



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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TTY: 1-888-835-5322

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

CC Docket No. 02-6

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismissed as Moot³

Checkpoint Communications, Inc. (San Bernardino City Unified School District), Application No. 536567, Request for Review, CC Docket No. 02-6 (filed July 31, 2015)

Gateway School, CA, Application Nos. 161025988, 161045988, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)⁴

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). 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. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

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 *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 had taken the action the petitioner requested).

⁴ The RFCDL attached to the Request for Waiver shows a 20% discount rate for Gateway School in Column Z.

Pressley Ridge School, PA, Application 161052049, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)⁵

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

St. Anthony of Padua, TX, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Feb. 20, 2017)

St. Francis Solanus, TX, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Feb. 20, 2017)

St. Francis Xavier, TX, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Feb. 20, 2017)

Dismissed on Reconsideration⁷

Albany Public Library, NY, Application Nos. 1018150, 1040809, Petition for Reconsideration, CC Docket No. 02-6 (filed June 6, 2017)

Our Lady of the Lake, TX, No Application Number Given, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 20, 2017)⁸

⁵ The RFCDL attached to the Request for Waiver shows an 80% discount rate for Pressley Ridge School in Column Z.

⁶ 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, 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) (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 The Bureau previously dismissed requests for waiver from Our Lady of the Lake, St. Francis de Sales, St. Joseph, St. Mary, and St. Patrick in the *November 2016 Streamlined Resolution Public Notice* as insufficient because the requests did not include an application number, funding year, or other information that could identify the funding requests at issue. Also, the requests did not sufficiently explain the problem or relief sought. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, 31 FCC Rcd 12697, 12698-99 (WCB 2016) (*November 2016 Streamlined Resolution Public Notice*).

(continued....)

St. Charles Parish Library, LA, Application Nos. 982015, 982312, 983220, 985903, Petition for Reconsideration, CC Docket No. 02-6 (filed May 25, 2017)

St. Francis de Sales, TX, No Application Number Given, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 20, 2017)

St. Joseph, TX, No Application Number Given, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 20, 2017)

St. Mary, TX, No Application Number Given, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 20, 2017)

St. Patrick, TX, No Application Number Given, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 20, 2017)

Stonehill Christian Academy, TX, Application No. 161061986, Petition for Reconsideration, CC Docket No. 02-6 (filed May 8, 2017)

Granted⁹

*Considering Price of Eligible and Ineligible Items as Primary Factor in Vendor Selection*¹⁰

St. Louis City School District, MO, Application No. 1004204, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2017)

*Corrective SPIN Change*¹¹

Detroit Public School District, MI, Application No. 802776, Request for Review, CC Docket No. 02-6 (filed Jan. 27, 2014)

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The applicant is now refileing the same requests for these schools as petitions for reconsideration which we again dismiss. *See supra* note 4 (outlining the filing requirements for appeals).

⁹ 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).

¹⁰ *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Coolidge Unified School District 21; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 16907 (WCB 2013) (waiving sections 54.504 and 54.511 of the Commission's rules where the record demonstrates that the applicant would have selected the same vendor if it had excluded the price of ineligible items from the "cost" criterion).

¹¹ *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrative Company by Assabet Valley Regional Vocational District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924 (WCB 2012) (permitting Yeshivath Viznitz D'khal Torath Chaim to make a corrective SPIN change).

*Eligible Entities*¹²

Community Joint Council for Economic Opportunity of Clinton & Franklin Counties, NY, Application No. 1017245, Request for Review, CC Docket No. 02-6 (filed Mar. 21, 2016)

*Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window*¹³

Al-Rasheed Academy, NY, Application Nos. 171049070, 171049103, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Archdiocese of Atlanta Schools, GA, Application No. 171048874, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2017)

Archdiocese of Miami Schools, FL, Application No. 171049114, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Ascension Parish School District, LA, Application No. 171049087, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Aspira of Florida, FL, Application No. 171048913, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

BASIS DC, DC, Application No. 171049007, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

BASIS Schools, Inc., AZ, Application No. 171049112, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

BASIS Texas, TX, Application No. 171048998, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Baton Rouge University Preparatory Elementary, LA, Application No. 171048846, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Bedford County School District, VA, Application No. 171049015, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Belton School District #124, MO, Application Nos. 171047667, 171047739, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2017)

¹² See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Bootheel Consortium et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8747, 8750-51, paras. 7-8 (2007) (directing USAC to reevaluate the eligibility for E-rate support of various entities given the additional supporting evidence that applicants have provided).

¹³ 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 of the FCC Form 471 filing window deadline).

