



PUBLIC NOTICE

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

CC Docket No. 02-6

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

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

Dismissed as Moot³

Northland Telephone Systems, Ltd. (Onondaga-Cortland-Madison BOCES), NY, Application No. 161058354, Request for Waiver, CC Docket No. 02-6 (filed Jan. 17, 2019)

Presidio Networked Solutions Group LLC (Saginaw Public School District), MI, Application No. 161009906, Request for Waiver, CC Docket No. 02-6 (filed Mar. 19, 2019)

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 that are, in fact, 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., *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).

Dismissed as Moot – Application for Review Withdrawn⁴

Riverside County Office of Education, CA, Application No. 148309, Application for Review, CC Docket No. 02-6 (filed Apr. 27, 2005)

Granted⁵*Approved Services⁶*

Verizon Wireless (Riverside Unified School District), CA, Application No. 820912, Request for Review, CC Docket No. 02-6 (filed June 28, 2016)

Invoice Deadline Extension Requests Less Than 12 Months Late⁷

Educational Services Network, Corp. (Biblioteca Publica Aguas Buenas), PR, Application No. 890265, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2018)

⁴ See, e.g., *Application for Review of Clarification of Obligation of Video Programming Distributors to Make Emergency Information Accessible to Persons with Hearing Disabilities Using Closed Captioning*, CG Docket No. 05-231, Order, 30 FCC Rcd 3942 (CGB 2015) (dismissing an application for review as moot after issue was resolved and petitioner withdrew the application for review).

⁵ 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).

⁶ 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 decision where the requested service was within the scope of the contract and the approved funding request).

⁷ See, e.g., *See 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) (*2014 E-Rate Order*) (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). In this instance, the service provider requested a second 120-day invoice deadline extension for funding year 2013 funding requests due to the effects of hurricanes Irma and Maria. The request was submitted less than two months after the extended invoice deadline.

*Invoice Timely Filed*⁸

Erb's Business Machine (Columbus Community School District), IA, Application No. 161024799, Request for Review, CC Docket No. 02-6 (filed Aug. 8, 2018)

*Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window*⁹

Belmont Charter Networks, PA, Application Nos. 191041614, 191041622, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Central Valley School District, NY, Application No. 191041608, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Charter Oak Unified School District, CA, Application Nos. 191041966, 191041983, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2019)

Dekalb County School District, GA, Application Nos. 191041994, 191042018, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

Evergreen Charter School, NY, Application Nos. 191041507, 191041908, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2019)

Farmersville School District, TX, Application No. 191041564, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

First Coast Christian School, FL, Application No. 191042078, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

First Coast Christian School, FL, Application No. 191042055, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

⁸ Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant this request for review. See 47 CFR § 54.723. We find that Erb's Business Machine timely filed its invoice, even though it was submitted before USAC officially extended the invoice due date. Because this filing was submitted before the respective invoice deadline, USAC should accept the submitted invoice or the service provider should be given the opportunity by USAC to refile invoices on remand. In this instance, we waive sections any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 5.

⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals or waiver requests within 60 days of an adverse USAC decision, for Evergreen Charter School's Application No. 191041507 and for Richland Grade School District 88A. 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 to the Commission or USAC only a few days late).

Fox School District C 6 & Harrisonville School District R9, MO, Application Nos. 191015592, 191015602, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Hampton County School District 1, SC, Application Nos. 191041950, 191042070, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

Leon Public Library, IA, Application No. 191041570, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Laurens County School District 55, SC, Application No. 191042052, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

Maimonides Education Center, NY, Application No. 191041861, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Maimonides Hebrew Day School, NY, Application No. 191041860, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Matignon High School, MA, Application No. 191042033, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Medina Valley Independent School District, TX, Application No. 191011345, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2019)

Nauset Regional School District, MA, Application No. 191042003, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Our Lady of Fatima School, PA, Application No. 191041427, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

Pflugerville Independent School District, TX, Application No. 191041793, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2019)

Ranbaum High School, NY, Application No. 191042048, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Richland Grade School District 88A, Application No. 191011792, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2019)

SAR Academy, NY, Application No. 191042035, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Skyline Science and Math Academy, MN, Application No. 191033453, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

Springtown Independent School District, TX, Application Nos. 191041743, 191041784, Request for Waiver, CC Docket No. 02-6 (filed May 6, 2019)

St. Paul School of Northern Lights, MN, Application No. 191033461, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

St. Francis De Sales Deaf School, NY, Application No. 191041794, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Sumter School District, SC, Application Nos. 191041471, 191042072, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2019)

The Crefeld School, PA, Application No. 191042026, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

Torah Academy of Milwaukee, WI, Application No. 191041863, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

Washington County School District, FL, Application No. 191028030, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Westside Elementary School District, CA, Application No. 191041730, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Yeshivat Netivot Montessori, NJ, Application No. 191042025, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

York County School District 1, SC, Application No. 191042011, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2019)

*Ministerial and/or Clerical Errors*¹⁰

Lake Nelson Adventist School, NJ, Application No. 191042390, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2019)

Lincoln Community High School, IL, Application No. 181001899, Request for Review, CC Docket No. 02-6 (filed Sept. 7, 2018, supplemented Mar. 4, 2019)

USD 257 Iola, KS, Application No. 181021449, Request for Review, CC Docket No. 02-6 (filed May 7, 2019, supplemented June 12, 2019)

York County Library System, PA, Application No. 181024159, Request for Review, CC Docket No. 02-6 (filed Dec. 14, 2018, supplemented Mar. 22, 2019)¹¹

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.5, 20 (WCB 2010) (*Ann Arbor Order*) (permitting applicant to include item omitted from FCC Form 471 but included on its source list); *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).

