



# PUBLIC NOTICE

Federal Communications Commission  
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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. 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>

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

#### Dismiss as Moot<sup>3</sup>

Chapel Hill Christian School, OH, Application No. 201046305, Request for Waiver, CC Docket No. 02-6 (filed Oct. 15, 2020)

Christ Lutheran School, NE, Application No. 201045942, Request for Waiver, CC Docket No. 02-6 (filed Oct. 8, 2020)

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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 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.

<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).

<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).

Good Shepherd Catholic School, CA, Application No. 201045768, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2020)

Menlo Park Academy, OH, Application No. 201047448, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2020)

Our Lady Of Victory School, MD, Application No. 201047246, Request for Waiver, CC Docket No. 02-6 (filed Oct. 16, 2020)

Richland School Of Academic Arts, OH, Application No. 201046939, Request for Waiver, CC Docket No. 02-6 (filed Oct. 15, 2020)

St. Mary Byzantine Elementary School, OH, Application No. 201046206, Request for Waiver, CC Docket No. 02-6 (filed Oct. 13, 2020)

St. Mary Byzantine Elementary School, OH, Application No. 201047164, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2020)

The Main Street Academy, GA, Application No. 201046706, Request for Waiver, CC Docket No. 02-6 (filed Oct. 15, 2020)

#### Granted<sup>4</sup>

##### *Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window<sup>5</sup>*

Butler School District 53, IL, Application No. 201044938, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2020)

Kenwood Elementary School, ID, Application No. 201047557, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2020)

Kootenai School District #274, ID, Application No. 201047570, Request for Waiver, CC Docket No. 02-6 (filed Oct. 23, 2020)

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<sup>4</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>5</sup> 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 existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the 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 within 60 days of an adverse USAC decision. See *School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 2978, 2980-81, para. 7 (WCB 2020) (noting that E-Rate program participants that received an adverse decision dated from January 11, 2020 to August 1, 2020 will have an additional 60 days to file an appeal or waiver); 47 CFR §§ 54.720(a), (b).

London Independent School District, TX, Application No. 201047558, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2020)

The Epiphany School, NY, Application No. 201047231, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2020)

*Late-Filed FCC Form 471 Applications – Funding Year 2020 Application Less Than 60 Days Late<sup>6</sup>*

Boylan Catholic High School, IL, Application No. 201044701, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2020)

Tarkington Community Library, TX, Application No. 201044654, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2020)

*Ministerial and/or Clerical Errors<sup>7</sup>*

Colonial Intermediate Unit 20, PA, Application No. 201015613, Request for Waiver, CC Docket No. 02-6 (filed Oct. 26, 2020)

East Hartford Public Schools, CT, Application No. 191025525, Request for Review, CC Docket No. 02-6 (filed Feb. 18, 2020)

Southern University Lab School, OH, Application Nos. 191016590, 191016574, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Jan. 6, 2020)

*Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application<sup>8</sup>*

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<sup>6</sup> See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Agri-Business Child Development et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 8278, 8280, para. 7 (WCB 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the funding year 2020 FCC Form 471 application filing window deadline for applicants impacted by the coronavirus (COVID-19) pandemic that requested a waiver of the filing deadline and submitted their applications within 60 days of the close of the filing window). Because the *Agri-Business Child Development Order* was released August 6, 2020, we also find good cause exists to waive the funding year 2020 FCC Form 471 application filing window deadline for those applicants filing their applications on or before that date. We emphasize, however, that this additional relief applies only to this subset of applications and applicants should not expect the Commission to grant additional waivers absent a showing of extraordinary circumstances.

<sup>7</sup> 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 nn.5, 7, 20 (WCB 2010) (*Ann Arbor Order*) (permitting applicant to correct a billed entity number 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).

<sup>8</sup> See, e.g., *Ann Arbor Order*, 25 FCC Rcd at 17319-20, para. 2 & n.5 (permitting applicant to include item omitted from the FCC Form 471, but included on its source list).

