Before the

Federal Communications Commission

Washington, DC 20554

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| In the Matter of  Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.  Schools and Libraries Universal Service Support Mechanism | **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)** | File Nos. SLD-894989, 922278 et al.  CC Docket No. 02-6 |

**ORDER**

**Adopted: October 20, 2016 Released: October 20, 2016**

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

1. In this Order, we grant the requests for review listed in the Appendix, all of which seek review of decisions by the Universal Service Administrative Company (USAC) to reduce or deny E-rate funding because the petitioners failed to timely submit their FCC Forms 486 (Receipt of Service Confirmation and Children’s Internet Protection Act and Technology Plan Certification Form).[[1]](#footnote-2) At the same time, we take this opportunity to revisit our approach to granting relief to petitioners that fail to timely submit an FCC Form 486. In order to ensure that USAC can timely make unused funds available to other applicants, on a going forward basis, absent extraordinary circumstances, we will only grant appeals of USAC decisions denying or reducing funding for late-filed FCC Forms 486 where petitioners have 1) sought an extension of the FCC Form 486 deadline no more than 120 days after the last day to receive the E-rate supported service at issue, and 2) demonstrated good cause justifying the late submission of the FCC Forms 486.
2. *Background*. All applicants for E-rate support are required to annually file FCC Form 486 to notify USAC of the date that the E-rate supported service has begun and to certify compliance with the Children’s Internet Protection Act (CIPA). Filing of the FCC Form 486 is a condition precedent for USAC’s issuance of the FCC Form 486 Notification Letter which is one of two possible triggers setting the deadline for an applicant to submit E-rate invoices. USAC requires applicants to submit their FCC Form 486 no later than 120 days after the date service began or no later than 120 days after the date of the funding commitment decision letter (FCDL), whichever is later, in order to receive E-rate support from the time of the service start date.[[2]](#footnote-3) As detailed below, in compliance with the direction we gave in the *Alaska Gateway Order*, USAC notifies applicants that have not filed their FCC Forms 486 120 days from the date of their FCDL or service start date, whichever is later, and provides a 15-day grace period to file their FCC Form 486.[[3]](#footnote-4) In the event of a late-filed FCC Form 486, outside of the grace period, USAC resets the start date for discounted services to 120 days before the postmark date or date of notification if received electronically.[[4]](#footnote-5) USAC does not provide E-rate support for services rendered prior to the new start date and funding commitments are reduced consistent with the revised date.[[5]](#footnote-6)
3. After an applicant files its FCC Form 486, USAC sends the applicant and service provider an FCC Form 486 Notification Letter.[[6]](#footnote-7) Applicants and service providers have 120 days from the date of the FCC Form 486 Notification Letter, or the last day to receive service, whichever is later, to submit invoices.[[7]](#footnote-8) Because the FCC Form 486 serves to notify USAC of the actual service start date, USAC issues disbursements for discounts on eligible services only after receipt of the form.[[8]](#footnote-9) Thus, a timely filed FCC Form 486 ensures that disbursements for discounts on eligible services occur in a prompt and efficient manner.[[9]](#footnote-10)
