



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 19-213**

**Released: March 29, 2019**

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

**CC Docket No. 02-6**  
**WC Docket No. 02-60**

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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> 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 Red 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.

<sup>2</sup> 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 – Requested Action Taken by USAC<sup>3</sup>

Honolulu Community Action Program, Inc./Oahu Head Start, HI, Application No. 161029676, CC Docket No. 02-6 (filed June 11, 2018)

Wallington Public School District, NJ, Application No. 161018230, CC Docket No. 02-6 (filed Dec. 15, 2017)

Dismissed on Reconsideration<sup>4</sup>

Fauquier County Public Schools, VA, Application No. 774331, Petition for Reconsideration, CC Docket No. 02-6 (filed May 24, 2017)

Integrity Network Solutions (Clarksville Independent School District), TX, Application No. 1024107, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 26, 2017)

Pulaski County Schools, VA, Application No. 171041390, Petition for Reconsideration, CC

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<sup>3</sup> 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).

<sup>4</sup> 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).

Fauquier County Public Schools (Fauquier County) also argues that the 2017 *Ada Public Library Order* should be applied on reconsideration to grant the school district relief. See *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909 (WCB 2017) (*Ada Public Library Order*). While the *Ada Public Library Order* was released after Fauquier County filed its initial waiver request and before its petition for reconsideration, the order only granted waivers to applicants unable to file the FCC Form 472 Billed Entity Application for Reimbursement (BEAR) form while waiting for USAC to provide an FCC Form 498 ID or personal identification number (PIN) at the time of the invoice filing deadline due to the one-time influx in requests in the fall of 2016. In the case of Fauquier County, the service provider did not timely file an FCC Form 473, the Service Provider Annual Certification (SPAC) form, and did not sign the BEAR form; further, its failure to do so timely was not due to a delay in USAC taking any necessary prior action.

The initial filings of Putnam County School District and Rio Bravo-Greeley Union Elementary School District were dismissed because they filed their appeals directly with the Commission and not first with USAC. *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, 32 FCC Rcd 1452, 1452-53 (WCB 2017); 47 CFR § 54.719 (noting that an aggrieved party must first seek review from USAC). They now seek a waiver of the appeal filing deadline to properly submit their appeals with USAC for review. We decline to waive this filing requirement. The Commission adopted the requirement that parties first file appeals with USAC to combat the growing number of E-Rate appeals with the Commission and improve efficiency in the appeals process by reducing the number of appeals coming to the Commission. *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, 8971, para. 252 (2014) (*2014 E-Rate Order*). Waiving our rules for petitioners that improperly file appeals with the Commission is in contravention to the intent of the 2014 E-Rate Order which sought to minimize the number of E-Rate filings the Commission receives. We therefore do not find

Docket No. 02-6 (filed Dec. 19, 2018)

Putnam County School District, TN, Application Nos. 1051032, 1051183, Petition for Reconsideration, CC Docket No. 02-6 (filed March 10, 2017)

Rio Bravo-Greeley Union Elementary School District, CA, Application No. 1012910, Petition for Reconsideration, CC Docket No. 02-6 (filed March 13, 2017)

Shenango Valley Catholic School System d.b.a. Kennedy Catholic Family of Schools, PA, Application No. 181042602, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 3, 2018)

Granted<sup>5</sup>

*28-Day Competitive Bidding Rule<sup>6</sup>*

Durant Public School District, MS, Application No. 537681, Request for Review, CC Docket No. 02-6 (filed Dec. 5, 2017)

*Appeal or Waiver Filed Few Days Late<sup>7</sup>*

Archdiocese of Miami Schools, FL, Application No. 181030184, Request for Waiver, CC Docket No. 02-6 (filed Aug. 6, 2018)

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good cause to waive 47 CFR § 54.720 to allow the petitioners to re-file their appeals with USAC.

<sup>5</sup> 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).

<sup>6</sup> See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007) (*Aberdeen School District Order*) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time, and there was no evidence of waste, fraud or abuse). In addition to the 28-day rule violation, USAC's COMAD also mentions a finding that Durant Public School District (Durant) violated state and local procurement rules. In the Administrator's Decision on Appeal, however, USAC only addresses Durant's 28-day rule violation and not the state and local procurement rule violation finding. Although that finding is not before us, we note, our determination, based on the record before us, that Durant conducted an otherwise fair and open competitive bidding process. See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1878, 1941, para. 1 (WCB 2012) (granting waiver for a technical violation of the competitive bidding rules, and where there was no evidence of waste, fraud, and abuse).