The petitioners did not realize their funding request was omitted until the application window for FY2020 had closed. They then filed late an application for these services in the application numbers listed above. We direct USAC to include these late-filed funding requests on the petitioners' timely-filed FY2020 applications or accept their late-filed applications as timely.

California Crosspoint HSAcademy, CA, Application No. 201044779, Request for Waiver, CC Docket No. 02-6 (filed Aug. 31, 2020)<sup>9</sup>

Internet Archive, CA, Application Nos. 201047300, 201047313, Request for Waiver, CC Docket No. 02-6 (filed Nov. 5, 2020)

*Permitting Service Provider Change*<sup>10</sup>

Southern Worcester County Regional Vocational Technical, MA, Application No. 191017074, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 6, 2019)

*Waiver of Competitive Bidding Requirement to Comply with State and Local Procurement Rules*<sup>11</sup>

Union County Public Schools, NC, Application No. 648043, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 16, 2013)

Denied

*Ineligible Entity for Second FY2020 Funding Window*<sup>12</sup>

Clinton Macomb Public Library, MI, Application No. 201046049, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2020)

*Late-Filed FCC Form 471 Applications*<sup>13</sup>

Barnegat Township School District, NJ, Application No. 201044805, Request for Waiver, CC Docket No. 02-6 (filed Sept. 10, 2020)

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<sup>9</sup> The application number for California Crosspoint HSAcademy 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 Nos. 02-60, 06-122, Public Notice, DA 20-1265 (WCB Oct. 30, 2020). We include the entry in this public notice with the correct application number.

<sup>10</sup> USAC denied the petitioner's requests to change service providers. Upon de novo review of the record, we find that Southern Worcester County Regional Vocational Technical is attempting to switch providers to remedy a potential competitive bidding violation. We allow the change so that Southern Worcester County Regional Vocational Technical can apply for E-Rate funding with the most cost-effective solution. *See* 47 CFR §§ 54.504(a)(1)(xi) (requiring that applicants select the most cost-effective bid); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9029, para. 481 (1997) (*First Universal Service Order*) (requiring the winning bid be the most cost-effective option).

<sup>11</sup> *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 1941, 1942, para. 1 (WCB 2012) (prior to the adoption of the Commission's gift rules, granting a waiver where applicants failed to comply with state competitive bidding requirements, but the Bureau determined these were technical violations of the competitive bidding rules and there was no evidence of waste, fraud, or abuse).

<sup>12</sup> *See Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 10347, 10351, para. 13 (WCB 2020) (limiting eligibility for a second funding year 2020 application window to schools for the purpose of requesting additional E-Rate discounts to meet the additional unanticipated bandwidth needs caused by the COVID-19 pandemic).

<sup>13</sup> *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).

Bayonne Public Schools, NJ, Application No. 201044761, Request for Waiver, CC Docket No. 02-6 (filed Aug. 27, 2020)

Bogota School District, NJ, Application No. 201044824, Request for Waiver, CC Docket No. 02-6 (filed Sept. 14, 2020)

Chartwell School, CA, Application No. 201044830, Request for Waiver, CC Docket No. 02-6 (filed Sept. 14, 2020)

Christopher Columbus High School, FL, Application No. 201044776, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2020)

Cliffside Park School District, NJ, Application No. 201044803, Request for Waiver, CC Docket No. 02-6 (filed Sept. 8, 2020)

Covington Catholic High School, KY, Application No. 201044757, Request for Waiver, CC Docket No. 02-6 (filed Oct. 13, 2020)

Cresskill School District, NJ, Application No. 201044808, Request for Waiver, CC Docket No. 02-6 (filed Sept. 8, 2020)

Denville Township Schools, NJ, Application No. 201044789, Request for Waiver, CC Docket No. 02-6 (filed Sept. 2, 2020)

Elgin Public Library, NE, Application No. 201044793, Request for Waiver, CC Docket No. 02-6 (filed Sept. 1, 2020)

Fairfax Elementary School District, CA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Sept. 28, 2020)

Florida Department of Management Service, FL, Application No. 201044821, Request for Waiver, CC Docket No. 02-6 (filed Sept. 9, 2020)