4. In the earliest years of the program, the deadline for filing the FCC Form 486 varied.[[10]](#footnote-11) In that context, 10 years ago, in the *Alaska Gateway Order*, we granted relief to 128 petitioners that failed to timely file an FCC Form 486.[[11]](#footnote-12) We found that in each case applicant’s failure to timely file was the result of staff confusion or mistake, or circumstances beyond the applicant’s control and therefore rigid adherence to USAC’s procedural deadline was not in the public interest.[[12]](#footnote-13) However, we “emphasized the limited nature” of the decision, declined to eliminate the deadline, and directed USAC to put in place E-rate program assistance to help ensure the timely filing of FCC Forms 486 and to conduct additional outreach and education on the application requirements in an attempt to reduce these types of filing errors.[[13]](#footnote-14) We also directed USAC to give applicants a 15-day grace period, as described above.[[14]](#footnote-15)
5. Following the *Alaska Gateway Order*, USAC increased its general outreach and education to stakeholders about the timing of filing the FCC Form 486.[[15]](#footnote-16) USAC also created a targeted outreach program, through which it notifies schools and libraries that have not filed their FCC Form 486 within 120 days after the date of their funding commitment decision letter or service start date listed on the E-rate application, whichever is later. As part of this process, USAC issues an FCC Form 486 Urgent Reminder letter to applicants that appear to have missed the deadline.[[16]](#footnote-17) USAC gives recipients of the FCC Form 486 Urgent Reminder letter an additional 15 calendar days to file their FCC Form 486.[[17]](#footnote-18)
6. Despite the changes USAC has made to ensure applicants are familiar with their obligations to file the FCC Form 486 in a timely manner, from the release of the *Alaska Gateway Order* until the Commission modernized the E-rate program in 2014, we had routinely issued orders granting appeals involving late-filed FCC Forms 486.[[18]](#footnote-19) In each case, we interpreted the standard from the *Alaska Gateway Order* generously, granting the appeals in a wide variety of cases.[[19]](#footnote-20)
7. In the 2014 *E-rate Modernization Order*, the Commission took steps to improve the efficient administration of the E-rate program by, among other things, tightening the invoice process.[[20]](#footnote-21) The Commission adopted invoicing rules to ensure that unused E-rate funds are promptly carried forward into future funding years “for use in the [E-rate program] in accordance with the public interest and notwithstanding the annual cap.”[[21]](#footnote-22) Each year, USAC submits an estimate of unused funds from previous years.[[22]](#footnote-23) In the second quarter of each calendar year, all unused “carry-forward” funds are made available for use in the next full E-rate funding year.[[23]](#footnote-24) As a result of the need to estimate the amount of unused funds, USAC must be able to de-obligate committed funds on a timely basis so that such funds can be used in estimating unused funds for the year.[[24]](#footnote-25)
8. Because outstanding invoices that may still be payable by USAC make it impossible to determine accurately how much unused funding is left in a given year, the Commission rationalized the period of time during which E-rate invoices are accepted. In particular, the Commission created rules which require invoices to be submitted to USAC by the later of 120 days after the last day to receive the supported service or 120 days after the date of the FCC Form 486 notification letter.[[25]](#footnote-26) These rules also allow a single one-time 120-day extension of the invoice deadline for any cause, if requested before the invoice deadline.[[26]](#footnote-27) The Commission prohibited USAC from granting any other invoicing deadline extensions and directed the Bureau to grant requests for waiver of the new rule only under extraordinary circumstances.[[27]](#footnote-28) Where USAC had routinely granted invoice extension requests that met certain criteria, including requests made up to a year after the original invoice deadline, the new rules allow “USAC to de-obligate committed funds immediately after the invoicing deadline has passed, providing increased certainty about how much funding is available to be carried forward in future funding years.”[[28]](#footnote-29) Maintaining our prior approach to granting FCC Form 486 appeals risks undermining that certainty, because the deadline for E-rate invoices is dictated by the applicants’ filing of their FCC Forms 486 and USAC’s subsequent FCC Form 486 Notification Letter.
