

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Promoting Telehealth in Rural America) WC Docket No. 17-310

ORDER

Adopted: March 19, 2018

Released: March 19, 2018

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 2017 for the funding request numbers (FRNs) identified in the Appendix below.1 Specifically, we allow the applicants and service providers associated with these FRNs to submit their funding year 2017 invoicing forms to the Universal Service Administrative Company (USAC) within six months from the issuance date of their funding commitment letters (FCLs).2

2. Background. These applicants submitted FCC Form 462 applications to USAC during the filing window period for funding year 2017 (i.e., March 1 – June 30, 2017) and requested partial year funding commitments with services ending between July 2017 and March 2018.3 USAC only began to issue the associated FCLs on March 16, 2018, after reviewing an unprecedented number of applications.4 The Commission’s rules require all HCF invoices to be received by USAC within six months of the end of the funding commitment.5 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 were precluded from completing and submitting their invoices to USAC or did not have sufficient time to do so.

3. Discussion. Generally, the Commission’s rules may be waived if good cause is shown.6 The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.7 In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.8 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.9

1 See Rural Health Care Support Mechanism, WC Docket No. 02-60, Order, 32 FCC Rcd 5065 (WCB 2017) (waiving, sua sponte, the Healthcare Connect Fund 6-month invoicing deadline for affected applicants for funding year 2016).

2 Funding year 2017 started on July 1, 2017 and ends on June 30, 2018.

3 See Appendix.

4 See USAC, Rural Health Care Program, Latest News, https://www.usac.org/rhc/tools/funding-commitments/default.aspx (last visited March 15, 2018).

5 See 47 CFR. § 54.645(b).

6 47 CFR § 1.3.

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

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

4. We waive the invoice filing deadline for the FRNs identified below for funding year 2017 to avoid an unjust result that would make compliance with program rules impossible. Considering 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 2017 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

⁹ *Northeast Cellular*, 897 F.2d at 1166.

APPENDIX

HCP #	HCP Name	FRN	Service End Date	Invoice Due Date
15570	Jeff Davis Hospital	17130491	7/15/2017	9/16/2018
14991	Bluegrass Regional Mental Health -MR Board, Inc dba Garrard County Comprehensive Care Center	17112191	7/17/2017	9/16/2018
14991	Bluegrass Regional Mental Health -MR Board, Inc dba Garrard County Comprehensive Care Center	17107931	7/17/2017	9/16/2018
30885	Memorial Hospital of Adel	17181441	7/19/2017	9/16/2018
30885	Memorial Hospital of Adel	17181411	7/19/2017	9/16/2018
12689	Sea View Community Services	17257771	7/29/2017	9/16/2018
18446	Uvalde County Hospital Authority	17245681	7/30/2017	9/16/2018
13729	Pawnee Mental Health Center - Manhattan (Houston)	17216521	8/7/2017	9/16/2018
45099	Mental Health Services of Southern Oklahoma	17245701	8/10/2017	9/16/2018
33888	Health Care Collaborative of Rural Missouri	17216351	8/14/2017	9/16/2018
50400	KRMC Broadband Consortium	17172721	8/14/2017	9/16/2018
30836	RHA Anadarko Inc dba The Physicians Hospital in Anadarko	17111371	8/16/2017	9/16/2018
13736	Cowley County Mental Health Center	17130411	8/28/2017	9/16/2018
52642	Highland Manor of Elko	17144161	8/28/2017	9/16/2018
54787	Ayers Health and Rehabilitation Center	17272551	8/31/2017	9/16/2018
14002	Four County Mental Health Center	17269871	8/31/2017	9/16/2018
10256	Mountain Valleys Health Centers, Big Valley Health Center	17280901	8/31/2017	9/16/2018
17171	Russell County Hospital	17229111	8/31/2017	9/16/2018
11856	Childress Regional Medical Center	17269501	8/31/2017	9/16/2018
25751	TRMC - Open Imaging of Mt. Pleasant	17160111	8/31/2017	9/16/2018
15227	Arbuckle Memorial Hospital	17213011	9/1/2017	9/16/2018
48305	Pike County Health Department	17145121	9/5/2017	9/16/2018
48305	Pike County Health Department	17145111	9/5/2017	9/16/2018
17234	New England Telehealth Consortium	17249931	9/11/2017	9/16/2018
16080	Mark Milford Hicksville Joint Township Hospital d/b/a Community Memorial Hospital	17227951	9/16/2017	9/16/2018
33744	Oklahoma Mental Health Council dba Red Rock Behavioral Health Services	17139131	9/22/2017	9/16/2018
34765	Skagit County Public Hospital Consortium	17123261	9/23/2017	9/16/2018
50589	Sutter Health	17107081	9/24/2017	9/16/2018
14789	Four County Mental Health Center	17130721	9/30/2017	9/16/2018
48806	St. Mary's of Michigan Birch Run	17144111	10/6/2017	9/16/2018
35280	Saint Francis Medical Center Consortia	17277361	10/14/2017	9/16/2018
11270	Munson Healthcare - Charlevoix Hospital	17216251	10/15/2017	9/16/2018
14482	Permian Regional Medical Center	17227651	10/15/2017	9/16/2018
34193	Indiana Health Centers, Inc.	17263041	10/21/2017	9/16/2018

