



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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

CC Docket No. 02-6  
WC Docket No. 02-60  
WC Docket No. 06-122

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.<sup>1</sup> 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.<sup>2</sup>

### Schools and Libraries (E-rate)

CC Docket No. 02-6

#### Dismiss as Moot<sup>3</sup>

Georgia Public Web, GA, Application Nos. 970283, 982164, 988648, 942467, 955390, 955079, 988475, 972604, 990283, 980281, 972676, Request for Waiver, CC Docket No. 02-6 (filed Dec. 14, 2015)

<sup>1</sup> 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). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules.

<sup>2</sup> 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).

<sup>3</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices were funded); *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).

Harambee Institute of Science and Technology Charter School, PA, Application Nos. 500965, 500958, Request for Review, CC Docket No. 02-6 (filed Nov. 15, 2011)

Dismiss on Reconsideration<sup>4</sup>

Glendale School District, PA, Application No. 662410, Petition for Reconsideration, CC Docket No. 02-6 (filed July 8, 2011)

Synergetics Diversified Computer Services, Inc. (Leflore County School District), MS, Application No. 356863, Petition for Reconsideration, CC Docket No. 02-6 (filed June 12, 2013)

Dismiss on Reconsideration – Untimely<sup>5</sup>

Bell Gardens Christian School, CA, Application No. 520482, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 18, 2013)

Evansville Community School District, WI, Application No. 1013540, Petition for Reconsideration, CC Docket No. 02-6 (filed July 22, 2016)

Granted<sup>6</sup>

*Late-Filed FCC Form 471 Applications – Circumstances Beyond Applicant's Control*<sup>7</sup>

Bellingham Public School District, MA, Application Nos. 161061659, 161061660, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2016)

Gardner-South Wilmington High School, IL, Application No. 161057909, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2016)

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<sup>4</sup> 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) (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).

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Academy for Academic Excellence et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4748-49, para. 4 (WCB 2007) (granting waivers where the applicants filed after the close of the filing window due to delays beyond its control, in particular, technical problems with USAC's electronic filing system).

Liberty High School, AZ, Application No. 161058413, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2016)

Lindsay Independent School District, TX, Application No. 161015339, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2016)

River Charter Schools, CA, Application Nos. 161058420, 161058426, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2016)

Tuscarawas County Board of Developmental Disabilities, OH, Application No. 161061508, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2016)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>8</sup>

Bannockburn School District 106, IL, Application Nos. 161035508, 161057729, Request for Waiver, CC Docket No. 02-6 (Aug. 2, 2016)

Dothan Houston County Library System, AL, Application No. 161059912, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2016)

Eastern Shore Public Library, VA, Application Nos. 161061005, 161060998, Request for Waiver, CC Docket No. 02-6 (filed July 22, 2016)

Greensboro Free Library, VT, Application No. 161061575, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2016)

Lenoir County Public Schools, NC, Application No. 161058197, Request for Waiver, CC Docket 02-6 (filed Aug. 9, 2016)

Leon Public Library, IA, Application No. 161019118, Request for Waiver, CC Docket 02-6 (filed Aug. 6, 2016)

New Hope Christian School, OR, Application No. 161057902, Request for Waiver, CC Docket 02-6 (filed June 9, 2016)

Rampart Library District, CO, Application No. 161018337, Request for Waiver, CC Docket 02-6 (filed July 28, 2016)

San Benito Public Library, TX, Application No. 161061603, Request for Waiver, CC Docket

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<sup>8</sup> 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 existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the filing window deadline). 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 the School for Accelerated Learning and Technologies Inc. and Lenoir County Public Schools. 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, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision).

