



PUBLIC NOTICE

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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. 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.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

Dismissed³

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, e.g., *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, 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Oracle School District 2, AZ, Application No. 171040109, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 28, 2017)⁴

Dismissed as Moot⁵

Carteret County School District, NC, Application No. 722828, Request for Review, CC Docket No. 02-6 (filed Sept. 15, 2010)

ENA Services, LLC (South Dearborn Community School Corporation), IN, Application No. 171031202, Request for Review, CC Docket No. 02-6 (filed May 23, 2018)

Dismissed as Moot⁶

Education Service Center Region 2 (West Oso ISD), TX, Application No. 938896, Request for Review, CC Docket No. 02-6 (filed May 3, 2016)

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements⁷

RCR Technology Corporation (Fort Wayne Community School District), IN, Application No. 837179, Request for Review, CC Docket No. 02-6 (filed Sept. 7, 2018)

⁴ We also find that Oracle School District 2's appeal submission to the Commission was untimely. *See* 47 CFR § 54.720 (requiring that a party seeking appeal of an adverse USAC decision must file an appeal within 60 days after the issuance of that decision).

⁵ *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 as moot requests for review where USAC had taken the action the petitioner requested and issued new decisions approving funding).

⁶ *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).

⁷ 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).

Dismissed on Reconsideration⁸

Nemmer Electric, Inc. (Marlin Independent School District), TX, Application No. 1044319, Petition for Reconsideration, CC Docket No. 02-6 (filed June 22, 2018)

Weston Preparatory Academy, CA, Application No. 999896, Petition for Reconsideration, CC Docket No. 02-6 (filed June 13, 2018)

Dismissed on Reconsideration - Untimely⁹

Most Pure Heart of Mary Catholic School, AL, Application No. 181042680, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 25, 2018)

School for Children with Hidden Intelligent, NJ, Application No. 870476, Petition for Reconsideration, CC Docket No. 02-6 (filed July 28, 2014)

Granted¹⁰

*Allowing Service Delivery Extension*¹¹

Los Angeles County Office of Education, CA, Application No. 997991, Request for Review, CC Docket No. 02-6 (filed Oct. 29, 2018)

⁸ 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). The school does not give any reason why we should consider the new information they now provide. 47 CFR § 1.106(c).

⁹ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

¹⁰ 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).

¹¹ *Requests 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, 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 CFR § 54.507(d).

*Granting Additional Time to Respond to USAC's Request for Information*¹²

Community Action Partnership of Kern, CA, Application No. 181005353, Request for Review, CC Docket No. 02-6 (filed Sept. 11, 2018)

*Grant on Reconsideration*¹³

Menominee Independent School District, MI, Application Nos. 161048773, 161048870, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2018)

*Grant on Reconsideration – Late-Filed FCC Form 471 Applications*¹⁴

Detroit Public Library, MI, Application No. 181039871, Petition for Reconsideration, CC Docket No. 02-6 (filed November 29, 2018)

*Grant on Reconsideration – Timely Filed Invoice*¹⁵

Council for the Spanish Speaking, Inc. (Centro Hispano Milwaukee), WI, Application No. 161008591, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 17, 2018)

¹² 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 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

¹³ See 47 CFR §§ 0.291, 1.108. The Commission may, on its own motion, reconsider any action taken by it within 30 days from the date of public notice of such action. 47 CFR § 1.108; see, e.g., *Request for Review by Northern Berkshire Vocational Regional School District, Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Dockets Nos. 96-45 and 97-21, Order on Reconsideration, 16 FCC Rcd 12924 (CCB 2001); see also *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, 32 FCC Rcd 10060, 10061, n.7 (WCB 2017) (remanding the granted requests for review and waiving section 54.514(a) to effectuate the ruling).

¹⁴ See, e.g., *Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *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 waiver where the applicant filed its FCC Form 471 after the close of the filing window due to delays beyond its control, in particular, technical problems with USAC's electronic filing system).