13527	Wayne County Health Department	17148711	10/26/2017	9/16/2018
14964	Pocahontas Community Hospital	17121701	10/27/2017	9/16/2018
28256	Iron County Hospital	17223891	10/31/2017	9/16/2018
13736	Cowley County Mental Health Center	17269351	10/31/2017	9/16/2018
14341	Greater Regional Medical Center	17233501	10/31/2017	9/16/2018
32259	Iron County Family Care Clinic	17223841	10/31/2017	9/16/2018
34340	Grand Lake Mental Health Center, Inc.	17171311	10/31/2017	9/16/2018
14002	Four County Mental Health Center	17269401	10/31/2017	9/16/2018
16667	Iraan General Hospital	17228301	10/31/2017	9/16/2018
18214	Dallam-Hartley Co. Hosp. District dba Coon Memorial Hosp., Texline Health Clinic	17228701	10/31/2017	9/16/2018
17126	Human Service Agency - Watertown	17106621	11/1/2017	9/16/2018
11266	REMEC Telehealth Network - West Shore Hospital	17221031	11/17/2017	9/16/2018
17089	Rankin County Hospital	17268831	11/23/2017	9/16/2018
46443	Lincoln County Health Department	17112901	11/29/2017	9/16/2018
11902	Central Peninsula Hospital	17269261	11/30/2017	9/16/2018
25763	Habersham County Medical Center - Mount Yonah Family Practice	17152961	12/1/2017	9/16/2018
51060	WCMHS South Main Street	17216411	12/8/2017	9/16/2018
33801	Arkansas Verdigris Valley Health Centers INC. DBA Porter Health Center	17271271	12/12/2017	9/16/2018
15889	Versailles Main Street Clinic	17122401	12/12/2017	9/16/2018
17713	Eufaula Green Country Behavioral Health	17224381	12/17/2017	9/16/2018
15882	Riverbourne Medical Center	17121031	12/28/2017	9/16/2018
14599	Ward Memorial Hospital	17161511	12/31/2017	9/16/2018
34765	Skagit County Public Hospital Consortium	17225771	12/31/2017	9/16/2018
11235	Southeastern Idaho Public Health - Soda Springs	17107341	12/31/2017	9/16/2018
15925	Monroe County Hospital	17232291	12/31/2017	9/16/2018
24550	Hillsdale Hospital- Howell	17143951	12/31/2017	9/16/2018
11234	Southeastern Idaho Public Health - Montpelier	17107371	12/31/2017	9/16/2018
15237	Holdenville General Hospital	17270771	12/31/2017	9/16/2018
17388	Ste. Genevieve County Memorial Hospital	17265141	12/31/2017	9/16/2018
11231	Southeastern Idaho Public Health - Malad	17107761	12/31/2017	9/16/2018
11233	Southeastern Idaho Public Health - Blackfoot	17107411	12/31/2017	9/16/2018
25518	Stamford Memorial Hospital	17258541	12/31/2017	9/16/2018
11230	Southeastern Idaho Public Health - Pocatello	17107871	12/31/2017	9/16/2018
11236	Southeastern Idaho Public Health - Preston	17107291	12/31/2017	9/16/2018
11237	Southeastern District Health Dept. - American Falls	17107231	12/31/2017	9/16/2018
13099	Buchanan General Hospital	17269851	12/31/2017	9/16/2018
17141	Stephens Memorial Hospital	17235281	12/31/2017	9/16/2018
11232	Southeastern Idaho Public Health - Arco	17107461	12/31/2017	9/16/2018
47469	Community Health Centers, Inc.	17255181	12/31/2017	9/16/2018
46770	Community Care of Weston	17280051	1/4/2018	9/16/2018