02-6 (filed Aug. 8, 2016)

School For Accelerated Learning and Technologies Inc., Application Nos. 161056691, 161058281, 161058335, Request for Waiver, CC Docket 02-6 (Aug. 9, 2016)

Steubenville Jefferson County Library, OH, Application No. 161061557, Request for Waiver, CC Docket 02-6 (filed July 29, 2016)

Stratford Friends School, PA, Application No. 161058024, Request for Waiver, CC Docket 02-6 (filed June 9, 2016)

Valentine Public Library, NE, Application No. 161061525, Request for Waiver, CC Docket 02-6 (filed Aug. 8, 2016)

York Academy Regional Charter School, PA, Application No. 161058062, Request for Waiver, CC Docket 02-6 (filed Aug. 1, 2016)

*Signed Contract Requirement*<sup>9</sup>

Madison – Oneida BOCES, NY, Application No. 1005884, Request for Review, CC Docket No. 02-6 (filed July 28, 2016)

*Waiver of Appeal Filing Deadline*<sup>10</sup>

Harambee Institute of Science and Technology Charter School, PA, Application Nos. 418328, 541987, 613092, 613107, Request for Waiver, CC Docket No. 02-6 (filed Nov. 15, 2011)

Denied

*Cost-Effectiveness Requirements for Individual Data Plans and Air Cards*<sup>11</sup>

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<sup>9</sup> See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, 23 FCC Rcd 15526, 15528, para. 5 (WCB 2008) (granting appeals when petitioners demonstrated that they had agreements in place that met the Commission's rules and procedures when submitting their FCC Forms 471); see also *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, 8950-51, para. 203 (2014) (easing the signed contract requirement to allow legally binding agreements to be in place, instead of the actual contract, when the parties that negotiated the agreement did not get the contract signed before the FCC Form 471 was filed); 47 CFR § 54.504(a).

<sup>10</sup> 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, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because petitioners submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision). 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.

<sup>11</sup> See *Requests for Waiver of Decisions of the Universal Service Administrator by Batesville Community School Corporation et al.; Schools and Libraries Universal Service Support Mechanism; Modernizing the E-rate Program for Schools and Libraries*; CC Docket No. 02-6, WC Docket No. 13-184, Order, DA 16-823 (WCB July 21, 2016) (denying waiver requests from schools and libraries seeking support for individual data plans and air cards and upholding USAC's application of the cost-effectiveness analysis required by the Commission consistent with the

(continued....)

East Central Educational Service Center, IN, Application No. 1015960, Request for Review and Waiver, CC Docket Nos. 96-45, 02-6 (filed Dec. 17, 2015)

Hammond City School District, IN, Application No. 1012520, Request for Waiver, CC Docket 02-6, WC Docket 13-184 (filed Oct. 22, 2015)

Rossville Consolidated School District, IN, Application No. 1024819, Request for Waiver, CC Docket 02-6, WC Docket 13-184 (filed Oct. 19, 2015)

*Improper Service Provider Involvement in FCC Form 470*<sup>12</sup>

Belfonte School District 50, OK, Application No. 401177, Request for Review, CC Docket No. 02-6 (filed Nov. 22, 2006)

*Invoice Deadline Extension Requests*<sup>13</sup>

Columbus Metropolitan Library, OH, Application No. 968058, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2015)

Duchesne County School District, UT, Application No. 974331, Request for Waiver, CC Docket No. 02-6 (filed July 1, 2016)

ESC of Central Ohio, OH, Application No. 940594, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2016)

Lorain County Educational Service Center, OH, Application No. 940598, Request for Waiver,

(Continued from previous page) \_\_\_\_\_  
public interest). The records for the Rossville Consolidated School District and East Central Educational Service Center waiver requests also demonstrate that these applicants sought cellular data plan services or air card services for use off-premises, which is an ineligible use. *See Request for Waiver and Review of the Decision of the Universal Service Administrator by Sprint Nextel Corporation (Anaheim City School District); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5720, 5721-22, paras. 2-3 (WCB 2012) (directing USAC to reduce petitioner's request by any amount associated with the off-campus use of the requested wireless Internet services). *See also Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9208-09, paras. 17-19 (2003) (establishing a presumption that activities that occur in a library or classroom or on library or school property are integral, immediate, and proximate to the education of students or the provision of library services to library patrons).

<sup>12</sup> *See, e.g., Requests for Waiver and Review of Decision of the Universal Service Administrator by Networks and More! Inc. et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2564, 2565, para. 2 (WCB 2012) (denying an appeal when the service provider assisted the applicant with the preparation of its FCC Form 470). The applicant states that the FCC Form 470 was filed at the service provider's office without any assistance from the service provider. Contrary to the applicant's explanation, we find that the evidence overwhelmingly indicates that the service provider assisted with the preparation of the FCC Form 470.