¹⁵ See, e.g., *Petitions for Reconsideration by Callisburg Independent School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination). We find, based on the record before us, that Innovative Dynamic Networks Inc. timely filed FCC Forms 474 (Service Provider Invoices) for services provided to the Council for the Spanish Speaking, Inc. (Centro Hispano Milwaukee) that were improperly denied because of an incorrect reduction in funding. The service provider, therefore, should be given the opportunity by USAC to refile its invoice on remand. In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 10.

*Incorrect Service Start Date on FCC Form 486*¹⁶

Pine Cellular Phones (Battiest Independent School District 71 and Smithville I-14 School District), OK, Application Nos. 161032874 and 161041646, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2018)

*Invoice Deadline Extension Requests*¹⁷

Camera Corner, Inc. (Waupun School District), WI, Application No. 161004916, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2017)¹⁸

Gonzaga Preparatory School, WA, Application No. 161031353, Request for Waiver, CC Docket No. 02-6 (filed Aug. 6, 2018)

Riverside Unified School District, CA, Application No. 874213, Request for Waiver, CC Docket No. 02-6 (filed Jan. 10, 2018)¹⁹

Time Warner Cable Business LLC (Cudahy School District), WI, Application No. 161047496, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2018)

¹⁶ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Los Lunas School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 204 (WCB 2012) (granting appeal on the basis that listing wrong service start date information on the FCC Form 486 did not violate a Commission rule). In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 10.

¹⁷ See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd. 2042, para. 8 (WCB 2018) (granting a limited waiver of the Commission's invoicing rules to allow certain E-Rate program applicants and service providers to submit invoices beyond the 120-day extension already received and allowed by the Commission's rules).

¹⁸ The application number for Camera Corner, Inc. (Waupun School District) was incorrect in a previous public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, DA 18-100 (WCB Oct. 31, 2018), 2018 WL 5668972. We now include the appeal information with the correct application number.

¹⁹ See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15555, 15558, para. 6 (WCB 2008) (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) (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).

*Invoice Deadline Extension Requests Less Than 12 Months Late*²⁰

Newark School District, NJ, Application No. 833025, Request for Review, CC Docket No. 02-6 (filed Apr. 21, 2015)

United Communications (South Coast ESD), OR, Application No. 527001, Request for Review, CC Docket No. 02-6 (filed Jan. 9, 2008)

*Invoice Reduction*²¹

Bridgeport School District, CT, Application No. 664493, Request for Review, CC Docket No. 02-6 (filed Apr. 15, 2011)

Southwest Virginia Education and Training Network, VA, Application No. 355039, Request for Review, CC Docket No. 02-6 (filed Oct. 21, 2005)

*Ministerial and/or Clerical Errors*²²

Austin Independent School District, TX, Application No. 181021980, Request for Waiver, CC Docket No. 02-6 (filed Oct. 30, 2018)

Berks County Intermediate Unit #14, PA, Application No. 1015029, Request for Review, CC Docket No. 02-6 (filed Oct. 19, 2018)

Goethe International Charter School, CA, Application No. 181000771, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2018)

Kentucky Department of Education, KY, Application No. 161058891, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2018)

²⁰ See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd at 15555, 15558, para. 6 (WCB 2008) (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) (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). For United Communications, we find good cause to allow them to reinvoice for the \$1,688.96 in returned funds but note that USAC was correct that the FRN had been fully disbursed in invoice line item numbers: 2654568, 2719713, 2807537, 2639379, 2639440, 2611459, 2654567, 2654569, 2654570, 2654571, 2654148, 2654151, 2762985, and 2654566.

²¹ See, e.g., *Requests for Review of the 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 5186, 5188, para. 4 (WCB 2012) (granting the appeal of a USAC invoicing decision where the requested service was within the scope of the contract and the approved funding request).

²² See, e.g., *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, 17319-20, para. 2 & nn. 5 & 6 (WCB 2010) (permitting applicant to correct the name of a school on its FCC Form 471 and appeal when they did not timely notify USAC of USAC clerical error); *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, 15521 n.19 (WCB 2008) (permitting applicant to correct a pre-discount price on its FCC Form 471 to conform to the price on the source document).