53441	Community Care of Buckhannon	17280641	1/5/2018	9/16/2018
15111	Primary Care Systems, Inc.	17249241	1/5/2018	9/16/2018
26917	Ministry St. Mary's Hospital - Crandon	17122021	1/14/2018	9/16/2018
16844	Eagle River Memorial Hospital	17121871	1/14/2018	9/16/2018
15077	Laona Clinic	17121791	1/14/2018	9/16/2018
15180	Iola Family Practice	17121941	1/14/2018	9/16/2018
25299	Ministry Health Care St. Michaels - Amherst Clinic	17121981	1/14/2018	9/16/2018
34277	Garfield County Health Center	17156121	2/9/2018	9/16/2018
52160	Seton Edgar B. Davis Hospital	17151431	2/10/2018	9/16/2018
14514	Cayuga Medical Center @ Ithaca	17281131	2/14/2018	9/16/2018
26092	Bucyrus Community Hospital	17206761	2/17/2018	9/16/2018
18114	ETMC Sleep Lab - Lindale	17106801	2/28/2018	9/16/2018
17163	ETMC 1st Physicians Clinic Frankston	17213591	2/28/2018	9/16/2018
35409	Northern Lakes Community Mental Health	17244801	2/28/2018	9/16/2018
30507	ETMC 1st Physicians Henderson	17113561	2/28/2018	9/16/2018
32562	ETMC 1st Physicians Sulpher Springs RHC-Hodge St	17104651	2/28/2018	9/16/2018
14159	Henderson Memorial Hospital	17113521	2/28/2018	9/16/2018
17350	ETMC 1st Physicians - Jacksonville	17104561	2/28/2018	9/16/2018
45777	East Texas Medical Center - Lindale Urgent Care	17104621	2/28/2018	9/16/2018
45777	East Texas Medical Center - Lindale Urgent Care	17206561	2/28/2018	9/16/2018
48822	East Texas Medical Center - Mineola Rehab	17206591	2/28/2018	9/16/2018
17303	East Texas Medical Center - Lindale	17104591	2/28/2018	9/16/2018
18111	ETMC Rehabilitation - Athens	17107771	2/28/2018	9/16/2018
17198	East Texas Medical Center dba ETMC Carthage	17110741	2/28/2018	9/16/2018
17191	East Texas Medical Center - Athens	17106031	2/28/2018	9/16/2018
18112	ETMC Rehabilitation - Lindale	17104601	2/28/2018	9/16/2018
17191	East Texas Medical Center - Athens	17105971	2/28/2018	9/16/2018
18093	ETMC 1st Physicians Clinic-Hideaway	17211191	2/28/2018	9/16/2018
25472	ETMC Regional Healthcare System - Athens Cancer Center	17109291	2/28/2018	9/16/2018
51870	East Texas Medical Center 1st Physicians - Athens Pulmonary Clinic	17105551	2/28/2018	9/16/2018
17191	East Texas Medical Center - Athens	17212141	2/28/2018	9/16/2018
17302	East Texas Medical Center - Quitman	17167681	2/28/2018	9/16/2018
17194	East Texas Medical Center - Jacksonville	17209391	2/28/2018	9/16/2018
14159	Henderson Memorial Hospital	17207691	2/28/2018	9/16/2018
14159	Henderson Memorial Hospital	17207791	2/28/2018	9/16/2018
48022	CentraCare Health System	17198421	3/2/2018	9/16/2018
43272	Mississippi Baptist Health Systems, Inc.	17247641	3/9/2018	9/16/2018
49488	Mountain States Health Alliance	17221331	3/12/2018	9/16/2018
46474	Cumberland Medical Center / Crossville Medical Group	17229941	3/13/2018	9/16/2018