<sup>13</sup> *See, e.g., Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); *see also 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, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

CC Docket No. 02-6 (filed June 30, 2016)

Neshaminy School District, PA, Application No. 918290, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2016)

Osage County School District R3, MO, Application No. 978696, Request for Waiver, CC Docket No. 02-6 (filed Feb. 29, 2016)

Pasadena Independent School District, TX, Application No. 971519, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2016)

Sinton Independent School District, TX, Application No. 977595, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2016)

Zuni Christian Mission School, NM, Application No. 972769, Request for Waiver, CC Docket No. 02-6 (filed Dec. 4, 2015)

*Late-Filed FCC Form 471 Applications*<sup>14</sup>

Arcadia Christian School, CA, Application Nos. 161058808, 161060228, Request for Waiver, CC Docket No. 02-6 (filed July 22, 2016)

Bethany Community Middle School, NC, Application No. 161028646, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2016)

Castleford School, ID, Application No. 161057977, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2016)

Centerville R-1 School, MO, Application No. 161051521, Request for Waiver, CC Docket No. 02-6 (filed July 8, 2016)

Education Service Center Region 2, TX, Application No. 161025920, Request for Waiver, CC Docket 02-6 (filed June 20, 2016)

Indian Diggings School District, CA, Application No. 161058682, Request for Review, CC Docket No. 02-6 (filed June 21, 2016)

Long Trail School, VT, Application No. 161060722, Request for Waiver, CC Docket 02-6 (filed Aug. 1, 2016)

St. Patrick High School, IL, Application No. 161039375, Request for Review, CC Docket No. 02-6 (filed June 27, 2016)

*Service Implementation Delay*<sup>15</sup>

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<sup>14</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

<sup>15</sup> 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 (continued....)

Greenbrier County School District, WV, Application No. 717903, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

*Untimely-Filed Request for Review*<sup>16</sup>

Eagle Communications (Abilene Unified School District 435), KS, Application No. 937847, Request for Review, CC Docket No. 02-6 (filed June 1, 2016)

School District of Platteville, WI, Application No. 957584, Request for Review, CC Docket No. 02-6 (filed July 7, 2016)

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

Dismissed to File Appeal with USAC<sup>17</sup>

Watertown Regional Medical Center- Ixonia Clinic, HCP No. 17474, Request for Review, WC Docket No. 02-60 (filed Dec. 21, 2015)

Espy Services, Inc., on behalf of Tamms Community Health Center (HCP 40812), Request for Review, WC Docket No. 02-60 (filed Aug. 22, 2016)

Dismissed as Moot<sup>18</sup>

Providence Seward Medical & Care Center, HCP No. 10382, Request for Review, WC Docket No. 02-60 (filed Sept. 23, 2011)

Providence Seward Medical & Care Center, HCP No. 10382, Request for Review, WC Docket

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Rcd 13652, 13653, para. 3 (WCB 2014) (denying late-filed extensions of the deadline for service implementation when applicants failed to demonstrate the service providers were unable to complete implementation on time for reasons beyond the service providers' control and failed to make significant efforts to secure the necessary extensions in a timely manner).

<sup>16</sup> 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).

<sup>17</sup> See 47 CFR § 54.719(b) (providing 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); *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). We note that the deadline for Watertown to file an appeal with USAC was December 20, 2015.

<sup>18</sup> 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).



