



PUBLIC NOTICE

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

CC Docket No. 02-6
CC Docket No. 96-45
WC Docket No. 02-60
WC Docket No. 05-195

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
CC Docket No. 96-45
WC Docket No. 05-195

Dismiss as Moot

Bastrop Independent School District, TX, Application No. 962244, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2015)³

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(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c).

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 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., *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 appeals as moot where USAC approved the underlying funding request).

New York City Department of Education, NY, Application Nos. 755776, 821325, 875253, Request for Review, CC Docket No. 02-6 (filed Jan. 31, 2014)⁴

TW Telecom, Inc. (New York City Department of Education), NY, Application Nos. 821325, 875253, Petition, CC Docket No. 02-6 and WC Docket No. 05-195 (filed July 3, 2013)⁵

Dismiss for Failure to Comply with the Commission's Basic Filing Requirements⁶

Michael Kish, IL, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Apr. 6, 2016)

Connie McCoy, NE, No Application Number Given, CC Docket No. 02-6 (filed Mar. 28, 2016)

Dismiss on Reconsideration⁷

Gallup-McKinley County Schools, NM, Application No. 373089, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 3, 2011)⁸

⁴ See, e.g., *Requests for Review of Decision of the Universal Service Administrator by Integrity Communications (Brooks Consolidated Independent School District) et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 7994, 7995, para. 1 (WCB 2012) (dismissing appeals as moot where the applicants subsequently withdrew their funding requests).

⁵ See *supra* note 3.

⁶ 47 CFR § 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).

⁷ 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 and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (*Allan Shivers Library Order*) (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).

⁸ We reject Gallup McKinley County School's (Gallup McKinley) claim that its appeal was timely. The school filed an appeal with USAC appealing a commitment adjustment letter (COMAD) and then, after a few weeks, withdrew the appeal before it was resolved. When it refiled with the Commission, the appeal was denied because more than 100 days had passed from the date of the COMAD, making the appeal late. Gallup McKinley claims that the appeal to the Commission should be considered timely based on the date the applicant withdrew the appeal at USAC, although there is no formal record of the date withdrawn. We reject this argument. Our rules specify that an affected party seeking review of a USAC decision must file its request within 60 days from the date of that decision, not other dates such as appeal withdrawals. See 47 CFR § 54.720(b).

Little Falls Township Public Schools, NJ, Application Nos. 985116, 991002, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 30, 2016)⁹

Dismiss on Reconsideration – Untimely¹⁰

Gilroy Unified School District, CA, Application No. 830048, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 31, 2016)

Granted¹¹

*Granted on Reconsideration – Invoice Deadline Extension Requests Less Than 12 Months Late*¹²

Syracuse City School District, NY, Application No. 738688, Petition for Reconsideration, CC Docket Nos. 02-6 and 96-45 (filed Aug. 27, 2015)

⁹ We reject Little Falls Township Public Schools' (Little Falls) argument that its original appeal to the Commission should not have been remanded to USAC because it was seeking a waiver of a Commission rule that only the Commission could act on. To the contrary, Little Falls was seeking review of the FCC Form 486 deadline, which is a USAC procedure. *See, e.g., 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, para. 7 (WCB 2006) (noting that the FCC Form 486 deadline is a USAC procedural deadline and not a Commission rule). Thus, under 47 CFR § 54.719(a), Little Falls is required to seek review from USAC in the first instance.

¹⁰ *See, e.g., Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 26 FCC Rcd 13004 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

¹¹ 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 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

¹² *See, e.g., Petition for Reconsideration by Fall River Public School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 14650, 14652, para. 4 (WCB 2013) (reversing a previous Bureau decision where evidence on reconsideration does not support the previous determination); *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) (*Canon-McMillan School District Order*) (granting relief to petitioners demonstrating good faith in complying with the invoicing deadline); *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, 8967, para. 242 (2014) (*E-rate Modernization Order*) (directing the Bureau and USAC to consider whether late invoice requests were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension).