Bibliotecas Del Municipio De Coamo, PR, Application No. 171048613, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Bronxworks, NY, Application No. 171048989, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Caroline County School District, VA, Application No. 171049043, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Centennial School District, OR, Application No. 171010873, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Central Community School District, LA, Application No. 171032185, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Chawanakee Unified School District, CA, Application No. 171048889, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Christ The King School, NY, Application No. 171049073, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2017)

City of Santa Maria Public Library, CA, Application No. 171048991, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2017)

Clarks Public Library, NE, Application No. 171048935, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2017)

Cochrane-Fountain City School District, WI, Application No. 171049162, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Colonial Intermediate Unit 20, PA, Application Nos. 171048815, 171048982, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

Cuba Independent School District, NM, Application No. 171049057, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2017)

Cumberland County Library System Consortium, PA, Application No. 171049099, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Diocese of Houma-Thibodaux, LA, Application No. 171048831, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Downey City Library, CA, Application No. 171048695, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Friendship Public Charter Schools, DC, Application No. 171049050, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Gateway Community Action Partnership, NJ, Application No. 171049036, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Greater Poughkeepsie Library District, NY, Application No. 171044993, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Guilford Preparatory Academy Lower, NC, Application Nos. 171048783, 171048878, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2017)

Hampton City School District, VA, Application No. 171041070, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Hillsboro School District 3, IL, Application No. 171049055, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

Immaculate Conception School, OH, Application No. 171049034, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2017)

Independence County Library, AR, Application No. 171048988, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Indian Creek Community Unit School District 425, IL, Application No. 171048969, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2017)

Intrepid College Preparatory, TN, Application No. 171048813, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Intrepid College Preparatory, TN, Application No. 171048823, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Lake Park Community High School District 108, IL, Application No. 171048941, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2017)

Lessie Bates Davis Neighborhood House, IL, Application No. 171044324, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

Lexington Public Library, NE, Application No. 171049028, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Long Island Child and Family Development Services, Inc., NY, Application No. 171049097, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Maple School District, WI, Application Nos. 171049030, 171049078, 171049080, 171049088, 171049098, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Mars Area School District, PA, Application No. 171049066, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2017)

McCleary School District 65, WA, Application No. 171049120, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

McDowell County School District, WV, Application No. 171049065, Request for Waiver, CC

Docket No. 02-6 (filed May 24, 2017)

Norfolk Public Library System, VA, Application No. 171049145, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2017)

Northbrook School District 28, IL, Application No. 171048890, MN, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2017)

Northbrook School District 28, IL, Application No. 171048891, MN, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2017)

NOVA Classical Academy, MN, Application No. 171048883, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

NOVA Classical Academy, MN, Application No. 171048876, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Park School of Baltimore, MD, Application No. 171048945, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2017)

Philips Academy Charter School of Paterson, NJ, Application Nos. 171049102, 171049113, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Point Isabel Independent School District, TX, Application No. 171049018, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2017)

Queen's Grant Community School, NC, Application No. 171049052, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

Razi School, NY, Application Nos. 171049152, 171049160, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

Richmond Public Library, VA, Application No. 171049129, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Sage International School of Boise, ID, Application No. 171048892, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Saint Lucas Lutheran School, WI, Application No. 171048953, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2017)

San Bernardino Diocesan Schools Consortium, CA, Application No. 171048850, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Sarah A. Reed Children's Center, PA, Application No. 171049138, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Schulyer Public Library, NE, Application Nos. 171049131, 171049137, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

School for Examining Essential Questions of Sustainability, HI, Application No. 171049118,

Request for Waiver, CC Docket No. 02-6 (filed May 31, 2017)

St. John Central, OH, Application No. 171049144, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

The Highlands School, MD, Application No. 171049048, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

The Magellan School, TX, Application Nos. 171048930, 171048939, 171048999, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2017)

The Pegasus School, CA, Application No. 171049092, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

The Stanwich School, CT, Application No. 171049029, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Tigard-Tualatin School District, OR, Application No. 171010961, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Tremont District Library, IL, Application No. 171049046, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Varnum School District, OK, Application No. 171048870, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Walton County Public Library System, FL, Application Nos. 171048922, 171048915, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Warren County Head Start Inc., NY, Application No. 171049143, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Washington County School District, NC, Application No. 171049096, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Weehawken Township School District, NJ, Application No. 171048801, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

West Nodaway School District R-1, MO, Application No. 171048964, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2017)

Woodstock School District, CT, Application No. 171049068, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2017)

*Ministerial and/or Clerical Error*¹⁴

¹⁴ 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,

(continued....)