No. 02-60 (filed Mar. 16, 2012)

Providence Seward Medical & Care Center, HCP No. 10382, Request for Review, WC Docket No. 02-60 (filed Jan. 24, 2014)

Denied

*Failure to Conduct a Fair and Open Competitive Bidding Process*<sup>19</sup>

Iowa Rural Health Telecommunications Program, HCP No. 17226, Request for Review, WC Docket No. 02-60 (filed Mar. 28, 2016)<sup>20</sup>

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<sup>19</sup> See, e.g., *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, para. 480 (1997) (subsequent history omitted) (requiring competitive bidding processes to be fair and open such that no bidders receive an unfair advantage); *Request for Review by Mastermind Internet Services, Inc., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket No. 96-45, Order, 16 FCC Rcd 4028, 4033 (2000) (stating that a service provider participating in the competitive bidding process cannot be involved in the preparation of the entity's technology plan, FCC Form 470 or RFP); *Request for Review by Ysleta Independent School District of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407 (2003) (stating that all potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process); *In the Matter of Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 22 FCC Rcd 20360, 20415, para. 104 (2007) (*Pilot Program Order*) (requiring participants to identify, when they submit their Form 465 to USAC and the Commission, any consultants, service providers, or other outside experts, whether paid or unpaid, who aided in the preparation of their Pilot Program applications); *Request for Review by Sullins Academy of the Decision of the Universal Service Administrator, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, 17 FCC Rcd 23829 (2002) (stating that where a party has received erroneous advice, the government is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly where relief is contrary to a rule).

<sup>20</sup> In this instance, Mr. Anthony Crandell, owner of Access Integration Specialists (AIS), assisted Iowa Rural Health Telecommunications Program (Iowa) in developing and drafting Iowa's quality assurance RFP for the FRNs at issue. The RFP resulted in two bid submissions from AT&T and Adesta. Iowa's Steering Committee and Mr. Crandell met to discuss the bids and determined that neither proposal would be selected because they exceeded Iowa's budget. During this meeting, the Steering Committee and Mr. Crandell also discussed ways to reduce the cost of quality assurance services and decided that Iowa would issue a new, scaled-back RFP. Mr. Crandell indicated to the Steering Committee that his company would be interested in submitting a bid on the scaled-back quality assurance RFP. No other service providers were privy to these discussions. Iowa then attempted to screen Mr. Crandell from the bidding process for scaled-back services after receiving assurances from USAC that he would be eligible to bid on behalf of AIS. Iowa issued the scaled-back RFP and received two bids, including a bid from AIS. Ultimately, Iowa selected AIS to provide the scaled-back quality assurance services. Although the scaled-back RFP used a different pricing structure than the initial RFP, our review of the record reveals significant similarities between the RFPs with respect to "vendor qualifications," "site inspectors," and "services requested." Thus, it appears that the scaled-back quality assurance RFP does contain similarities with the initial quality assurance RFP. Given these circumstances, we find that, despite Iowa's efforts to screen Mr. Crandell from the scaled-back quality assurance bidding process, his assistance in developing and drafting Iowa's initial quality assurance RFP created an unfair advantage because he had the ability to influence the products and services that were requested in the scaled-back RFP and had access to information that other bidders did not have about the initial RFP. Moreover, of those who submitted bid responses to the scaled-back RFP, only Mr. Crandell was privy to the specific price concerns that led Iowa to issue the scaled-back RFP. We also find that Iowa failed to identify Mr. Crandell as an outside expert when submitting its FCC Form 465, contrary to specific Commission directives to do so. See *Pilot Program Order*, 22 FCC Rcd at 20415, para. 104. We are deeply concerned about conduct which

(continued....)



Access Integration Specialists, Request for Review, WC Docket No. 02-60 (filed Mar. 31, 2016)

*Lack of Supporting Documentation*<sup>21</sup>

Marshfield Clinic, HCP No. 11933, Request for Review, WC Docket No. 02-60 (filed Oct. 10, 2007)

*Ineligible Administrative Office*<sup>22</sup>

Southwest Alabama Mental Health Consortium, HCP No. 17255, Request for Review, WC Docket No. 02-60 (filed May 10, 2010)

**Contribution Methodology**  
**WC Docket No. 06-122**

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suppresses fair and open competitive bidding. Neither Iowa nor AIS have presented sufficient evidence demonstrating that USAC erred in its decisions.