*Granting Additional Time to Respond to USAC's Request for Information*¹³

Brawley Elementary School District, CA, Application No. 788443, Request for Review, CC Docket No. 02-6 (filed Apr. 17, 2015)

Brooklyn Ascend Charter School, NY, Application No. 1039532, Request for Review, CC Docket No. 02-6 (filed Mar. 30, 2016)

Calvary Baptist Day School, GA, Application No. 1004630, Request for Review, CC Docket No. 02-6 (filed Nov. 24, 2015)

O'Farrill Learning Center, FL, Application Nos. 1027287, 1046379, Request for Review, CC Docket No. 02-6 (filed Mar. 21, 2016)

Unity School District, WI, Application No. 1039859, Request for Review, CC Docket No. 02-6 (filed Apr. 11, 2016)

*Granting Late Filed Service Implementation Deadline Extension Request*¹⁴

Ch'ooshgai Community School, NM, Application No. 871931, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2015)

*Granting Service Delivery Extension*¹⁵

Monterey County Office of Education, CA, Application No. 870913, Request for Review, CC Docket No. 02-6 (filed Feb. 4, 2016)

¹³ 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, 6036-37, paras. 4-5 (2007) (granting appeals where applicants demonstrate they submitted information within the USAC-specified time frame). Consistent with precedent, for Brooklyn Ascend Charter School and O'Farrill Learning Center, we also 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. 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*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late); 47 CFR §§ 54.720(a), (b).

¹⁴ See, e.g., *Request 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 (WCB 2014) (*Accelerated Charter Order*) (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).

¹⁵ See, e.g., *Accelerated Charter Order*, 29 FCC Rcd at 13652-53, paras. 1, 2 & nn.3, 4 (WCB 2014) (noting that extensions of the implementation deadline will be granted to applicants that timely request an extension to USAC on or before the implementation deadline provided the applicant's service provider is unable to complete implementation for reasons beyond the service provider's control); see 47 C.F.R. § 54.507(d).

*Invoice Deadline Extension Requests Less Than 12 Months Late*¹⁶

Syracuse City School District, NY, Application No. 776972, Request for Waiver, CC Docket No. 02-6 (filed Dec. 16, 2014)

*Late-Filed FCC Form 471 Applications Filed within 14 days of the Close of the Window*¹⁷

St. Edward School, KY, Application No. 1042057, Request for Waiver, CC Docket No. 02-6 (filed Jun. 22, 2015)

St. Thomas More School, OH, Application No. 1051615, Request for Waiver, CC Docket 02-6 (filed Dec. 30, 2015)

*Late Filed FCC Form 471 Certifications*¹⁸

Northwood Middle School, VA, Application No. 1028112, Request for Waiver, CC Docket 02-6 (filed Nov. 2, 2015)

*Waiver of Appeal Filing Deadline*¹⁹

Pell City School System, AL, Application No. 964107, Request for Waiver, CC Docket No. 02-6 (filed Feb. 22, 2016)

¹⁶ See, e.g., *Canon-McMillan School District Order*, 23 FCC Rcd at 15558, para. 6 (granting relief to petitioners demonstrating good faith in complying with the invoicing deadline); *E-rate Modernization Order*, 29 FCC Rcd at 8967, para. 242 (2014) (directing the Bureau and USAC to consider whether late invoice requests from funding years prior to 2014 were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension).

¹⁷ 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).

¹⁸ See, e.g., *Allan Shivers Library Order*, 29 FCC Rcd at 10357, para. 1 & n.7 (granting waivers for applications filed within 14 days of the close of the filing window, except for the related certification).

¹⁹ See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (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 11.