Adams County School District 14, CO, Application No. 161034903, Request for Review, CC Docket No. 02-6 (filed May 25, 2017)

Yonkers Public Schools, NY, Application No. 1042472, Request for Review, CC Docket No. 02-6 (filed May 2, 2017)

*Unable to Receive Disbursement Due to USAC System Change*¹⁵

Cashmere School District 222, WA, Application No. 966904, Request for Waiver, CC Docket No. 02-6 (filed Mar. 23, 2017)

Cimarron Municipal School District, NM, Application No. 1030037, Request for Waiver, CC Docket No. 02-6 (filed Dec. 7, 2016)

Community of Peace Academy, MN, Application No. 997784, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2017)

*Waiver of Appeal Filing Deadline*¹⁶

Diego Valley Public Charter, CA, Application No. 161018442, Request for Waiver, CC Docket No. 02-6 (filed Mar. 9, 2017)

Partial Grant

*Ministerial and/or Clerical Error*¹⁷

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15521-22, nn.19 & 21 (WCB 2008) (permitting correction of error concerning copying wrong price from a contract and mislabeling eligible services on an Item 21).

¹⁵ See, e.g., *Petition for Reconsideration by Jefferson-Madison Regional Library; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, DA 17-526, para. 9 (WCB rel. May 30, 2017) (granting the requests of petitioners that filed a BEAR form timely, but that were unable to receive reimbursement because the service provider did not certify it before July 1, 2016, after which point the USAC system could no longer process the BEAR form).

¹⁶ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to decide on the merits. See *supra* note 9.

¹⁷ We grant this request in part for three of the funding requests. See, e.g., *Request for Review of the Decision 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 17319, 17320, para. 2 & n.5 (WCB 2010) (defining clerical error to include failing to enter an item from the source list onto the application); 47 CFR § 54.504(b). We deny this request with respect to four of the funding requests for Trinity High School. See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-rate applications).

Diocese of Cleveland Schools, OH, Application No. 990347, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2015, with supplements June 17, 2016 and June 21, 2016)¹⁸

Denied

*Invoice Deadline Extension Requests*¹⁹

Brooklyn Center School District 286, MN, Application Nos. 1008642, 1026109, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

BTI Communications DBA Telzeq Communications, Inc., NY, Application Nos. 880021, 938141, 947111, 1017875, 1034227, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2016)

Contra Costa County, CA, Application No. 1014424, Request for Waiver, CC Docket No. 02-6 (filed Feb. 21, 2017)

Core BTS, Inc. (Wyandanch Union Free School District), NY, Application No. 1041528, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Fife School District, WA, Application No. 1000543, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2017)

Harbor City Corporation (Bethel Ministries Inc. T/A Bethel Christian Academy), MD, Application No. 1041370, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2017)

Masconomet Regional School District, MA, Application Nos. 967044, 970366, 975246, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2016)

Nettleton School District, MS, Application No. 991492, Request for Waiver, CC Docket No. 02-6

¹⁸ We grant a waiver for the two funding requests for Internet access and voice services for St. Edward High School and one Internet access funding request for Trinity High School, as the petitioner has provided documentation of pre-existing contracts and other source material providing convincing evidence that its failure to include these funding requests on its FCC Forms 471 was the result of a clerical error. *See* Supplement to Request for Waiver filed by Diocese of Cleveland at Exhibit B, C (filed June 21, 2016) (providing contract documentation for \$2,400 per month and \$616.77 per month in Exhibit B; contract documentation for \$1,000 per month in Exhibit C). However, we deny this petition for waiver with respect to the four remaining funding requests for Trinity High School. *See* Supplement to Request for Waiver filed by Diocese of Cleveland at Exhibit D, E, F, G (filed June 17, 2016) (Block 5 funding requests for \$569.84, \$210.59, \$154.13, and \$429.59). The spreadsheet of proposed purchases provided as supporting documentation for these requests appeared to be a preliminary plan of purchases rather than the kind of accurate source document used to fill out FCC Form 471. *See* Supplement to Request for Waiver filed by Diocese of Cleveland at Exhibit A (filed June 21, 2016) (proposed purchases spreadsheet).

¹⁹ *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.

