

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Rural Health Care Support Mechanism) WC Docket No. 02-60

ORDER

Adopted: June 23, 2017

Released: June 23, 2017

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

1. In this Order, we waive, *sua sponte*, the invoice filing deadline under the Healthcare Connect Fund (HCF) Program for funding year 2016 for the funding request numbers (FRNs) identified in the Appendix below. Specifically, we allow the applicants and service providers associated with these FRNs to submit their funding year 2016 invoicing forms to the Universal Service Administrative Company (USAC) within six months from the issuance date of their funding commitment letters (FCLs).¹

2. *Background.* These applicants submitted FCC Form 462 applications to USAC during the second filing window period for funding year 2016 (*i.e.*, September 1, 2016-November 30, 2016) and requested partial year funding commitments with services ending between July 2016 and March 2017.² USAC only began to issue the associated FCLs on April 10, 2017, after reviewing an unprecedented number of applications.³ The Commission’s rules require all HCF invoices to be received by USAC within six month of the end of the funding commitment.⁴ By the time USAC issued these FCLs, however, some of the applicants’ invoicing deadlines had already passed, while others were set to expire less than six months later. Consequently, these applicants and service providers did not have sufficient time to complete and submit their invoices to USAC or were precluded altogether.

3. *Discussion.* Generally, the Commission’s rules may be waived if good cause is shown.⁵ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁶ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁷ Waiver of the Commission’s rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.⁸

¹ Funding year 2016 started on July 1, 2016 and ends on June 30, 2017.

² See, e.g., FCC Form 462, Community Memorial Hospital (filed Sept. 8, 2016) (seeking funding from July 1, 2016 to September 6, 2016).

³ See USAC, Rural Health Care Program, Latest News, <http://www.usac.org/about/tools/news/default.aspx> (last visited June __, 2017).

⁴ See 47 CFR. § 54.645(b).

⁵ 47 CFR § 1.3.

⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁸ *Northeast Cellular*, 897 F.2d at 1166.

4. We waive the invoice filing deadline for the FRNs identified below for funding year 2016 to avoid an unjust result that would make compliance with program rules impossible. In light of the circumstances at issue here, we allow the applicants and service providers associated with these FRNs to submit their completed invoices to USAC within six months from the issuance date of their FCLs. We find that a waiver of the invoice filing deadline for funding year 2016 will provide these applicants and service providers with sufficient flexibility to complete and submit their invoicing forms to USAC with the necessary supporting documentation. Waiving the invoice filing deadline for the FRNs identified below is in the public interest and ensures that the impacted applicants and service providers will have adequate time to finish their own invoicing processes. By providing this waiver, we also ensure that otherwise eligible health care providers receive the funding they need to obtain the advanced telecommunications and information services, network equipment, and/or facilities necessary for the provision of health care.

5. ACCORDINGLY, IT IS ORDERED, that pursuant to the authority contained in sections 1-4, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 254, and 403, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that this Order IS ADOPTED.

6. 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 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that section 54.645(b) of the Commission's rules, 47 C.F.R. § 54.645(b), IS WAIVED to the limited extent provided herein.

7. IT IS FURTHER ORDERED, pursuant to section 1.103(a) of the Commission's rules, 47 C.F.R. § 1.103(a), that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