¹¹ In granting York County Library System's (York) Request for Review, we permit York to replace the ineligible item, FortiMail 200E for \$6,000, with the eligible FortiGate 200E for \$7,436 on the applicable FCC Form 471 and direct USAC to process the form accordingly.

*Services Provided Within Funding Year*¹²

Brandywine Heights Area School District, PA, Application No. 171023276, Request for Review, CC Docket No. 02-6 (filed Nov. 20, 2018)

Denied*Eligible Entities*¹³

Caroline Education Community International Public School Academy, MI, Application Nos. 1016321, 1051531, Request for Review, WC Docket No. 13-184 (filed Sept. 14, 2016)

*Failure to Satisfy Debt/Red Light Rule*¹⁴

Chilhowee School District R4, MO, Application Nos. 658297, 73302, Request for Review, CC Docket No. 02-6 (filed July 18, 2011, supplemented Oct. 1, 2012)

*Invoice Deadline Extension Requests*¹⁵

Abacus Computers Inc. (Grandfalls-Royalty School District), TX, Application No. 161024467, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2019)

¹² USAC denied funding after determining that an invoice was calculated from a billing statement dated before the funding year began. Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant this request for review. See 47 C.F.R. § 54.723. Based on the facts and circumstances of this case, we find that Service Electric Communication, LLC, provided services to Brandywine Heights Area School District during the funding year, and not before. See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Grand Rapids; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15413, 15416, para. 6 (WCB 2008) (conducting de novo review of the facts and circumstances to determine that USAC's decision was in error). In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 5.

¹³ See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by CCRC Community Link; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5326 (WCB 2012) (only schools meeting statutory eligibility standards may apply for E-Rate support).

¹⁴ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc., Wheeling School District 21, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd. 13122, 13126, para. 6 (WCB 2013) (denying E-Rate applicant's request for a waiver of the red light rule and dismissing their funding year 2010 request where the applicant's only justification for not paying the debt was that it was not notified because USAC sent the Commitment Adjustment Letter to a retired employee). In this instance, we find that waiver of the red light rule is not warranted. Chilhowee School District R4 provides no justification for its failure to timely pay the debt associated with funding year 2005, merely stating that it has now satisfied the debt and therefore should now have its applications reviewed for funding years 2009 and 2010. But see, e.g., *Metropolitan Nashville Public Schools, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 2018 WL 6722648 (WCB 2018) (*Metro Nashville Order*) (granting a limited, one-time waiver of the red light rule given the disproportionate penalty the applicant would suffer coupled with other unique circumstances presented).

¹⁵ 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 *2014 E-Rate Order*, 29 FCC Rcd at 8966, para. 240 (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

Desert Christian Schools, AZ, Application No. 161054441, Request for Waiver, CC Docket No. 02-6 (filed Jan. 25, 2019)

Galena Park Independent School District, OK, Application No. 171020855, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2019)

Lafayette Parish Public Library, LA, Application Nos. 171036936, 171038858, Request for Waiver, CC Docket No. 02-6 (filed May 29, 2019)

Netcong Board of Education, NJ, Application Nos. 171037493, 171037610, 171037725, Request for Waiver, CC Docket No. 02-6 (May 23, 2019)

Sacred Wind Communications, Inc. (Dzilth-Na-O-Dith-Hle School), NM, Application No. 171016928, Request for Waver, CC Docket No. 02-6 (filed May 29, 2019)

*Late-Filed FCC Form 471 Applications*¹⁶

Collins-Maxwell Community School District, IA, Application No. 191042360, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2019)

Colorado Early Colleges, CO, Application Nos. 191042326, 191042327, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Colorado Early Colleges, CO, Application Nos. 191042322, 191042323, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Colorado Early Colleges, CO, Application Nos. 191042324, 191042325, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Colorado Early Colleges, CO, Application Nos. 191042320, 191042321, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Elementary School District #159, IL, Application No. 191042349, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2019)

Geibel Catholic Junior-Senior High School, PA, Application No. 191042360, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2019)

Hiawatha Valley Education District, MN, Application No. 191042408, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2019)

Jesuit Academy, NE, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 5, 2019)

KIPP Tech Valley Charter School, NY, Application No. 191042372, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

¹⁶ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Knott County Schools, KY, Application No. 191005227, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2019)

La Pryor Independent School District, TX, Application No. 191042393, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

Legends Academy, FL, Application Nos. 191042389, 191042234; Nap Ford Community School, FL, Application Nos. 191042285, 191042216, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2019)

Lillian Vallely School, ID, Application No. 191042123, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2018)

Mary Of Nazareth School, VA, Application No. 191039513, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2018)

Norfolk Collegiate School, VA, Application No. 191042136, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2018)

Omar Blair School, CO, Application No. 181042903, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2018)

Orangeville CUSD #203, IL, Application No. 191042137, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2019)

Redding Christian School, CA, Application No. 191042377, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2019)

Renick School District R-5, MO, Application Nos. 191042419, 191042416, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2019)

St. Anastasia School, MN, Application Nos. 191042391, 191042095, 191042394, 191042396, 191042397, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2019)

Sterling Community School District 5, IL, Application No. 191042425, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2019)

West Catholic Elementary School, NE, Application No. 191021449, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2019)

*Untimely Filed Appeals or Waiver Requests*¹⁷

Portageville School District, MO, Application No. 989105, Request for Waiver, CC Docket No. 02-6 (filed Jan. 18, 2019)

¹⁷ 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).

Sweetwater County School District 01, WY, Application No. 171042460, Request for Waiver, CC Docket No. 02-6 (filed May 9, 2019)

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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