Many Farms Community Schools, AZ, Application No. 181009170, Request for Review, CC Docket No. 02-6 (filed Aug. 10, 2018)

*Ministerial and/or Clerical Errors – FCC Form 500*²³

Floyd County Schools, KY, Application No. 397569, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 12, 2006)

RetroFit Technologies (Lowell School District), MA, Application No. 678522, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 28, 2011)

*Price as Primary Factor – Applicant Selected Lowest-Cost Provider*²⁴

Baltimore City School District, MD, Application No. 181014684, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

Baltimore City School District, MD, Application No. 171000385, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

Baltimore City School District, MD, Application No. 161003174, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

*Price as Primary Factor – Price of Ineligible Items*²⁵

Gateway School District, PA, Application No. 161015430, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 23, 2018)

²³ See, e.g., *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 (WCB 2010) (permitting applicants to correct clerical errors, including calculation errors on an FCC form); *Requests for Review of the Universal Service Administrator by West Virginia Department of Education; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 14306, 14306, para. 1 (WCB 2011) (granting a request for waiver where there was an error on a service substitution request form).

²⁴ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115-17, paras. 10-12 (WCB 2011) (granting a waiver of the requirement that price of E-Rate supported services be the primary factor in bid evaluation where petitioner selected the least expensive responsive bid for E-Rate eligible services and there was no evidence of waste, fraud, or abuse).

²⁵ See *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).

*Timely Filed Invoice*²⁶

Innovative Dynamic Networks Inc. (Council for the Spanish Speaking, Inc. (Centro Hispano Milwaukee)), WI, Application No. 161008591, Request for Review, CC Docket No. 02-6 (filed Sept. 17, 2018)²⁷

SSCTA BOCES dba GST BOCES, NY, Application No. 161061061, Request for Review, CC Docket No. 02-6 (filed Oct. 9, 2018)²⁸

*Waiver of Appeal- or Waiver-Filing Deadline*²⁹

Johnston-Lee-Harnett Community Action, NC, Application No. 181024476, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

Mendon Upton Regional School District, MA, Application No. 161014520, Request for Review, CC Docket No. 02-6 (filed Sept. 21, 2018, supplemented Oct. 30, 2018)

Princeton Child Development, NJ, Application No. 181009558, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

Ruidoso Municipal Schools, NM, Application No. 171019718, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2018)

United Community Action Partnership, MN, Application No. 181028707, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

²⁶ See 47 CFR § 54.514(a) (noting that invoices will be considered timely if submitted 120 days after the last day of service or 120 days after the date of the FCC Form 486 Notification Letter, whichever is later). Under the invoicing rule, applicants or service providers may seek a single one-time automatic 120-day extension of the invoice filing deadline, and such a request must be filed prior to the invoice filing deadline. See 47 CFR § 54.514(b).

²⁷ We find, based on the record before us, that Innovative Dynamic Networks Inc. timely filed FCC Forms 474 (Service Provider Invoices) for services provided to the Council for the Spanish Speaking, Inc. (Centro Hispano Milwaukee) that were improperly denied because of an incorrect reduction in funding. The service provider, therefore, should be given the opportunity by USAC to refile its invoice on remand. In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 10.

²⁸ We find, based on the record before us, that USAC miscalculated the invoice deadline extension date for two funding requests for SSCTA BOCES dba GST BOCES. Based on the correct deadline calculated from the date of the FCC Form 486 Notification Letter, we find SSCTA BOCES dba GST BOCES timely filed its invoices. In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 10.

²⁹ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals or waiver requests to the Commission or USAC only a few days late). We make no finding on the underlying issues in this appeal and remand these applications back to USAC to make a determination on the merits. See *supra* note 10.