<sup>7</sup> 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 5.

Placerville Union School District, CA, Application No. 181041260, Request for Waiver, CC Docket No. 02-6 (filed Sept. 7, 2018)

*Discount Calculation – Urban/Rural Classification*<sup>8</sup>

Menominee Independent School District, MI, Application No. 171002967, Request for Review, CC Docket No. 02-6 (filed Feb. 15, 2018)

Princeton School District, MN, Application No. 161031989, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 20, 2018)

*Eligible Services*<sup>9</sup>

Northeast Rural Services Inc. d/b/a RECtec (White Oak Independent School District 1), OK, Application No. 999698, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 26, 2018)

Northeast Rural Services Inc. d/b/a RECtec (White Oak Independent School District 1), OK, Application No. 171010784, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 22, 2018)

*Existing Contract as a Bid*<sup>10</sup>

Wicomico County School District, MD, Application No. 171026689, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 21, 2018)

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<sup>8</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (remanding applications for further processing when, upon *de novo* review, the Commission disagreed with USAC's analysis of applicant's evidence).

<sup>9</sup> See, e.g., *Request for Review by Brooklyn Public Library, 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, 97-21, Order, 15 FCC Rcd 18598, 18605, para. 12 (2000) (*Brooklyn Order*) (stating that support can be provided for infrastructure costs when an eligible school or library applies for funding of the *pro rata* portion of non-recurring charges spread out over a multi-year period). See also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15547, para. 20 (2014) (recognizing that, despite rule changes allowing for more upfront funding for special construction, some service providers will continue to incorporate buildout costs into monthly recurring charges).

<sup>10</sup> See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Cochrane-Fountain City School District*, Order, 15 FCC Rcd 16628, 16631-32, para. 7 (CCB 2000); *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Public Schools*, Order on Reconsideration, 17 FCC Rcd 22154, 22157, paras. 5-6 (WCB 2002) (both orders discussing the exceptions to the Commission's competitive bidding requirements for certain contracts, and finding that requesting discounts on service pursuant to an existing contract did not necessarily violate the Commission's competitive bidding rules).

*Failure to Consider All Bids*<sup>11</sup>

Consortio Colegios Católicos Arquidiócesis de San Juan, PR, Application Nos. 171050030, 171049992, 171043183, 171043331, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 1, 2018)

*Invoices Timely Filed*<sup>12</sup>

Brookwood School District 167, IL, Application Nos. 161030072, 161030075, Request for Review, CC Docket No. 02-6 (filed Aug. 9, 2018)

El Progreso Memorial Library, TX, Application No. 959750, Request for Review, CC Docket No. 02-6 (filed May 3, 2017)

Manassas Park School District, VA, Application No. 1042109, Request for Review, CC Docket No. 02-6 (filed Oct. 18, 2017)

*Invoice Properly Included State-Provided Support*<sup>13</sup>

St. Joseph Consolidated School, OH, Application No. 1033656, Request for Review, CC Docket No. 02-6 (filed Sept. 11, 2017)

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<sup>11</sup> See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Allendale County School District*, Order, 26 FCC Rcd 6109, 6117-18, paras. 13-14 (WCB 2011) (granting appeal where the record shows that the applicant considered each bid it received and rejected incomplete and/or non-responsive bids). Additionally, we find that the applicant properly retained and submitted relevant competitive bidding documentation to USAC, and grant applicant's appeal on this basis as well. See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District et al*, CC Docket No. 02-6, Order, 26 FCC Rcd 8630, 8635-36, paras. 11-12 (WCB 2011) (finding that an applicant must be able to produce documentation regarding its vendor selection process to demonstrate compliance with the E-rate program's competitive bidding rules). While we grant relief to all four applications, we note that Application Nos. 171050030 and 171049992 were filed in response to the October 30, 2017 *Hurricane Relief Order* and should therefore be processed in a manner consistent with that order to reflect the relief afforded to impacted applicants. See *Schools and Libraries Universal Support Mechanism*, Order, 32 FCC Rcd 9538, 9541-48, paras. 6-19 (2017) (*Hurricane Relief Order*) (establishing a second filing window, raising maximum discount rates, and resetting category two budgets).