*Ministerial and/or Clerical Error - FCC Form 471*²⁰

Brooklyn Ascend Charter School, NY, Application No. 1032895, Request for Waiver, CC Docket No. 02-6 (filed Apr. 21, 2016)

Cheney Public School District 360, WA, Application No. 1025869, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 3, 2016)

Madison-Virgil School District 386, KS, Application No. 1019164, Request for Review, CC Docket No. 02-6 (filed Mar. 21, 2016)

Partially Granted

*Allowing Deduction of Ineligible Costs*²¹

Venture Technologies (Holy Names Catholic School), TN, Application No. 859996, Request for Review, CC Docket No. 02-6 (filed Aug. 6, 2013)

²⁰ See, e.g., *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, para. 6 & n.19 (WCB 2008) (permitting correction where applicant interchanged that amounts of different items); *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, para. 2 & nn.19 & 20 (WCB 2010) (permitting applicants to correct a mischaracterization of the term of service or category of service on their FCC Form 471). Consistent with precedent, we also 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. 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, 1924, para. 1 & 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).

²¹ 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); *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 (WCB 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). For this appeal, we direct USAC, with the help of the applicant, to review the funding requests or invoices at issue, remove the ineligible costs, and process the eligible portion of the funding requests or eligible portion of an invoice. For Venture Technologies, the USAC reviewer missed that the applicant included installation services in its Item 21, but also would not have known that "Venture Fixed Fee Services" are installation services or what portion of these services were dedicated to installation of eligible equipment.

Denied

*Failure to Consider Price as Primary Factor*²²

Nazlini Community School, AZ, Application No. 863203, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 26, 2015)

*Failure to File FCC Form 470 for Current Funding Year*²³

Bowling Green School District R-1, MO, Application Nos. 963749, 964120, 964461, 964598, 964641, Request for Waiver, CC Docket No. 02-6 (filed Jun. 17, 2014)

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*²⁴

Achievement Preparatory Academy, DC, Application No. 755510, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 18, 2015)

Achievement Preparatory Academy, DC, Application No. 780121, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 18, 2015)

²² See, e.g., *Application for Review of a Decision of the Wireline Competition Bureau by Henrico County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10837, 10841-42, paras. 8-10 (2014) (denying appeal where applicant failed to demonstrate that price was the primary factor in its vendor evaluation process and also rejecting applicant's "attempts to adjust its bid evaluation after the fact to reach the same result as it reached without using price as the primary factor in its bid evaluation"); *Request for Review of a Decision of the Universal Service Administrator by Fall River Public School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 7427, 7428-29, paras. 4-5 (WCB 2013) (denying appeal where applicant failed to consider price as primary factor in its vendor selection process and where it was not clear from the record that applicant selected the lowest-cost provider).

²³ See, e.g., *Review of the Decision of the Universal Service Administrator by Aberdeen School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 10 (2007) (denying appeal where applicant failed to file a new FCC Form 470 and solicit bids in the year for which it sought services, thereby circumventing the competitive bidding process).

²⁴ See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District*, CC Docket No. 02-6, Order, 18 FCC Rcd 26407, 26410, para. 7 (noting that the requirement for a bona fide request for services means that "applicants must submit a list of specified services for which they anticipate they are likely to seek discounts consistent with their technology plans, in order to provide potential bidders with sufficient information on the FCC Form 470, or on an RFP cited in the FCC Form 470, to enable bidders to reasonably determine the needs of the applicant"); *Request for Review of the Decision of the Universal Service Administrator by Washington Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13746, 13748, paras. 3-5 (WCB 2013) (finding that an applicant violated the Commission's competitive bidding requirements by failing to include sufficient information on its FCC Form 470 to enable prospective service providers to identify and formulate bids).