(filed May 4, 2017)²⁰

Paramount Unified School District, CA, Application No. 1037326, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2017)

Sunesys, LLC (Montebello Unified School District), PA, Application No. 1045399, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2017)

*Invoice Deadline Extension Requests More than 12 Months Late*²¹

Sno-Isle Rural Libraries, WA, Application Nos. 30571, 31423, 84254, 85219, 148960, 190290, 266305, 382691, 434583, 489285, 538951, 586757, 637629, 691322, 769113, 821891, 875656, Request for Waiver, CC Docket No. 02-6 (filed Oct. 18, 2013)

*Late-Filed FCC Form 471 Applications*²²

California Children's Academy, CA, Application No. 171049169, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2017)

Central Massachusetts Collaborative, MA, Application No. 171049192, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Colonial Intermediate Unit 20, PA, Application No. 171041393, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

²⁰ As of July 1, 2016, all applicants using the Billed Entity Applicant Reimbursement (BEAR) method need an FCC Form 498 ID regardless of the funding year of the request.

²¹ For the requests for waiver for funding years (FYs) 1998 through 2010, we find that the request for an invoice deadline extension is more than 12 months late and does not present extraordinary circumstances. *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). We also deny the request for a second invoice deadline extension for FY2011 that was filed seven months after its latest deadline because Sno-Isle offers no basis on which to find that the delay in invoicing or seeking an extension was reasonable. *See, e.g., id.* at para. 10 (finding that employee misunderstanding of the E-rate invoicing procedures does not present extraordinary circumstances, nor offer a reasonable basis for a substantial delay in submitting invoices). Additionally, for FYs 2005, 2011, and 2012, the requests to review of the FY2005 Funding Commitment Decision Letter (FCDL) (dated Feb. 15, 2006), the FY2011 FCDL (dated Feb. 21, 2012), the FY2011 FCC Form 486 Notification Letter (dated Oct. 2, 2012), and the FY2012 FCDL (also dated Oct. 2, 2012) were untimely. *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).

²² *See, e.g., Request 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) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Crossroads Academy, AZ, Application Nos. 171046573, 171047030, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

Giant Steps Illinois, Inc., IL, Application No. 171049186, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2017)

Highlands Adventist School, WV, Application No. 171049201, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Pettee Memorial Library, VT, Application No. 171042032, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2017)

Southern Berkshire Regional School District, MA, Application No. 171049198, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2017)

Theresa Free Library, NY, Application No. 171049187, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Trenton Public School District, MI, Application No. 171049195, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2017)

*Untimely Filed Requests for Review*²³

Academy for Integrated Arts, MO, Application Nos. 161029555, 161031733, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

Cleveland School District, MS, Application No. 871617, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2012)

Expanets (Baca Community School), NM, Application No. 233827, Request for Review, CC Docket No. 02-6 (filed Sept. 26, 2003)²⁴

²³ 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).

²⁴ Additionally, in the alternative, we also deny this appeal where Expanets provided services different than those requested and competitively bid for on FRN 653920. E-rate program rules require that unless an applicant requests a service substitution and USAC approves it, applicants may only receive E-rate funding for services that they applied for and that USAC approved. Baca Community School does not claim that it requested a service substitution for this funding request and there is no indication that it did. Rather, it sought funding for unapproved services, and we deny its request. See, e.g., *Request for Review or Waiver of a Decision of the Universal Service Administrator by RECTec Technology and Communications (Colcord Public Schools); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 8180, 8083, paras. 7-8 (WCB 2014) (denying waiver request when the applicant sought reimbursement from USAC for unapproved services and stating that providing E-rate support for services that were not initially sought by the applicant and not approved by USAC for support would promote waste, fraud and abuse); 47 CFR § 54.504(c) (1998) ("A commitment of support is contingent upon the

(continued....)

Education Service Center Region 2 (Alice ISD), TX, Application No. 981754, Request for Review, CC Docket No. 02-6 (filed May 3, 2016)²⁵

Education Service Center Region 2 (Banquete ISD), TX, Application No. 978317, Request for Review, CC Docket No. 02-6 (filed May 3, 2016)

Education Service Center Region 2 (Benavides ISD), TX, Application No. 990832, Request for Review, CC Docket No. 02-6 (filed May 3, 2016)

Education Service Center Region 2 (Ben Bolt ISD), TX, Application No. 977372, Request for Review, CC Docket No. 02-6 (filed May 3, 2016)

Keppel Union School District, CA, Application No. 161038857, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2017)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at kate.dumouchel@fcc.gov or at (202) 418-7400.

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filing of an FCC Form 471.²⁵); 47 CFR § 54.504(d) (2001) (requiring applicants to file applications each year, requiring applicants to use discounts for recurring services in the funding year for which they requested the discount, and establishing September 30 after the end of the relevant funding year as the deadline for implementation of non-recurring services).

²⁵ For the requests for review from Education Service Center Region 2, USAC issued a remittance statement dated Sept. 3, 2015, for Alice ISD, Banquete ISD, and Benavides ISD. USAC issued a remittance statement dated Aug. 6, 2015, for Ben Bolt ISD.