



PUBLIC NOTICE

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

CC Docket No. 02-6

Pursuant to our 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, dismisses, or 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

Dismiss³

A-H-S-T Community Schools, IA, No Application Number Given, Request for Review, CC Docket No. 02-6 (filed Dec. 14, 2015)

Morrisville Borough School District, PA, Application No. 958909, Request for Review, CC Docket No. 02-6 (filed Nov. 17, 2015)

OneNet (Achille Public Schools), OK, No Application Number Given, Request for Review, CC Docket No. 02-6 (filed Jan. 4, 2016)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 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(f), 1.115(d); 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 See, e.g., *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, 30 FCC Rcd 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Dismiss

*Failure to Comply with the Commission's Basic Filing Requirements*⁴

Joseph Peloso, IL, No Application Number Given, Invoice No. 2252744, Request for Review, CC Docket No. 02-6 (filed Dec. 17, 2015)

Joseph Peloso, IL, No Application Number Given, Invoice No. 2252739, Request for Review, CC Docket No. 02-6 (filed Dec. 17, 2015)

Marshall County Memorial Library, TN, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Dec. 17, 2015)

Our Lady of the Snows School, NY, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2015)

Prosser School District, WA, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2015)

Razi School, NY, Application No. 988237, CC Docket No. 02-6 (filed Dec. 7, 2015)

Stroudsburg Area School District, PA, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 24, 2015)

Dismiss as Moot⁵

State of Hawaii Department of Education, HI, Application No. 986207, Request for Waiver, CC Docket No. 02-6 (filed Oct. 7, 2015)

⁴ 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); *see also Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *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 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

⁵ *See, e.g., Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

Granted⁶

*Ministerial and/or Clerical Errors – FCC Form 471*⁷

Franklin County School District, NC, Application No. 1006583, Request for Review and Waiver, CC Docket No. 02-6 (filed Dec. 17, 2015)

Highland Park Independent School District, TX, Application No. 726500, Request for Waiver, CC Docket No. 02-6 (filed Feb. 28, 2012)

*Ministerial and/or Clerical Errors – 28-Day Competitive Bidding Requirement*⁸

Somerset Academy Silver Palms, FL, Application No. 851135, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 14, 2015)

*Waiver of Appeal Filing Deadline*⁹

Polk County School Board, FL, Application No. 1038734, Request for Waiver, CC Docket No. 02-6 (filed Jan. 13, 2016)

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 Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320 n.7 (WCB 2010) (permitting the applicant to correct inaccurate billed entity number); *Request for Waiver and Review of the Decisions of the Universal Service Administrator by Achieve Career Preparatory Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 10254, 10255 (WCB 2011) (granting relief for applicant that mischaracterized non-recurring charge as a recurring charge). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1924 n.4 (WCB 2012) (waiving the filing deadline for petitioner that filed its appeal within a reasonable period of time after actual notice of a clerical error); 47 C.F.R. §§ 54.720(a), (b).

⁸ See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8761, para. 6 (2007) (granting a waiver of the Commission's rules to allow applicants to correct clerical errors in their FCC Forms 471 that made it incorrectly appear as though they violated the requirement that they wait at least 28 days from the posting of their FCC Form 470 before selecting a service provider).

⁹ See, e.g., *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*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 6.

Denied

*Invoice Deadline Extension Requests More Than 12 Months Late*¹⁰

Hope Christian School, Inc., WI, Application No. 817681, Request for Review, CC Docket No. 02-6 (filed Jan. 4, 2016)

*Ministerial and/or Clerical Errors – FCC Form 471*¹¹

South Brown County Unified School District 430, KS, Application No. 1018216, Request for Review, CC Docket No. 02-6 (filed Aug. 19, 2015, supplemented Dec. 17, 2015)

*Seeking E-rate Support for Services Not Covered by the Applicant's Competitive Bidding Process*¹²

Montgomery Area Public Library, PA, Application No. 1005284, Request for Waiver, CC Docket No. 02-6 (filed Nov. 12, 2015)

*Untimely Filed Request for Review*¹³

Pinecrest Cove Academy, FL, Application No. 861679, Request for Waiver, CC Docket No. 02-6 (filed Jan. 7, 2016)

San Jacinto Unified School District, CA, Application No. 829443, Request for Waiver, CC Docket No. 02-6 (filed Jan. 7, 2016)

Urban Academy Charter School, MN, Application No. 1052012, Request for Waiver, CC Docket No. 02-6 (filed Dec. 9, 2015)

¹⁰ See, e.g., *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4723, 4726-27, para. 9 (WCB 2015) (denying requests for invoice extensions from funding years prior to 2014 that failed to demonstrate “extraordinary circumstances” that would justify filing invoice extension requests more than 12 months late).

¹¹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-rate applications).

¹² See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Area Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4541-42, para. 14-15 (WCB 2009) (finding that petitioners violated the Commission's competitive bidding rules by not including the type of service on the FCC Form 470 the applicant requested on its FCC Form 471).

¹³ 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 (WCB 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 (WCB 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).

Washakie County School District 1, WY, Application No. 849383, Request for Review, CC
Docket No. 02-6 (filed Jan. 4, 2016)

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

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