*Invoice Deadline Extension Requests More Than 12 Months Late*²⁵

Integrity Communications (Zapata County Independent School District), TX, Application No. 484065, Request for Waiver, CC Docket No. 02-6 (filed Dec. 6, 2013)

Maryville R 2 School District, MO, Application No. 753864, Request for Waiver, CC Docket No. 02-6 (filed Dec. 30, 2013)

Reeds Spring School District R-4, MO, Application No. 694678, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2013)

West Carroll Community School District, IL, Application No. 793361, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2014)

*Late-Filed FCC Form 471 Applications*²⁶

Alton Community Unit School District 11, IL, Application No. 1055154, Request for Waiver, CC Docket No. 02-6 (filed Dec. 28, 2015)

Burke County Libraries, GA, Application Nos. 1052554, 1052293, 1052555, 1052552, 1052556, 1052553, 1052294, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2016)

Strafford Elementary School, NH, Application No. 1028881, Request for Waiver, CC Docket No. 02-6 (filed Dec. 8, 2015)

Waterford Library Association, ME, Application Nos. 995508, 950970, Request for Waiver, CC Docket No. 02-6 (filed Oct. 23, 2014)

Whitman County Library, WA, Application Nos. 1054072, 1054074, 1054075, 1054076, 1054077, Request for Waiver, CC Docket No. 02-6 (filed Dec. 18, 2015)

*Necessary Resources*²⁷

Bnos Spinka, NY, Application No. 547070, Request for Review, CC Docket No. 02-6 (filed Jun.

²⁵ 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, para. 9 (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).

²⁶ 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 waiver of our rules).

²⁷ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Academy of Excellence et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, 22 FCC Rcd 8722, 8723, para. 3 (2007) (observing that support for eligible services is conditional upon the applicant securing access to all of the necessary to effectively use the services purchased).

17, 2008)

*Seeking E-rate Support for Services Not Covered by the Applicant's Competitive Bidding Process*²⁸

Pressley Ridge Career Development Center, PA, Application No. 973475, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 15, 2014)

*Recurring Services Delivered after Funding Year*²⁹

Albuquerque Public Schools, NM, Application Nos. 467646, 467881, 467888, 468055, 468056, 468101, 468160, 468180, 475880, 476892, Request for Waiver, CC Docket No. 02-6 (filed Jun. 25, 2008)

*Untimely Filed Request for Review*³⁰

Arts and Technology Academy of Pontiac, MI, Application No. 1044084, Request for Review, CC Docket No. 02-6 (filed Mar. 29, 2016)

Beikvei Hatzoin, NY, Application No. 816345, Request for Review, CC Docket No. 02-6 (filed Mar. 28, 2016)

Henderson Memorial Public Library, OH, Application No. 925887, Request for Review, CC Docket No. 02-6 (filed Dec. 7, 2015)

McDowell County School District, WV, Application No. 854118, Request for Review, CC Docket No. 02-6 (filed Jan. 13, 2016)

²⁸ 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, paras. 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).

²⁹ See, e.g., *Request for Review of Decision of the Universal Service Administrator by Nuestros Valores Charter School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 4046, 4046, para. 1 (WCB 2012) (denying appeal of COMAD when funds were disbursed for services that were delivered after the funding year); see also 47 CFR § 54.507(d) (providing that applicants must use recurring E-rate services within the funding year for which the discounts were sought).

³⁰ 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).

Orleans Parish School Board, LA, Application No. 139084, Request for Review, CC Docket No. 02-6 (filed Jan. 11, 2011)³¹

Orion Township Public Library, MI, Application No. 951918, Request for Review, CC Docket No. 02-6 (filed Mar. 28, 2016)

Palatine Community Consolidated School District 15, IL, Application No. 960994, Request for Review, CC Docket No. 02-6 (filed Mar. 16, 2016)

Richmond Public Schools, VA, Application No. 946627, Request for Review, CC Docket No. 02-6 (filed Jan. 21, 2016)

West Oak Lane Charter School, PA, Application No. 860335, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2016)

