



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 20-464

Released: April 30, 2020

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

CC Docket No. 02-6
WC Docket No. 02-60
WC Docket No. 06-122
WC Docket No. 08-71

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 for Failure to Comply with the Commission's Basic Filing Requirements³

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 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC); *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions of 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

(continued...)

Newark Net Inc., IL, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Mar. 3, 2020)

Dismissed on Reconsideration⁴

Assumption Parish Library, LA, Application No. 171042410, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 29, 2020)

Rampart Library District, CO, Application No. 181042106, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 18, 2020)

South Harrison R-II School District, MO, Application No. 191012131, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 7, 2020)

Switzer Center, CA, No Application No., Petition for Reconsideration, CC Docket No. 02-6 (filed May 23, 2019)

Olton Independent School District, TX, Application No. 476927, Petition for Reconsideration, CC 02-6 (filed Jan. 29, 2020)

Responsive Services International, Inc., TX, Application No. 476927, Petition for Reconsideration, CC 02-6 (filed Jan. 29, 2020)

Dismissed on Reconsideration – Untimely⁵

Byram Hills, NY, Application Nos. 181034335, 191018639, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 19, 2020)

CXtec, Inc. (Martinsville School District), VA, Application No. 161027356, (Northeast Bradford School District), PA, Application No. 161030048, (Mt. View-Birch Tree School District R3), MO, Application No. 161050593, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 4, 2020)

Lakeland, NY, Application Nos. 181019613, 191018597, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 19, 2020)

(Continued from previous page) _____

statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought).

⁴ 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).

⁵ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

Even though the consultant for Byram Hills, Lakeland, North Rockland, Peekskill CSD, and Pelham UFSD filed the petitions seeking reconsideration of the Bureau's actions with USAC instead of the Commission on February 7, 2020, the petitions were still filed more than 30 days after the Bureau's decision on December 30, 2019 and are therefore dismissed.

North Rockland, NY, Application Nos. 181019560, 191018544, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 20, 2020)

Peekskill CSD, NY, Application Nos. 181019484, 191018519, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 20, 2020)

Pelham UFSD, NY, Application Nos. 181019468, 191018495, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 24, 2020)

Granted⁶

*Granting Additional Time to Respond to USAC's Request for Information*⁷

Cobre Consolidated School District, NM, Application No. 191040887, Request for Waiver, CC Docket No. 02-6 (filed Jan. 13, 2020)

Erie Rise Leadership Academy Charter School, PA, Application No. 161022436, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2020)

La Peninsula Community Organization, NY, Application No. 161016401, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2020)

⁶ 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).

⁷ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

Consistent with precedent, for Cobre Consolidated School District 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, 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) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or submitted their appeals within a reasonable period after receiving actual notice of USAC's adverse decision).

*Improper Service Provider Involvement – Potential Conflict of Interest*⁸

United Systems, Inc. (Paden Public Schools, Maud Independent School District 117), OK,
Application Nos. 472668, 472766, 475214 (filed Jan. 16, 2007)

*Ministerial and/or Clerical Errors*⁹

Lakeview School District, MN, Application No. 191013186, Request for Waiver, CC Docket No. 02-6 (filed Mar. 20, 2020)

Northwest Arkansas Children's Shelter On-Site School, AR, Application No. 191017723,
Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 28, 2020)

*Waiver of Late-filed Waiver Request*¹⁰

Duluth Public Library, MN, Application No. 181022108, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2019)

Elevate Academy, Inc., ID, Application No. 191034551, Request for Waiver, CC Docket No. 02-6 (filed Mar. 27, 2020)

⁸ See *Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 2784, 2788-89, para. 12-14 (WCB 2008) (finding no violation of the competitive bidding rules where service provider mailed FCC Form 470 on behalf of applicants, but otherwise played no other role with respect to the applicants' FCC Forms 470, and where applicants provided evidence of no improper service provider involvement, including sworn statements under penalty of perjury that the service provider did not assist with the preparation of the FCC Form 470).

⁹ See, e.g., *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, 15520-21, para. 5-6, n.19 (WCB 2008) (permitting applicant to correct clerical and ministerial errors in their discount rates); *Ann Arbor Order*, 25 FCC Rcd at 17320-21, para. 2 & nn.8, 9, 20 (permitting applicant to correct an incorrect expiration date or SPIN and a mislabeling of a service category or term of service on its FCC Form 471).

Consistent with precedent, we also grant a waiver of the appeal filing deadline for Lakeview School District. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or submitted their appeals within a reasonable period after receiving actual notice of USAC's adverse decision).

¹⁰ See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 6.

Denied*FCC Form 486 – Late-Filed*¹¹

East Carroll Parish Library, LA, Application No. 171031784, Request for Review, CC Docket No. 02-6 (filed Mar. 11, 2020)

Madison-Oneida BOCES, NY, Application No. 181024090, Request for Review, CC Docket No. 02-6 (filed Feb. 12, 2020)

*Late-Filed FCC Form 471 Applications*¹²

CAM Community School District, IA, Application Nos. 191042155, 191042158, Request for Waiver, CC Docket No. 02-6 (filed Mar. 24, 2019)

*Ineligible Entities*¹³

Caroline Education Community International Public School Academy, MS, Application Nos. 191040093, 191040806, 191041451, Request for Review, CC Docket No. 02-6 (filed Mar. 11, 2020)

*Invoice Deadline Extension Requests*¹⁴

St. Louis City School District, MO, Application No. 171005537, Request for Waiver, CC Docket No. 02-6 (filed Dec. 19, 2019)

¹¹ *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) (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).

¹² *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, 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).