9. *Discussion*. In light of the factors described above – including the changes USAC has made to ensure applicants are aware of the FCC Form 486 deadline, the grace period afforded applicants to file those forms if they miss that deadline, and the Commission’s decision in the *E-rate Modernization Order* to impose more discipline on the timing of E-rate disbursements – we no longer find the rationale in the *Alaska Gateway Order* and its progeny for granting appeals of late filed FCC Forms 486 to be persuasive.
10. We therefore take this opportunity to revisit our standard for granting appeals of USAC’s denial of requests to late-file FCC Forms 486. The invoicing rules require invoices to be submitted to USAC by the later of 120 days after the last day to receive the supported service or 120 days after the date of the FCC Form 486 notification letter.[[29]](#footnote-30) Failure to timely file an FCC Form 486 prevents USAC from issuing the relevant FCC Form 486 notification letter and therefore could frustrate the timely submission and payment of invoices, pursuant to the new invoice rules. Under these circumstances, we now clarify that, absent extraordinary circumstances, we will only grant relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicants have demonstrated good cause for the late filing.[[30]](#footnote-31) Because the standard we set for relief is based on the current invoice deadline, it ensures that the invoicing process is not delayed by tardy FCC Forms 486.
11. We will apply this standard on a going-forward basis to all appeals filed with USAC or the FCC on or after January 30, 2017.[[31]](#footnote-32) In the interest of fairness, we will continue to apply the current *Alaska Gateway Order*-based standard to appeals filed with USAC or the Commission before January 30, 2017, and grant the appeals currently pending with the Commission listed in the Appendix.[[32]](#footnote-33) While we grant the appeals on substantive grounds, we deny in part one appeal because the petitioner filed an untimely appeal concerning one funding request.[[33]](#footnote-34) We also direct USAC to grant any pending appeals or appeals filed before January 30, 2017 that meet the current *Alaska Gateway Order*-based standard.
12. Finally, since the Commission amended its rules to require parties seeking review of USAC decisions to first file an appeal with USAC, we find that it would be administratively inefficient for USAC to apply a standard different from what the Commission itself would apply to the same set of facts.[[34]](#footnote-35) We therefore direct USAC to apply the new late-filed FCC Form 486 standard delineated in this order to appeals filed with USAC on or after January 30, 2017.
13. 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 CFR §§ 0.91, 0.291 and 54.722(a), the Requests for Review filed by Petitioners in the Appendix are GRANTED and the applications ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.
14. 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, and 1.3 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, and 1.3 of the Commission’s rules, that section 54.720(a) and/or (b) of the Commission’s rules, 47 CFR § 54.720(a), (b), ARE WAIVED for Ascension Parish School District, Bement Community School District 5, Fox Creek High School, Silver Consolidated School District 1, The Sharon Academy, and Valdez City School District to the extent necessary as provided herein.
15. 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 CFR §§ 0.91, 0.291, 1.3 and 54.722(a), the Request for Review filed by Harmony Hill School with respect to FRN 2537149 is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer

Chief

Telecommunications Access Policy Division

Wireline Competition Bureau

**APPENDIX**

**Requests for Review or Waiver Granted**

| **Petitioner** | **Application Number(s)** | **Funding Year** | **Date Appeal/Waiver Filed** |
| --- | --- | --- | --- |
| Archdiocese of New Orleans  New Orleans, LA | 894989, 922278 | 2013 | 2/5/2015 |
| Ascension Parish School District[[35]](#footnote-36)  Donaldsonville, LA | 816713, 873324 | 2012 | 9/16/2013 |
| Beaverton School District 48J  Beaverton, OR | 873066 | 2012 | 12/3/2013 |
| Bement Community School District 5[[36]](#footnote-37),  Bement, IL | 718434 | 2010 | 3/10/2014 |
| Center School District 58  Kansas City, MO | 868891 | 2012 | 12/5/2013 |
| Central Unified School District  Fresno, CA | 820547 | 2011 | 3/4/2014 |
| Chandler Unified School District 80  Chandler, AZ | 865579 | 2012 | 8/15/2014 |
| Charter School of Educational Excellence  Yonkers, NY | 884501 | 2013 | 8/6/2014 |
| Collier County Public Library  Naples, FL | 799997 | 2011 | 4/8/2014 |
| Conejo Jewish Day School  Thousand Oaks, CA | 844861 | 2012 | 11/21/2013 |
| Dollarway Public School District  Pine Bluff, AR | 874179, 874716 | 2012 | 11/12/2013 |
| East Alton-Wood River District 14[[37]](#footnote-38)  Wood River, IL | 804240 | 2011 | 10/17/2013 |
| East Hampton School District  Easthampton, MA | 870990 | 2012 | 12/17/2013 |
| Edgecombe County Public Schools  Tarboro, NC | 807540 | 2011 | 6/27/2014 |
| Edwardsville Community School District 7  Edwardsville, IL | 869784 | 2012 | 2/6/2014 |
| eStem High Public Charter School  Little Rock, AR | 921485 | 2013 | 10/17/2014 |
| Fox Creek High School[[38]](#footnote-39)  North Augusta, SC | 940573 | 2014 | 4/13/2015 |
| Guadalupe Center Educational Program, Inc.  Salt Lake City, UT | 861556 | 2012 | 12/6/2013 |
| Hallsville Independent School District  Hallsville, TX | 905729 | 2013 | 1/9/2015 |
| Harmony Hill School[[39]](#footnote-40)  Chepachet, RI | 928794 | 2013 | 1/23/2015 |
| Hatch Valley Public Schools  Hatch, NM | 973253, 973547, 973676, 974799, 974914, 974988 | 2014 | 7/26/2015 |
| Hinckley Big Rock District 429  Hinckley, IL | 855410 | 2012 | 6/23/2014 |
| Holbrook Unified School District 3  Holbrook, AZ | 911361 | 2014 | 1/20/2015 |
| Holy Redeemer Christian Academy  Milwaukee, WI | 761742 | 2010 | 11/12/2013 |
| Jeff Davis County School District  Hazlehurst, GA | 983534 | 2014 | 3/6/2015 |
| JPU Tri-County Special Education District  Murphyboro, IL | 874932 | 2012 | 9/23/2013 |
| Kipp Journey Academy  Columbus, OH | 845113 | 2012 | 8/4/2014 |
| Lincoln Consolidated School District  Lincoln, AR | 813267 | 2011 | 6/23/2014 |
| Lincoln County School District  Stanford, KY | 756245 | 2010 | 6/26/2014 |
| Mannsville School District 7  Mannsville, OK | 988180 | 2014 | 4/24/2015 |
| Mckeesport Area School District  Mckeesport, PA | 679758, 680322 | 2009 | 9/27/2013 |
| Milford Exempted Village School District  Milford, OH | 873105 | 2012 | 11/4/2013 |