*Waiver of Service Delivery Deadline*³⁰

Perkins-Tryon School District, OK, Application No. 161034268, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 15, 2018)

*Waiver of Special Construction Service Delivery Deadline*³¹

Clear Creek Independent School District, TX, Application No. 161047008, Request for Waiver, CC Docket No. 02-6 (filed Apr. 6, 2018)³²

Cenic-Corporation for Education Network Initiatives in California (CENIC), CA, Application No. 161059583, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2018)³³

Partially Granted

³⁰ See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Great Rivers Education Cooperative and I-K Electric Company*, CC Docket No. 02-6, Order, 21 FCC Rcd 14115, 14119, para. 10 (WCB 2006) (waiving the Commission's service delivery deadline because there is no reason to penalize a service provider by denying payment for equipment already delivered shortly after the implementation deadline); *Request for Waiver of the Decision of the Universal Service Administrator by Expanets of North America*, CC Docket No. 02-6, Order, 25 FCC Rcd 5507, 5509, para. 4 (WCB 2010) (finding a short delay in service implementation after the deadline does not warrant the complete rejection of funding).

³¹ See *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, DA 18-1060, 4, para. 8 (WCB Oct. 17, 2018), 2018 WL 5112224, (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

³² Clear Creek ISD was unable to complete implementation for reasons beyond its control (i.e., inclement weather and delayed funding disbursements) and made good faith efforts to comply with Commission rules and procedures (e.g., timely filing service delivery deadline extension requests with USAC). Accordingly, we waive the special construction service delivery deadline and direct USAC to set a new service delivery deadline of June 30, 2019 and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling.

³³ CENIC was unable to complete implementation for reasons beyond its control (i.e., inclement weather and permitting delays) and made good faith efforts to comply with Commission rules and procedures (e.g., timely filing service delivery deadline extension requests with USAC). Accordingly, we waive the special construction service delivery deadline and direct USAC to set a new service delivery deadline of September 30, 2019 and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling.

*FCC Form 486 – Late-Filed*³⁴

Mildred Independent School District, TX, Application Nos. 564385, 622337, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 19, 2010)³⁵

Denied

*Failure to Seek Competitive Bids*³⁶

Bibb County School District, GA, Application No. 838182, Request for Review, CC Docket No. 02-6 (filed May 14, 2018)

Bibb County School District, GA, Application No. 932532, Request for Review, CC Docket No. 02-6 (filed May 14, 2018)

³⁴ 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, 10185, para. 6 (WCB 2006) (*Alaska Gateway Order*) (granting appeals where applicants filed their FCC Forms 486 late as the result of immaterial clerical, ministerial or procedural errors, or filed late due to circumstances beyond their control); *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, para. 11 (WCB 2016) (*Archdiocese of New Orleans Order*) (establishing a more rigid standard for late-filed FCC Forms 486, but continuing to apply the current *Alaska Gateway Order*-based standard to appeals filed with USAC or the Commission before January 30, 2017). We make no finding as to the ultimate eligibility of the application for which we allow a late-filed FCC Form 486. See *supra* note 10.

³⁵ We deny the request for waiver for Application No. 564385, finding 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 (WCB 2015) (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 waiver of the funding year 2010 filing window. See, e.g., *Academy of Math and Sciences 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).

³⁶ 47 CFR § 54.504(c) (stating that applicants must seek competitive bids for E-Rate eligible services by posting a Form 470 and waiting 28 days before entering into a contract for services); see *Applications for Review of a Decision of the Universal Service Administrator by Challis Joint School District # 181, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 3812, 3812-13, para. 2 (WCB 2011) (stating that applicants must seek competitive bids for services eligible for E-Rate support by posting an FCC Form 470, waiting 28 days, and entering into a contract with a service provider for the requested services; stating further that applicants may exercise voluntary extensions of previously competitively bid contracts without seeking competitive bids or posting a Form 470); see also *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 15 FCC Rcd 6732, 6734, 6736, paras. 5, 10 (CCB 1999) (providing limited exception to requirement to post a Form 470 and conduct a competitive bid evaluation when an applicant exercises a voluntary extension in a previously competitively bid contract).