Fredon Township School District, NJ, Application No. 201044775, Request for Waiver, CC Docket No. 02-6 (filed Aug. 27, 2020)

Grace OC Academy, CA, Application No. 201044835, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2020)

Gregory-Portland Independent School District, TX, Application Nos. 201044820, 201044819, Request for Waiver, CC Docket No. 02-6 (filed Sept. 23, 2020)

Hamilton Township School District, NJ, Application No. 201044728, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

Indianola Community School District, IA, Application No. 201044908, Request for Waiver, CC Docket No. 02-6 (filed Oct. 7, 2020)

Montvale School District, NJ, Application No. 201044792, Request for Waiver, CC Docket No. 02-6 (filed Sept. 3, 2020)

Mountain Home School District, AR, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Sept. 5, 2020)

Passaic Valley Regional High School District, NJ, Application No. 201044799, Request for Waiver, CC Docket No. 02-6 (filed Sept. 3, 2020)

Pine Forge Academy, NJ, Application Nos. 201044832, 201044828, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2020)

Promesa Academy, TX, Application No. 201044790, Request for Waiver, CC Docket No. 02-6 (filed Sept. 8, 2020)

Providence Catholic School, TX, Application No. 201044796, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2020)

Ridgewood Village School District, NJ, Application No. 201044760, Request for Waiver, CC Docket No. 02-6 (filed Aug. 28, 2020)

Rockford Christian School, IL, Application No. 201044759, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2020)

Teaneck Public Schools, NJ, Application No. 201044762, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2020)

Saint Joseph Parish School, OH, Application No. 201044993, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2020)

Saint Thomas the Apostle School, NJ, Application No. 201044813, Request for Waiver, CC Docket No. 02-6 (filed Sept. 10, 2020)

St. John The Evangelist School, MI, Application No. 201044750, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

Twin Cedars Community School District, IA, Application No. 201045678, Request for Waiver, CC Docket No. 02-6 (filed Oct. 15, 2020)

Washington County Public Library, FL, Application No. 201044785, Request for Waiver, CC Docket No. 02-6 (filed Aug. 31, 2020)

West Orange School District, NJ, Application No. 201044822, Request for Waiver, CC Docket No. 02-6 (filed Sept. 11, 2020)

West Virginia Library Commission, WV, Application No. 201041897, Request for Waiver, CC Docket No. 02-6 (filed Sept. 30, 2020)

*Operational SPIN Change Request*<sup>14</sup>

Torah Day School of Atlanta, GA, Application No. 862100, Request for Review, CC Docket No. 02-6 (filed Mar. 18, 2013)

**Rural Health Care Program****WC Docket No. 02-60****Granted***Waiver of the Invoice Filing Deadline*<sup>15</sup>

Arkansas Department of Health, AR, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17240751 (Jul. 1, 2020)

Community Hospital Corporation, TX, Request for Waiver, WC Docket No. 02-60, Funding Request No. 18433781 (Sept. 11, 2020)

Western New York Rural Area Health Education Center, Inc., NY, Request for Waiver, WC Docket 02-60, Funding Request Nos. 16420721 and 16446601 (May 27, 2020)

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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<sup>14</sup> See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Sixth Report and Order, 25 FCC Rcd 18802-03, para. 91 (2010) (*Sixth Report and Order*) (explaining that an applicant may only change service providers if: “(1) there is a legitimate reason to change providers (e.g., breach of contract or the service provider is unable to perform); and (2) the newly selected service provider received the next highest point value in the original bid evaluation, assuming there was more than one bidder”); see also *Administrator by Academy of Detroit West, et al, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 1960, 1965, para. 13 (2020) (affirming USAC’s denial of a SPIN change where the applicant could not show that the SPIN change was consistent with the SPIN change requirements and E-rate competitive bidding rules).

<sup>15</sup> See *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020) (*Funding Year 2018 Invoice Waiver Order*); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (*Funding Year 2016 Invoice Waiver Order*) (granting a waiver of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC’s decision, which made compliance with program rules impossible). We waive the petitioners’ invoice filing deadlines and allow them 180 days from the release of this Public Notice to file invoices with USAC.