| Monroe #1 Board of Cooperative Educational Services  Fairport, NY | 441315, 442149, 442150, 442151, 442152, 442153, 442155, 442156, 442157, 442158, 442159, 444850, 467438, 470644, 475920 | 2005 | 12/27/2013 |
| Native Vocational District Office  Kayenta, AZ | 532327, 536056 | 2006 | 4/9/2014 |
| New Hope Academy Charter School  Brooklyn, NY | 808980 | 2011 | 7/15/2014 |
| Newark School District  Newark, NJ | 909811 | 2013 | 7/7/2015 |
| Newark School District  Newark, NJ | 941652 | 2014 | 6/22/2015 |
| North Carolina School for the Deaf  Morganton, NC | 905000, 905052, 905086 | 2013 | 10/21/2014 |
| Northeast Ohio Network for Educational Technology (Coventry Local School Districts)  Akron, OH | 1021360 | 2015 | 5/31/2016 |
| Orange County School District  Orlando, FL | 901556 | 2013 | 1/27/2016 |
| Orange Unified School District  Orange, CA | 926466, 929143, 930993, 931067 | 2013 | 11/4/2014 |
| Pecos Independent School District  Pecos, NM | 785098 | 2011 | 2/22/2016 |
| Pima Unified School District  Pima, AZ | 916010 | 2013 | 2/18/2015 |
| Polo Community Unit School District 222  Polo, IL | 912102 | 2013 | 12/30/2014 |
| Pottsboro Independent School District  Pottsboro, TX | 835534 | 2012 | 3/7/2014 |
| Ritchie County School District  Harrisville, WV | 916034 | 2013 | 11/18/2014 |
| River Grove School District 85½  River Grove, IL | 863309 | 2012 | 8/29/2013 |
| Salome School District 30  Salome, AZ | 874239, 875003 | 2012 | 8/1/2014 |
| Sandhills Theatre Arts Renaissance School  Vass, NC | 928295 | 2014 | 10/24/2014 |
| Seneca School District R7  Seneca, MO | 921234 | 2013 | 6/25/2014 |
| Silver Consolidated School District 1[[40]](#footnote-41)  Silver City, NM | 900597 | 2013 | 9/1/2015 |
| South Baltimore Learning Center  Baltimore, MD | 868624 | 2012 | 11/26/2013 |
| Southeast Polk Community School District  Pleasant Hill, IA | 984272 | 2014 | 10/22/2014 |
| St. Claire County School District  Ashville, AL | 873389 | 2012 | 1/22/2014 |
| St. Joseph Consolidated School  Hamilton, OH | 1033656 | 2015 | 8/4/2016 |
| The Sharon Academy[[41]](#footnote-42)  Sharon, VT | 870755 | 2012 | 11/25/2013 |
| Transformative Charter Academy  Killeen, TX | 867421 | 2012 | 7/14/2014 |
| Trey Whitfield School  Brooklyn, NY | 915189 | 2013 | 12/2/2014 |
| Two Rivers Community Charter School  Boone, NC | 921501 | 2013 | 6/12/2014 |
| Ubah Medical Academy  Hopkins, MN | 868097 | 2013 | 10/3/2014 |
| Urban Promise Academy  Camden, NJ | 981522 | 2014 | 7/7/2015 |
| Valdez City School District[[42]](#footnote-43)  Valdez, AK | 897687 | 2013 | 3/12/2015 |
| Vienna High School  Vienna, IL | 923430 | 2013 | 1/13/2015 |
| Wahluke School District 73  Mattawa, WA | 929160 | 2013 | 11/21/2014 |
| West Islip Free School District  West Islip, NY | 830315 | 2012 | 12/3/2013 |
| Winton Elementary School District  Winton, CA | 925700 | 2013 | 8/28/2014 |
| Yarnell School District 52  Yarnell, AZ | 886773, 886799 | 2013 | 1/5/2015 |
| Yeshiva Tifereth Elimelech School  Brooklyn, NY | 880743 | 2013 | 12/29/2014 |
| Zuni Christian Mission School  Zuni, NM | 922949 | 2013 | 1/9/2015 |