<sup>12</sup> We find, based on the record before us, that Brookwood School District 167 timely filed FCC Forms 472 (Billed Entity Applicant Reimbursement (BEAR) Forms) on Aug. 22, 2017 and that El Progreso Memorial Library timely filed its FCC Forms 472 (Billed Entity Applicant Reimbursement (BEAR) Forms) on Oct. 19, 2015. We also find that Manassas Park School District filed a complete and accurate invoice on May 22, 2017. Because these filings were before their respective invoice deadlines, USAC should accept the submitted invoices or the applicants should be given the opportunity by USAC to refile invoices 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 5.

<sup>13</sup> See, e.g., *Federal-State Joint Board on Universal Service et al.*, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, Fourth Order on Reconsideration and Report and Order, 13 FCC Rcd 5318, 5432, para. 196 (1997); 47 CFR § 54.505(f) (noting that federal universal service discounts shall be based on the price of a service prior to the application of any state-provided support for schools or libraries).

*Late-Filed FCC Form 486*<sup>14</sup>

Grundy County Schools, TN, Application No. 1005087, Request for Waiver, CC Docket No. 02-6 (filed Dec. 9, 2016)

Roma Independent School District, TX, Application No. 161044428, Request for Review, CC Docket No. 02-6 (filed Oct. 12, 2018)

*Ministerial and/or Clerical Errors*<sup>15</sup>

Carson City School District, NV, Application No. 161022020, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2018)

Edgewood Independent School District, OK, Application No. 1054932, Request for Waiver, CC Docket No. 02-6 (filed Jan. 19, 2016)

Fluvanna County School District, VA, Application No. 181021575, Request for Review, CC Docket No. 02-6 (filed Nov. 5, 2018)

Tenaha Independent School District, TX, Application No. 181043453, Request for Waiver, CC Docket No. 02-6 (filed Jan. 17, 2019)

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<sup>14</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11750, para. 10 (WCB 2016) (*Archdiocese of New Orleans Order*) (granting relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicant demonstrated good cause for the late filing). Because Grundy County Schools filed its appeal before Jan. 30, 2017, we apply the more lenient *Alaska Gateway Order* standard. See *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); *Archdiocese of New Orleans Order*, 31 FCC Rcd at 11751, para. 11 (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 Jan. 30, 2017).

<sup>15</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc., et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (granting Petitioners' requests to correct their mistaken cancellations of funding requests); *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, 20 (WCB 2010) (*Ann Arbor Order*) (permitting applicant to include item omitted from FCC Form 471 but included on its source list; and permitting applicant to correct wrong category of service on its FCC Form 471); *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).

*Reconsideration of Late-Filed FCC Form 471 Decision*<sup>16</sup>

Academy of St. Adalbert, NY, Application Nos. 161057697, 161057725, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2017)

Calhoun Falls Charter School, NY, Application No. 161033484, Request for Waiver, CC Docket No. 02-6 (filed Aug. 30, 2017)

Cathedral High School, NY, Application Nos. 161057785, 161057790, 161061271, 161061313, Request for Waiver, CC Docket No. 02-6 (filed Oct. 12, 2016, supplemented Dec. 19, 2016)

The Cambridge School, CA, Application No. 161057833, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2016)

Cristo Rey Jesuit High School, IL, Application No. 161058333, Waiver, CC Docket No. 02-6 (filed Nov. 18, 2016)

Cristo Rey Jesuit High School, IL, Application No. 161057793, Waiver, CC Docket No. 02-6 (filed Nov. 18, 2016)

Crook County Library, OR, Application No. 161061586, Waiver, Petition for Reconsideration, CC Docket No. 02-6 (waiver filed Dec. 9, 2016, petition for reconsideration filed Apr. 11, 2017)

Higbee R-III School District, MO, Application No. 161057826, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2016)

McKinney Christian Academy, TX, Application No. 161058334, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2016)

Oconto Falls Public Schools, WI, Application No. 161058188, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)

Potters House Christian Academy, FL, Application No. 161058326, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2016)

Valley Christian School (Youngstown), OH, Application No. 161058332, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2016)

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<sup>16</sup> *Application for Review of a Decision by the Wireline Competition Bureau by Pribilof School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 8378, 8382-83, para. 13 (2018) (directing the Bureau to identify pending or resolved waiver requests from funding year 2016 that were late-filed with the Commission and grant a *sua sponte* reconsideration of the previous determination in situations where petitioners faced similar circumstances to Pribilof School District).