Appendix

HCP #	HCP Name	FRN	Service End Date	Invoice Due Date
45099	Mental Health Services of Southern Oklahoma	16935881	01/01/2017	10/17/2017
17246	Pennsylvania Mountains Healthcare Resource Dev	16918501	09/30/2016	10/17/2017
14364	Aurora Health Care- Reedsville	16932721	03/28/2017	10/17/2017
27767	Coastal Health Alliance/ Bolinas Family Practice	16897341	10/16/2016	10/17/2017
11261	Burlington Clinic	16898691	03/29/2017	10/17/2017
46474	Cumberland Medical Center-Crossville Med. Grp.	16903051	08/10/2016	10/17/2017
31793	Catholic Health Partners-Mercy Napoleon Clinic	16887891	12/28/2016	10/17/2017
16336	Spooner Health System	16933281	08/30/2016	10/17/2017
27406	Jellico Community Hospital	16896611	08/24/2016	10/17/2017
12704	St. Elizabeth's Hospital	16885781	11/08/2016	10/17/2017
49052	Stoddard County Public Health Center	16913531	09/17/2016	10/17/2017
12704	St. Elizabeth's Hospital	16903441	11/08/2016	10/17/2017
44855	OSF Medical Group- Byron	16896021	11/14/2016	10/17/2017
46717	Angel Medical Center- Ashville	16897361	10/13/2016	10/17/2017
10093	Transylvania Community Hospital	16912321	07/29/2016	10/17/2017
12618	Community Memorial Hospital	16887381	09/06/2016	10/17/2017
16385	Shore Memorial Hospital	16885531	09/25/2016	10/17/2017
47940	East Texas Medical Center- 1 st Physicians	16902401	10/31/2016	10/17/2017
44864	OSF Medical Group- Hopedale	16918291	12/11/2016	10/17/2017
16336	Spooner Health System	16932611	08/30/2016	10/17/2017
15436	Colquitt Regional Medical Center (S Main St)	16909321	09/22/2016	10/17/2017
46665	Variety Care, Inc.	16918571	02/05/2017	10/17/2017
11270	Munson Healthcare- Charlevoix Hospital	16962371	01/02/2017	10/17/2017
48064	North Mississippi- Boone Medical	16960501	08/31/2016	10/17/2017
32551	Sauk Prairie Hospital	16966151	10/01/2016	10/17/2017
39171	Palms Medical Group Live Oak	16873311	12/30/2016	10/17/2017
49620	Cottage Health	16979911	12/02/2016	10/17/2017
11273	War Memorial Hospital	16948141	08/30/2016	10/17/2017
17268	Western New York Rural Area Health Educ. Cntr.	16959911	03/31/2017	10/17/2017
27406	Jellico Community Hospital	16977421	08/28/2016	10/17/2017
49294	Sauk Prairie Healthcare-Wellspring Campus	16966391	09/30/2016	10/17/2017
11776	Moundview Memorial Hospital & Clinics	16985511	11/19/2016	10/17/2017
14153	Lamb Healthcare Center	16986911	10/16/2016	10/17/2017
11264	Aurora Health Care- Lakeland Medical Center	16961971	07/13/2016	10/17/2017
15436	Colquitt Regional Medical Center (S Main St)	16968581	09/22/2016	10/17/2017
17236	North Country Telemedicine Project	16979221	03/31/2017	10/17/2017
37027	Palms Medical Group Branford	16957301	10/30/2016	10/17/2017
17246	Pennsylvania Mountains Healthcare Resource Dev	16940751	09/30/2016	10/17/2017
17209	Bacon County Health Services	16948941	02/06/2017	10/17/2017
11991	Community Hospital of Anaconda	16944141	10/31/2016	10/17/2017
32551	Sauk Prairie Hospital	16966251	09/30/2016	10/17/2017
32551	Sauk Prairie Hospital	16966201	09/30/2016	10/17/2017
49294	Sauk Prairie Healthcare- Wellspring Campus	16966351	09/30/2016	10/17/2017
31170	Tift Regional Medical Center dba Ocilla	16933571	07/28/2016	10/17/2017
26150	Pikesville Medical Center- Orthopedic Phy. Pract.	16919081	10/11/2016	10/17/2017
49294	Sauk Prairie Healthcare- Wellspring Campus	16966381	9/30/2016	10/17/2017
17234	New England Telehealth Consortium	16977951	03/06/2017	10/17/2017
11478	Mercy Medical Center- New Hampton	16938211	11/17/2016	10/17/2017
25766	Ballinger Memorial Hospital District	16957891	07/31/2016	10/17/2017
39846	Trinity Health- St. Mary's Women's Center	16945191	09/20/2016	10/17/2017
49959	Borgess Family Medicine- Delton	16939381	12/19/2016	10/17/2017