1. The E-rate program is more formally known as the schools and libraries universal service support program. While we grant the appeals in the Appendix on substantive grounds, we deny in part one appeal because the petitioner filed an untimely appeal concerning one funding request. *See* infra para. 11. [↑](#footnote-ref-2)
2. Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (August 2003) at 4 (2003 FCC Form 486 Instructions); *see also Federal-State Joint Board on Universal Service, Children’s Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12445, para. 5 (2002) (*CIPA II Order*). [↑](#footnote-ref-3)
3. *See Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District et al; Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, 21 FCC Rcd 10182, 10186-87, para. 8 (WCB 2006) (*Alaska Gateway* *Order*). [↑](#footnote-ref-4)
4. 2013 FCC Form 486 Instructions at 4; *CIPA II Order*, 17 FCC Rcd at 12445, para. 5. [↑](#footnote-ref-5)
5. 2013 FCC Form 486 Instructions at 4; *CIPA II Order*, 17 FCC Rcd at 12445, para. 5. [↑](#footnote-ref-6)
6. 2013 FCC Form 486 Instructions at 2. [↑](#footnote-ref-7)
7. 47 CFR § 54.514 (specifying that invoices must be submitted to USAC 120 days after the date of the FCC Form 486 Notification Letter or 120 days after the last day to receive service, whichever is later). This deadline was an existing E-rate requirement that was codified in the *E-rate Modernization Order*. *See Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8965-66, para. 238 (2014) (*E-rate Modernization Order*); *see also 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, 4724, para. 2 (WCB 2015) *(Hancock County Library Order*)(discussing the previous non-codified invoice deadline). [↑](#footnote-ref-8)
8. *Alaska Gateway* Order, 21 FCC Rcd at 10184, para. 3. [↑](#footnote-ref-9)
9. *Id.* at10183-84, para. 3. [↑](#footnote-ref-10)
10. *See Alaska Gateway* *Order,* 21 FCC Rcd at 10184, para. 4 (describing the various USAC-established deadlines for the FCC Form 486 over the years). USAC has determined the deadline for the FCC Form 486 under the authority given by the Commission. The Commission’s regulations authorize USAC to establish procedures for the administration of the schools and libraries support application process in an efficient and effective manner, including the creation of E-rate deadlines and procedures. *See* 47 CFR §§ 54.701(a), 54.702, 54.705(a)(iii), (a)(xi); *see also Request for Review of the Decision of the Universal Service Administrator by Southeast Webster Community Schools, 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 11122, 11126, para. 8 (WCB 2002) (noting that the Commission’s rules authorized USAC to establish procedures for the review of applications and the implementation of the Commission’s rules of priority). [↑](#footnote-ref-11)
11. *Alaska Gateway* *Order,* 21 FCC Rcd at 10182, para. 1. [↑](#footnote-ref-12)
12. *Id.* at10182, 10185, paras. 1, 6. [↑](#footnote-ref-13)
13. *Id.* at 10186-87, para. 8. Specifically, USAC was directed to develop a targeted outreach program identifying schools and libraries that had not filed their FCC Form 486 120 days from the date of their funding commitment decision letter or service start date, whichever is later. Per this direction, USAC issues an FCC Form 486 Urgent Reminder letter to the applicants that appear to have missed the deadline and provides an additional 15 calendar days to the applicant to file or amend its FCC Form 486. *See* USAC Website, FCC Form 486 Process, <http://usac.org/sl/applicants/step05/form-486.aspx> (last visited Oct. 13, 2016). [↑](#footnote-ref-14)
14. *Alaska Gateway* *Order,* 21 FCC Rcd at 10186-87, para. 8. [↑](#footnote-ref-15)
15. *See* USAC Website, FCC Form 486 Filing, <http://usac.org/sl/applicants/step05/form-486.aspx> (last visited Oct. 13, 2016). [↑](#footnote-ref-16)
16. *Id.* [↑](#footnote-ref-17)
17. *Id.* In practice, USAC gives applicants 20 days, not 15, from the date of the notification to submit and certify an FCC Form 486 online or on paper with no penalty. *Id.* [↑](#footnote-ref-18)
18. *See, e.g., Requests for Review and/or Waiver of the Decision of the Universal Service Administrator by Academy St. Benedict – Stewart et al.; Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, 25 FCC Rcd 17309 (WCB 2010) (*Academy St. Benedict – Stewart Order*); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Archdiocese of Chicago School et al.; Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, 27 FCC Rcd 200 (WCB 2012) (*Archdiocese of Chicago School Order*); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Bishop Stang High School et al., Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, 28 FCC Rcd 12862 (WCB 2013) (*Bishop Stang High School Order*). [↑](#footnote-ref-19)