*Recovery for Failure to Deliver E-Rate Supported Services*<sup>17</sup>

South San Antonio Independent School District, TX, Application No. 839572, Request for Review, CC Docket No. 02-6 (filed June 10, 2016)

*Waiver of Appeal-Filing Deadline*<sup>18</sup>

Las Vegas West School District, NM, Application No. 171041884, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2018)

Monroe Woodbury Central School District, NY, Application No. 171018096, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2018)

Denied*FCC Form 486 – Late-Filed*<sup>19</sup>

Desert Christian Schools, AZ, Application No. 171045832, Request for Waiver, CC Docket No. 02-6 (filed Feb. 27, 2019)

Humboldt County Library, CA, Application No. 161026214, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2018)

*Invoice Deadline Extension Requests*<sup>20</sup>

Clay Local School District, OH, Application No. 171042659, Request for Waiver, CC Docket No. 02-6 (filed Dec. 18, 2017)

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<sup>17</sup> See, e.g., *Request for Waiver or Review of a Decision of the Universal Service Administrator by Premio Computer, Inc.*, CC Docket No. 02-6, Order, 29 FCC Rcd 8185, 8188, para. 8 (WCB 2014) (directing recovery against the service provider when it submitted invoices for services that it never delivered). USAC's conclusion that the applicant violated document retention rules by not providing inventory records for the undelivered equipment is incorrect. The applicant would not have inventory records for equipment that had not been delivered. The violation associated with this funding request is failure to deliver E-Rate supported equipment.

<sup>18</sup> See, e.g., *Ann Arbor Order*, 25 FCC Rcd at 17319, para. 1 (granting waivers of appeal filing deadlines because the appeals involved errors by USAC). For the Las Vegas West School District, we find that USAC improperly dismissed its FCC Form 486. USAC should reinstate the dismissed FCC Form 486; and, based on the record before us, Las Vegas West School District should be given additional time by USAC to file its invoices 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 5.

<sup>19</sup> See *Archdiocese of New Orleans Order*, 31 FCC Rcd at 11750, para. 10 (granting relief only for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicants have demonstrated good cause for the late filing).

<sup>20</sup> 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.



Chinquapin Preparatory School, TX, Application No. 945296, Request for Waiver, CC Docket No. 02-6 (filed Oct. 18, 2016)

CXtec, Inc. (Martinsville School District), VA, Application No. 161027356, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2018)

CXtec, Inc. (Mountain View-Birch Tree School District), VA, Application No. 16105093, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2018)

CXtec, Inc. (Northeast Bradford School District), PA, Application No. 161030048, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2018)

East Newton School District R6, MO, Application No. 1015414, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2016)

ePlus Technology, Inc. (Kearny School District), NJ, Application No. 161056024, Request for Waiver, CC Docket No. 02-6 (filed Feb. 19, 2019)

Independent School District #756 of Minnesota, MN, Application No. 161005490, Request for Waiver, CC Docket No. 02-6 (filed Nov. 14, 2017)

McIver's Grant Public Library, TN, Application No. 171003366, Request for Waiver, CC Docket No. 02-6 (Feb. 27, 2019)

Moffat School District 2, CO, Application No. 161006927, Request for Waiver, CC Docket No. 02-6 (filed Oct. 19, 2017)

New Simpson Hill CSD#32, IL, Application No. 171005686, Request for Waiver, CC Docket No. 02-6 (filed Feb. 19, 2019)

Socket Telecom, LLC (Great Circle), MO, Application No. 161017267, Request for Waiver, CC Docket No. 02-6 (filed Aug. 10, 2018)

TCA Communications (Batesville Public School District), AR, Application No. 171003025, Request for Waiver, CC Docket No. 02-6 (filed Jan. 29, 2019)

United Systems, Inc. (Seiling Independent School District 8), OK, Application No. 171037046, Request for Waiver, CC Docket No. 02-6 (filed Feb. 20, 2019)

*Late-Filed FCC Form 471 Applications*<sup>21</sup>

Briarfield Academy, LA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed March 8, 2019)

Eastmont School District, WA, Application No. 181043503, Request for Waiver, CC Docket No.

