, CC Docket No. 02-6 (filed May 1, 2015)

Gloucester City Library, Application No. 1051751, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2015)

Hales Corners Lutheran School, Application No. 1051807, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Harrisburg School District R8, Application Nos. 1051575, 1051591, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Leola School District 44-2, Application No. 1049827, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2015)

Maple School District, Application Nos. 1042388, 1051728, Request for Waiver, CC Docket No. 02-6 (filed May 1, 2015)

Miracle City Academy, Application No. 1050701, Request for Waiver, CC Docket No. 02-6 (filed Apr. 24, 2015)

NYE County School District, Application No. 996215, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Ojai Valley School – Lower Campus, Application No. 1051773, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Poly Prep County Day School, Application No. 1051659, Request for Waiver, CC Docket No. 02-6 (filed Apr. 24, 2015)

Prince George’s County Public Schools, Application Nos. 996153, 1024002, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Queen of Apostles School, Application No. 1051774, Request for Review, CC Docket No. 02-6 (filed May 7, 2015)

Rosary Cathedral Catholic School, Application No. 1051841, Request for Review, CC Docket No. 02-6 (filed May 6, 2015)

Souderton Area School District, Application No. 1051818, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Southside School District, Application Nos. 1051846, 1051847, 1051848, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2015)

Southwest Chicago Christian School Association, 1051825, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2015)

St Anastasia School, Application Nos. 1045745, 1051580, Request for Waiver, CC Docket No. 02-6 (filed Apr. 24, 2015)

St Edward's School, Application Nos. 1051798, 1051814, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

St Jane Frances De Chantal School, Application No. 1051722, Request for Waiver, CC Docket No. 02-6 (filed Apr. 24, 2015)

St Peter Prince of Apostles Schools, Application No. 1051775, Request for Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

Woodbridge School District, Application No. 1051812, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2015)

*Ministerial and/or Clerical Errors*¹²

TextLine Independent School District, Application No. 938477, Waiver Request, CC Docket No. 02-6 (filed Sept. 19, 2014)

*Providing Applicants 15 days to Submit Supporting Discount Calculation Documentation*¹³

Fort Worth Independent School District, Application No. 987640, Request for Review, CC Docket No. 02-6 (filed Mar. 9, 2015)

¹² See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Sons, Inc. et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227 (Wireline Comp. Bur. 2007) (permitting applicants to correct inadvertent cancellations of funding requests); *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15520 n.19 (Wireline Comp. Bur. 2008) (permitting applicant to modify a pre-discount price to reflect the correct amount).

¹³ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10709, para. 14 (Wireline Comp. Bur. 2006) (*Academia Claret Order*); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Bright Star Schools Consortium et al.; Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 11204, 11204, para. 1 (Wireline Comp. Bur. 2013) (granting applicants a limited 15-day opportunity to file additional documentation to support their calculation of the correct discount rate).

Fort Worth Independent School District, Application No. 989393, Request for Review, CC Docket No. 02-6 (filed Mar. 9, 2015)

*Record Demonstrates Equipment Delivered Within Funding Year*¹⁴

Erie 1 BOCES, Application No. 488469, Request for Review, CC Docket No. 02-6 (filed May 2, 2008)

Denied

*Ineligible Entities*¹⁵

Grace Christian Academy, Application No. 820629, Request for Review, CC Docket No. 02-6 (filed Nov. 26, 2014)

*Intentional Cancellation of Funding*¹⁶

Sierra Vista Unified School District #68, Request for Review, Application 836681, CC Docket No. 02-6 (filed July 22, 2014)

*Late-Filed FCC Form 471 Applications*¹⁷

KIPP Adelante Preparatory Academy, Application Nos. 1051956, 1051957, Request for Review, CC Docket No. 02-6 (filed May 6, 2015)

Rosary Cathedral Catholic School, Application No. 1051858, Request for Review, CC Docket No. 02-6 (filed May 6, 2015)

Thlopthlocco Tribal Town Public Library, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Mar. 30, 2015)

¹⁴ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Sundale Elementary School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 4124, 4124, para. 3 (Wireline Comp. Bur. 2014) (granting appeal on merits when record demonstrates applicant was in compliance with E-rate program rules).

¹⁵ See, e.g., *Request for Review of the Decision of the Universal Service Administrator by New York City Board of Education; Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 8578, 8581, para. 8 (Wireline Comp. Bur. 2002) (observing that “only entities defined as schools under state law qualify as eligible schools,” and even the frequent use of other “locations for small-group instruction does not establish that [those entities] are part of eligible schools,” given the locations are primarily used for purposes other than classroom instruction).

¹⁶ See *Request for Review of a Decision of the Universal Service Administrator by Le Jardin Academy; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 11792, 11792, para. 4 (Wireline Comp. Bur. 2014) (denying a request to reinstate funding purposefully canceled by the applicant).

¹⁷ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying waivers of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-rate Services Later Requested*¹⁸

Ausable Valley Central School District, Application No. 955307, Request for Waiver, CC Docket No. 02-6 (filed Nov. 12, 2014)

*Untimely Filed Request for Review*¹⁹

Las Vegas-Clark County Library District, Application No. 832699, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2015)

Lauderdale County School District, Application No. 872652, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2015)

Liberty Union High School District, Application No. 844432, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2015)

Northside Center for Child Development, Inc., Application Nos. 856689, 856761, 860418, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2015)

NYC Charter High School for Architecture, Engineering, and Construction, Application No. 959586, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2015)

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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¹⁸ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (Wireline Comp. Bur. 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (Wireline Comp. Bur. 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

¹⁹ 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 Waiver or Review 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).