*FCC Form 470 with Inadequate Specificity*³⁷

Calumet School District 132, IL, Application No. 181033545, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 3, 2018)

*Intentional Cancellation of Funding*³⁸

Berkeley County School District, SC, Application No. 161034252, Request for Review, CC Docket No. 02-6 (filed July 16, 2018)

*Invoice Deadline Extension Requests*³⁹

Bishop Hoffman Catholic Schools, OH, Application No. 161050458, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2018)

Golden Plains Unified School District, CA, Application No. 161033870, Request for Waiver, CC Docket No. 02-6 (filed Oct. 2, 2018)

Network Services Solutions LLC (Pyramid Lake High School), NV, Application No. 161033642, Request for Waiver, CC Docket No. 02-6 (filed Oct. 24, 2018)

³⁷ See *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.*; *Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26406, 26410, para. 7 (2003) (clarifying that the requirement for a bona fide request for services means that “applicants must submit a list of specific 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.”); see also *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 the 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 and failed to indicate an RFP was available).

³⁸ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Le Jardin Academy; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 11792, 11792, para. 4 (WCB 2014) (denying a request to reinstate funding purposefully canceled by the applicant).

³⁹ 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, 3835, para. 7 (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.

*Invoice Deadline Extension Requests More Than 12 Months Late*⁴⁰

New Horizons Regional Education Centers, VA, Application No. 688299, Request for Review, CC Docket No. 02-6 (filed Mar. 18, 2014)

*Late-Filed FCC Form 471 Applications*⁴¹

St. Jerome School, NJ, Application No. 161061991, Request for Waiver, CC Docket No. 02-6 (filed Oct. 11, 2016)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-Rate Services Later Requested*⁴²

Pinellas County Schools, FL, Application No. 745165, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 11, 2013)

York Preparatory Academy, SC, Application No. 171030706, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 21, 2018)

*Untimely-Filed Appeals or Waiver Requests*⁴³

Hillcrest Educational Centers, NY, Application No. 1002220, Request for Waiver, CC Docket No. 02-6 (filed July 3, 2018)

Pulaski County Schools, VA, Application No. 171041390, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 9, 2018, supplemented Oct. 23, 2018)

Reece School, NY, Application No. 1006726, Request for Waiver, CC Docket No. 02-6 (filed Mar. 21, 2016)

⁴⁰ 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 (WCB 2015) (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).

⁴¹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (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).

⁴² See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-Rate funding).

⁴³ 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 requests for review and/or waiver on the grounds that the petitioners failed to 1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission’s rules; and 2) did not show special circumstances necessary for the Commission to waive the deadline).

Sacred Heart Elementary School, NE, Application No. 161040452, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2018)

Sharon-Mutual Public School District, OK, Application No. 171046227, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 24, 2018)

West River Telecom (New Salem-Almont School District), ND, Application No. 161005152, Request for Review, CC Docket No. 02-6 (filed Oct. 23, 2018)

Contribution Methodology
WC Docket No. 06-122

Granted

*Ministerial and/or Clerical Error*⁴⁴

Truphone Inc., Request for Waiver of February 2018 Form 499-Q-45 Day Revision Deadline, WC Docket No. 06-122 (filed Nov. 5, 2018).⁴⁵

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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⁴⁴ See, e.g., *Universal Service Contribution Methodology; Petition for Reconsideration by Ascent Media Group, Inc.*, WC Docket No. 06-122, Order, 28 FCC Rcd 6150 (WCB 2013) (finding good cause for granting a waiver of the FCC Form 499-Q filing deadline where the company mistakenly reported its total projected company revenues instead of its assessable interstate and international end-user revenues, resulting in invoices that were significantly higher than what they would have been, but for the reporting error); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator and Request for Waiver by American Broadband & Telecommunications*, WC Docket No. 06-122, 28 FCC Rcd 10358 (WCB 2013) (finding good cause for granting a waiver of the FCC Form 499-Q deadline where a typographical error resulted in invoices for the relevant quarter that were several times the company's true-up contribution obligation for the entire year).

⁴⁵ In remanding this matter to USAC, we direct USAC to accept the contributor's revised February 2018 Form 499-Q as if timely filed and reverse any associated interest, fees, and penalties.