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<sup>21</sup> 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) (*Academy of Math and Science Order*) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

02-6 (filed Dec. 17, 2018)

Inverness Christian Academy, FL, Application Nos. 181043356, 181043357, Request for Waiver, CC Docket No. 02-6 (filed Oct. 15, 2018)

Paradise Unified School District, CA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed March 11, 2019)

Washington Union Elementary School District, CA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Oct. 29, 2018)

West Clermont Local School District, OH, Application No. 181043382, Request for Waiver, CC Docket No. 02-6 (filed Oct. 24, 2018)

*Untimely Filed Appeals or Waiver Requests*<sup>22</sup>

Carbon County School District #1, WY, Application No. 171025576, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2018)

Christian Brothers Academy, NJ, Application Nos. 181016595, 191004962, Request for Waiver, CC Docket No. 02-6 (filed Jan. 25, 2019)

Heritage Academy, Inc., AZ, Application No. 181038186, Request for Review, CC Docket No. 02-6, (filed Nov. 16, 2018)

Holy Hill Area School District, WI, Application No. 181042524, Request for Waiver, CC Docket No. 02-6 (filed Feb. 25, 2019)

Oakdale Christian Academy, KY, Application No. 171045214, Request for Waiver, CC Docket No. 02-6 (filed Oct. 12, 2018)

One School of The Arts, FL, Application No. 181041908, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2018)

Resource Training And Solutions, MN, Application Nos. 161062100, 161062060, Request for Waiver, CC Docket No. 02-6 (filed Jan. 16, 2018)

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<sup>22</sup> 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) (*Agra Public Schools Order*); *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).

Christian Brothers Academy funding year 2018 application was rejected as late-filed. In an attempt to obtain the funding that was denied in funding year 2018, Christian Brothers Academy filed a funding year 2019 application specifically seeking reimbursement for funding year 2018 charges. We therefore also deny funding year 2019 Application No. 191004962 that Christian Brothers Academy filed in an attempt to receive funding that was denied in funding year 2018. See 47 CFR § 54.507(d) (noting that schools must "file new funding requests for each funding year").

Santa Cruz Catholic School and SKF Technologies L.L.C., AZ, Application No. 171039641, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2018)

Seton Catholic Schools, WI, Application No. 171046237, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2018)

Sioux Falls School District 49-5, SD, Application No. 161034649, Request for Review, CC Docket No. 02-6 (filed Feb. 1, 2019)

St. Mary's Elementary School, Our Lady of Good Counsel School, St. Patricks, Maria Regina High School, Sacred Heart High School, NY, Application Nos. 181009926, 181042066, 181041940, 181042060, 181042081, CC Docket No. 02-6 (filed Nov. 13, 2018)

USD 456, Marais des Cygnes Valley, KS, Application No. 171025762, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 30, 2018)

### **Rural Health Care Program**

#### **WC Docket No. 02-60**

#### **Granted**

##### *Violation of the Competitive Bidding 28-Day Rule*<sup>23</sup>

Utah Education and Telehealth Network on behalf of Monument Valley Community Health Center, Navajo Mountain Community Health Center, and Valley Medical Clinic, FRNs 1727933, 1727961, 1728095, Request for Waiver, WC Docket No. 02-60 (filed Nov. 26, 2018).

#### **Denied**

##### *Waiver of Competitive Bidding Requirements*<sup>24</sup>

Utah Education and Telehealth Network, FRNs 1727181, 17269321, 17270941, 17273181, 17273581, 17274321, 17281301, Request for Waiver, WC Docket No. 02-60 (filed Nov. 26, 2018).

<sup>23</sup> See, e.g., *Aberdeen School District Order*, 22 FCC Rcd 8757 (2007) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time, and there was no evidence of waste, fraud or abuse).

<sup>24</sup> See 47 CFR § 54.642(h)(5) (providing a competitive bidding exemption for eligible health care providers using a contract that was approved in the E-rate program as a master contract); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16792-16793, paras. 266-267 (2012) (concluding a health care provider entering into a consortium with E-rate program participants and becoming a party to the consortium's existing contract should be exempt from Rural Health Care program competitive bidding requirements so long as the contract was competitively bid consistent with E-rate program rules and approved for use in the E-rate program as a master contract). The contract at issue in these instances did not receive approval for use in the E-rate program until three to eight months after the health care providers submitted their FCC Forms 462 to the Universal Service Administrative Company (USAC) for processing. As such, the Rural Health Care (RHC) program competitive bidding exemption does not apply. Utah has not presented evidence demonstrating that USAC erred in its decisions. Moreover, the underlying record does not reveal the existence of special circumstances warranting a waiver of RHC program rules. See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). Consequently, we deny Utah's request for waiver.

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](mailto:james.bachtell@fcc.gov) or (202) 418-2694.

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