19. *See, e.g., Academy St. Benedict – Stewart Order*, 25 FCC Rcd at 17309, para. 1; *Archdiocese of Chicago Order*, 27 FCC Rcd at 200, para. 1; Bishop *Stang High School Order*, 28 FCC Rcd at 12862, para. 1. [↑](#footnote-ref-20)
20. *E-rate Modernization Order*, 29 FCC Rcd at 8965-67, paras. 238-42. [↑](#footnote-ref-21)
21. 47 CFR 54.507(a)(5). [↑](#footnote-ref-22)
22. 47 CFR §§ 54.507(c), (f). [↑](#footnote-ref-23)
23. 47 CFR §§ 54.507(a)(5), (6). [↑](#footnote-ref-24)
24. E-rate Modernization Order, 29 FCC Rcd at 8965-66, para. 238. [↑](#footnote-ref-25)
25. *Id*. [↑](#footnote-ref-26)
26. 47 CFR § 54.514(b); E-rate Modernization Order, 29 FCC Rcd at 8966, para. 240. [↑](#footnote-ref-27)
27. *E-rate Modernization Order,* 29 FCC Rcd at 8965-66, paras. 238-40. Before the *E-rate Modernization Order*,we routinely granted appeals from petitioners filing late invoices if they demonstrated good faith in complying with the invoicing deadline. *See, e.g., Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd at 15555, 15558, para. 6 (WCB 2008). [↑](#footnote-ref-28)
28. *Id.* at 8965-66, para. 238. [↑](#footnote-ref-29)
29. 47 CFR § 54.514(a). [↑](#footnote-ref-30)
30. *See, e.g., Alaska Gateway* *Order*, 21 FCC Rcd at 10185-86, paras. 6-7 (finding good cause to grant appeals where petitioners missed the deadline for filing an FCC Form 486 because the late filings were the result of immaterial clerical, ministerial or procedural errors, or were due to circumstances beyond their control). [↑](#footnote-ref-31)
31. This date not only give applicants a grace period before the new appeal standard is applied but gives USAC an opportunity to establish new FCC Form 486 appeal procedures. The date also coincides with the invoice deadline for most of the funding year 2015 applications for non-recurring services. Applicants that completed work on non-recurring services by the Sept. 30, 2016 deadline must file invoices by Jan. 30, 2017 or seek an invoice extension. *See* 47 CFR §§ 54.507(d), 54.514(a). By selecting this implementation date, the current *Alaska Gateway Order* review standard will be extended to cover appeals for late-filed FCC Forms 486 for most applicants submitting invoices for funding year 2015. [↑](#footnote-ref-32)
32. *See* Appendix. [↑](#footnote-ref-33)
33. Harmony Hill School, SLD No. 928794, timely appealed one USAC-issued denial letter for funding request numbers (FRNs) 2537239 and 2537318. It did not, however, timely appeal the USAC-issued denial letter for FRN 2537149. We therefore deny Harmony Hill School’s appeal with respect to FRN 2537149 and grant its appeal for FRNs 2537239 and 2537318. For six other petitioners in the Appendix that failed to timely file appeals, we find good cause exists to waive sections 54.720(a) and (b) of the Commission’s rules, which require that petitioners file their appeals within 60 days of an adverse USAC decision, for Ascension Parish School District, Bement Community School District 5, Fox Creek High School, Silver Consolidated School District 1, The Sharon Academy, and Valdez City School District. *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); *See* 47 CFR §§ 54.720(a), (b) (requiring that petitioners file their appeals within 60 days of an adverse USAC decision). [↑](#footnote-ref-34)
34. 47 CFR § 54.719. *See* *also E-rate Modernization Order,* 29 FCC Rcd at 8970-71, paras. 250-52 (revising sections 54.719 and 54.720 of the Commission’s rules to, among other things, require parties seeking appeal of a USAC decision to first seek review with USAC). [↑](#footnote-ref-35)
35. Appeal filed 1 day late to FCC. [↑](#footnote-ref-36)
36. Appeal filed 1 day late with USAC and 3 days late with FCC. [↑](#footnote-ref-37)
37. USAC denied East Alton-Wood River District 14’s (East Alton-Wood) appeal because it was filed untimely. Upon review, we find that East Alton-Wood filed a timely appeal with USAC regarding its late-filed FCC Form 486 via e-mail, but USAC apparently did not receive it. We therefore consider East Alton-Wood’s appeal on the merits. [↑](#footnote-ref-38)
38. Appeal filed one day late with the FCC. [↑](#footnote-ref-39)
39. We deny Harmony Hill School’s appeal with respect to funding request number FRN 2537149. *See* supra note 32. [↑](#footnote-ref-40)
40. Appeal filed two days late to the FCC. [↑](#footnote-ref-41)
41. Appeal filed one day late to the FCC. [↑](#footnote-ref-42)
42. Appeal filed 12 days late to USAC. [↑](#footnote-ref-43)