Rural Health Care (RHC)
WC Docket No. 02-60

Granted

*FCC Form 465 Containing Two Health Care Provider Sites*³²

³¹ The record shows that Orleans Parish School Board (Orleans Parish) was notified of both: (1) a Recovery of Erroneously Disbursed Funds (RIDF) addressed to Petitioner and dated June 20, 2003; and (2) a USAC decision dated August 2, 2006 finding that Petitioner, not the service provider, is the party responsible for the recovery sought by the RIDF (Responsible Party Determination). Orleans Parish did not challenge either action. Orleans Parish's Request for Review filed in response to the Demand Payment Letters issued by USAC in 2010 is, therefore, time-barred. *See Request for Waiver and/or Review of Decisions of the Universal Service Administrator by Baltimore County Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 9043, 9043-44, para. 1 (WCB 2012) (noting that the appeal filing deadline is based on the initial adverse decision date and not the date of subsequent actions taken by USAC). Because the deadlines for Orleans Parish to challenge the RIDF and Responsible Party Determination have passed, its arguments regarding its lack of records to assert such challenges are irrelevant.

³² Given the catastrophic damage caused by Hurricane Katrina, the Commission determined that it was in the public interest to use its discretion to waive certain universal service rules to provide support to health care providers in the affected areas. *See Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109, Order, 20 FCC Rcd 16883 (2005) (adopting temporary rules to provide rural and non-rural public and nonprofit health care providers in areas devastated by Hurricane Katrina, and in areas where evacuees have located, with a 50 percent discount off the monthly cost of advanced telecommunications and information services necessary for the provision of health care services to victims). Accordingly, in this limited instance, we find that good cause exists to waive the requirement that a separate FCC Form 465 be filed for each eligible entity seeking universal service support. *See Health Care Providers Universal Service, Description of Services Requested and Certification Form*, OMB 3060-0804 (January 2005) (FCC Form 465). Specifically, we find that the petitioner's FCC Form 465, which bundled two sites on the same application, provided sufficient information to enable service providers to formulate responsive bids for the desired services.

Singing River Hospital System, HCP No. 15576, WC Docket No. 02-60 (filed Feb. 15, 2007)

Denied

*Untimely Filed Request for Review*³³

Marshfield Clinic, HCP No. 14420, FRNs 1339701, 1339698, 1339680, 1340085, 1340066, WC Docket No. 02-60 (filed Dec. 15, 2014)

*Failure to Comply with the Commission's Competitive Bidding Requirements*³⁴

Central Peninsula Hospital, HCP No. 11902, FRN 1458110, WC Docket No. 02-60 (filed Feb. 24, 2016)

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

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³³ See 47 C.F.R. § 54.720(a) and (b). See also *supra* note 30.

³⁴ We find that the establishing FCC Form 465, posted in funding year 2014, was tainted by Central Peninsula's statement on Line 29 of the form that it was "currently under contract and filing form 465 to comply with USAC rules." See, e.g., *Request for Review and of a Decision of the Universal Service Administrator by Last Mile, Inc. d/b/a Sting Communications and Request for Waiver of the Commission's Rules by Glendale School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 2909 (WCB 2014) (finding that the applicant's statement on its FCC Form 470 that "it intended to continue services under its existing contract" undermined the competitive bidding process because it "discourage[d] prospective service providers from participating in [the] competitive bidding process"). Statements such as these deter other entities from submitting bids on the desired eligible products or services. We find that Central Peninsula's other FCC Forms 465, posted in funding years 2010 and 2013, also did not establish a competitive bidding process for the services at issue because the services were month-to-month services requiring a new FCC Form 465. Applicants must submit an FCC Form 465 each funding year for month-to-month services. See USAC website, Rural Health Care, Telecommunications, Health Care Providers, Competitive Bidding, <http://www.usac.org/rhc/telecommunications/health-care-providers/competitive-bidding.aspx> (last visited Apr. 20, 2016). Although, as indicated above, Central Peninsula submitted an FCC Form 465 in funding year 2014, the form was tainted because of Central Peninsula's statement on the form that it was already under contract. Consequently, we find that the services at issue are not covered by a valid FCC Form 465 and therefore Central Peninsula's funding request must be denied.