<sup>21</sup> The RHC Telecommunications Program does not support infrastructure development. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9109, para. 635 (1997) (concluding that there was insufficient information to determine the level of need for infrastructure development or to estimate reliably the costs to support such development, therefore, declining to support infrastructure development as an eligible service under the RHC Program until seeking further comment on this issue). The RHC Telecommunications Program, however, does currently support installation charges. *See Rural Healthcare Program, Telecommunications Program, Frequently Asked Questions, Services Eligible for Discount, Question 29, <http://www.usac.org/rhc/telecommunications/faqs/default.aspx>* (last visited May 26, 2016); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Notice of Proposed Rulemaking, 25 FCC Rcd 9371, 9410-11, para. 100 (2010) (defining installation charges as “charges that are normally charged by service providers to commence service, and are not charges that are based on amortization or pass through of construction or infrastructure costs.”). Marshfield requests \$26,500 in support for installation charges. *See Marshfield Request for Review*. Marshfield has failed to provide any documentation on appeal supporting its contention that the services requested for support are installation charges currently supported under the RHC Telecommunications Program rather than infrastructure development. *See Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16746-47, para. 150 (2012) (concluding that undiscounted installation charges are typically under \$5,000 per location); 47 C.F.R. § 54.721 (requiring a request for review to contain the “full statement of relevant, material facts with supporting affidavits and documentation” as well as “reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision.”); *Hope Community Resources, Inc.—Barrow MH, Rural Health Care Universal Service Support Mechanism*, WC Docket No. 02-60, Order, DA 16-855 (WCB July 28, 2016) (finding that the appellant failed to demonstrate with supporting documentation that its facility was an eligible health care provider at the time of its request and therefore denying the appeal).

<sup>22</sup> *See* 47 U.S.C. § 254(h)(7)(B) (setting forth the categories of health care providers (HCPs) eligible for support in the Rural Healthcare (RHC) Program); 47 C.F.R. § 54.601(a)(2) (2008) (same); 47 C.F.R. § 54.600(a) (2015) (same); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 22 FCC Rcd 20360, 20368, para. 18 (2007) (*RHC Pilot Program Selection Order*) (same). *See also RHC Pilot Program Selection Order*, 22 FCC Rcd at 20368, para. 18 (stating that “[e]xcept as otherwise expressly specified, the Pilot Program utilizes the same program definitions as, and is intended to function within the confines of, the existing RHC support mechanism”). In the 2012 *Healthcare Connect Fund (HCF) Order*, the Commission expressly rejected Southwest Alabama Mental Health Consortium’s request in that proceeding to retroactively expand RHC Pilot Program HCP eligibility to include administrative offices. *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16742, n.377 (2012) (*HCF Order*). Instead, in the *HCF Order*, the Commission encouraged Pilot Program participants to apply prospectively through HCF for support for connections between eligible HCPs and ineligible administrative offices. *Id.*

Granted

*Request for Waiver of FCC Form 499-A Revision Deadline*<sup>23</sup>

Delta Wave Communications, LLC, Request for Review and/or Waiver, WC Docket 06-122 (filed Aug. 8, 2016)

Denied

*Late 499-A Filing Fee Waiver Request*<sup>24</sup>

SEI Data, Inc., Petition for Waiver, WC Docket 06-122 (filed July 28, 2016)

Dismissed Without Prejudice

*Request for Waiver of Form 499-Q Revision Deadline*<sup>25</sup>

Xtelesis Corporation, Request for Waiver, Letter from Julie Gladstone, Compliance Analyst for Xtelesis Corporation, to the Federal Communications Commission, WC Docket 06-122 (filed July 13, 2016)

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

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<sup>23</sup> See, e.g., *Universal Service Contribution Methodology, Request for Waiver by Experior Networks; Request for Review by Coaxial Cable Television Corporation of Decision of Universal Service Administrator*, WC Docket No. 06-122, Order, 30 FCC Rcd 4711 (WCB 2015) (granting requests to waive the FCC Form 499-A revision deadline to provide an opportunity for petitioners to correct errors that incorrectly placed them in non-*de minimis* status).

<sup>24</sup> See, e.g., *Universal Service Contribution Methodology, Federal-State Joint Board on Universal Service, Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology, Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology, Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC 499 instructions).

<sup>25</sup> 47 CFR § 54.721. See, e.g., *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding requests procedurally defective for failure to comply with 47 CFR § 54.721).