



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

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).

Schools and Libraries (E-rate)
CC Docket No. 02-6

Dismissed as Moot

Emmett School District No. 221, ID, Application Nos. 926321, 986659, Request for Review or Waiver, CC Docket No. 02-6 (filed Dec. 28, 2016)³

Fontana Regional Library, NC, Application No. 161045542, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2018)⁴

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements⁵

Blount County Government, TN, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2018)

Dismissed on Reconsideration⁶

Montcalm Area Intermediate School District, MI, Application No. 181042544, Petition for Reconsideration, CC Docket No. 02-6 (filed May 25, 2018)

³ See *Requests for Review of Decisions of the Universal Service Administrator by Integrity Communications (Brooks Consolidated Independent School District)*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 7994, 7995, para. 1 (WCB 2012) (dismissing appeals as moot for which the applicant subsequently withdrew the applicable funding requests).

⁴ 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).

⁵ 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).

⁶ 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).

Granted⁷

*Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window*⁸

Arch Community School, MO, Application Nos. 181042375, 181042386, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2018)

Gateway Charter Academy, TX, Application No. 181042400, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2018)

Lumen Christi Catholic High School, MI, Application No. 181041732, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2018)

St. Anthony Tri-Parish School, WY, Application No. 181041813, Request for Waiver, CC Docket No. 02-6 (filed Mar. 23, 2018)

*Late-Filed FCC Form 471 Applications – Due to Actions Beyond Its Control*⁹

Amandla Charter School, IL, Application No. 181042611, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2018)

*Ministerial and/or Clerical Errors*¹⁰

Aberdeen School District 6-1, SD, Application No. 161048918, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2018)

Quitman Public Library, TX, Application No. 171042689, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2018)

⁷ 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).

⁸ 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) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (granting waiver where the applicant filed within a reasonable period after the close of the filing window despite delays beyond its control).

¹⁰ 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. 9, 11 (WCB 2010) (permitting applicants to correct an expiration date for a contract or a calculation error).

*Waiver of Appeal- or Waiver-Filing Deadline*¹¹

Genesis Innovation Academy, GA, Application No. 171046313, Request for Waiver, CC Docket No. 02-6 (filed Jan. 23, 2018)

Resurgence Hall Charter School, GA, Application No. 171047115, Request for Waiver, CC Docket No. 02-6 (filed Jan. 11, 2018)

Denied

*Late-Filed FCC Form 471 Applications*¹²

Archdiocese of Miami Schools, FL Application No. 181042848, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2018)

Belmont Charter School, PA, Application No. 181042880, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2018)

Bridger Public Library, MT, Application No. 181041918, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2018)

Burton School District, CA, Application No. 181042856, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2018)

Cedar Ridge School District, AR, Application No. 181042738, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2018)

Columbia Independent School, MO, Application Nos. 181042718, 181042721, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2018)

Coolidge Library, ME, Application No. 181042152, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2018)

Duval County Public Schools, FL, Application No. 181037717, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2018)

Eastmont School District 206, WA, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2018, supplemented May 30, 2018)

Eastside College Preparatory School, CA, Application No. 181042817, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2018)

¹¹ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Savannah R-III School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd. 12053, n.30 (WCB 2008) (finding good cause to waive section 54.720 of the Commission's rules that establishes deadlines for affected parties to seek review of decisions issued by USAC because the issue on appeal before the Commission should have been resolved with USAC before the petitioner resorted to filing an appeal). 47 CFR § 54.720. We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a determination on the merits. See supra note 7.

¹² 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).

Estes Valley Public Library District, CO, Application No. 181042042, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2018)

Harrison County Board of Education, KY, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2018)

Holy Family Elementary School, MN, Application No. 181042928, Request for Waiver, CC Docket No. 02-6 (filed May 29, 2018)

Knoxville Community Unit School District No. 202, IL, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2018)

Lake Rose Christian Academy, FL, Application No. 181042865, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2018)

Louisburg Unified School District 416, KS, Application No. 181042665, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2018)

Louisburg Unified School District 416, KS, Application No. 181042845, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2018)

Magellan International School, TX, Application No. 181042891, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2018)

Medina Valley Independent School District, TX, Application No. 181042684, Request for Waiver, CC Docket No. 02-6 (filed Apr. 26, 2018)

Mendocino County Library, CA, Application No. 181042911, Request for Waiver, CC Docket No. 02-6 (filed May 3, 2018)

Michael J. McGivney School, MI, Application No. 181042902, Request for Waiver, CC Docket No. 02-6 (filed May 29, 2018)

Natrona County School District, WY, Application Nos. 181042691, 181042693, 181042694, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2018)

*Seeking E-rate Support for Services Not Covered by the Applicant's Competitive Bidding Process*¹³

Fairfield Suisun Unified School District, CA, Application No. 161015219, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2018).

¹³ See, e.g., *Request for Review of a Decision by the Universal Service Administrator by Albert Lea Area Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4541-42, paras. 14-15 (WCB 2009) (finding that petitioners violated the Commission's competitive bidding rules by not including the type of service on the FCC Form 470 that the applicant requested on its FCC Form 471).

*Untimely-Filed Appeals or Waiver Requests*¹⁴

Bergen County Technical Schools & Special Services, NJ, Application No. 171049104, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2018)

Southern Montana Telephone (Grant School District 7), MT, Application No. 1015003, Request for Review, CC Docket No. 02-6 (filed July 27, 2016)

Structured Cabling Solutions (Miami-Dade County Public Schools), FL, Application No. 388368, Request for Waiver, CC Docket No. 02-6 (filed July 22, 2008)

Structured Cabling Solutions (Miami-Dade County Public Schools), FL, Application No. 388765, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2008)

Structured Cabling Solutions (Miami-Dade County Public Schools), FL, Application No. 388797, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2008)

Structured Cabling Solutions (Miami-Dade County Public Schools), FL, Application No. 389288, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2008)

Structured Cabling Solutions (Miami-Dade County Public Schools), FL, Application No. 389309, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2008)

Structured Cabling Solutions (Miami-Dade County Public Schools), FL, Application No. 391393, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2008)

Structured Cabling Solutions (Miami-Dade County Public Schools), FL, Application No. 394410, Request for Waiver, CC Docket No. 02-6 (filed July 23, 2008)

Contribution Methodology
WC Docket No. 06-122

Denied

¹⁴ 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).

De Mus, Inc., Request for Waiver, WC Docket 06-122 (filed May 24, 2018)

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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¹⁵ *Universal Service Contribution Methodology, Federal-State Joint Board on Universal Service, Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology, Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh- Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd. 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology, Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC 499 instructions).