¹³ *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by CCRC Community Link et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5326, para. 1 (WCB 2012) (denying support to entities that failed to show that they were eligible for E-rate support); *Request for Review of the Decision of the Universal Service Administrator by Beginning With Children Charter School and Yeshiva Karlin-Stolin; 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 and 97-21, Order, 18 FCC Rcd 936, 940, para. 11 (CCB 2003) (emphasizing that the ultimate burden of proof remains on the applicant).

¹⁴ *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.

*Ministerial and/or Clerical Error – FCC Form 471*¹⁵

Granite School District, UT, Application No. 967781, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 19, 2018)

Lincoln Public Schools, RI, Application No. 191039107, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Jan. 16, 2020)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-Rate Services Later Requested*¹⁶

Atlantic Community Schools, IA, Application No. 181035700, Request for Review, CC Docket No. 02-6 (filed Jan. 6, 2020)

North Country SU 31, VT, Application No. 181012655, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Jan. 15, 2020)

*Untimely Filed Appeals or Waiver Requests*¹⁷

Burlington Area School District, WI, Application Nos. 191041429, 191041488, 191041496, Request for Waiver, CC Docket No. 02-6 (filed Mar. 9, 2020)

Grace Christian School, VA, Application No. 191042533, Request for Waiver, CC Docket No. 02-6 (filed Apr. 7, 2020)

¹⁵ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-Rate applications).

¹⁶ *See, e.g., Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-Rate funding).

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).

We also deny Insight Public Sector, Inc.'s request for an invoice deadline extension to resubmit its denied FCC Form 474. *See supra* note 15.

*Violation of the Competitive Bidding 28-Day Rule*¹⁸

Unified School District 214 Ulysses, KS, Application No. 191005367, Request for Review, CC Docket No. 02-6 (filed Feb. 12, 2020)

Rural Health Care Program**WC Docket No. 02-60**Granted*Invoice Filing Deadline*¹⁹

Ascension Technologies (Howard Young Health Care; Ascension St. Michael's Hospital), WI, Request for Waiver, WC Docket 02-60, Funding Request Nos. 17208141, 17207891 (filed Sept. 11, 2019)

Denied*Appeal Filing Deadline*²⁰

CHCCMO Linn, MO Clinic and CHCCMO California, MO Clinic, MO, Request for Waiver, WC Docket 02-60, Funding Request Nos. 18465591, 18465491 (filed Oct. 8, 2019)

*Invoice Filing Deadline*²¹

North Florida Medical Centers, Inc., FL, Request for Waiver, WC Docket No. 02-60, Funding Request No. 18384321 (filed Feb. 25, 2020)

Ascension Technologies (St. Vincent's Chilton), AL, Request for Waiver, WC Docket 02-60, Funding Request No. 17146741 (filed Dec. 2, 2019)

¹⁸ See, e.g., *Application for Review of a Decision of the Universal Service Administrator by Challis Joint School District #181; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd. 3812, 3814, para. 5 (WCB 2011) (denying request for review where applicant selected a service provider for E-rate services prior to submitting its FCC Form 470 when the rule requires the applicant to wait at least 28 days after such posting).

¹⁹ See *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, 30 FCC Rcd 1063, 1066, para. 5 (WCB 2015) (waiving the invoice filing deadline when circumstances beyond some applicants' or service providers' control prevented them from meeting the invoice filing deadline). We allow Ascension Technologies to file invoices within 180 days of the release date of this Public Notice for services committed under FRNs 17208141 and 17207891.

²⁰ See *Requests for Review of Decisions of the Universal Administrator by Agra Public Schools I-134 Agra, Oklahoma, et al.*, Schools and Libraries Universal Support Mechanism, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010) (denying appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or the USAC within 60 days ... and did not show special circumstances necessary for the Commission to waive the deadline).

²¹ See *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Indiana Telehealth Administrator, et al. Terre Haute, IN*, Rural Health Care Support Mechanism, WC Docket No. 02-60, Order, 33 FCC Rcd 12341, 12343, para. 5 (WCB 2018) (denying requests for waiver of the invoicing deadline because the FCC Forms 463 were not submitted by the deadline due to circumstances within the applicant or service provider's control and stating that "applicants and service providers must assume responsibility for timely submissions").

Contribution Methodology
WC Docket No. 06-122

Granted

*Request for Waiver of FCC Form 499-A Revision Deadline*²²

The City of Bainbridge, Request for Waiver and Relief, WC Docket 06-122 (filed April 10, 2020)

High-Cost Program
WC Docket No. 08-71

Granted

*Waiver of the HUBB Filing Deadline*²³

Peñasco Valley Telephone Cooperative, Inc. (PVTC) Request For Limited Waiver of Section 54.316, WC Docket No. 08-71, et al., (filed Mar. 27, 2020), <https://ecfsapi.fcc.gov/file/10327062210431/PVT.Request%20for%20Waiver-signed.pdf>.

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.

- FCC -

²² See, e.g., *Universal Service Contribution Methodology, Request for Waiver by Experior Networks; Request for Review by Coaxial Cable Television Corporation of Decision of Universal Service Administrator*, WC Docket No. 06-122, Order, 30 FCC Rcd 4711 (WCB 2015) (granting requests to waive the FCC Form 499-A revision deadline where petitioners would have owed no contributions at all if they had filed correctly). In this case, the City of Bainbridge, as a provider of dark fiber facilities, was not even required to file Forms 499.

²³ See 47 CFR § 54.316. See also *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 31 FCC Rcd 3087, 3167, para. 219 (describing portal filing obligations for rate-of-return Eligible Telecommunications Carriers). We grant this request for waiver of the March 1, 2019 deadline to certify geocoded location information into the HUBB. See *Petitions for Waiver of Universal Service High-Cost Filing Deadlines*, WC Docket No. 08-71 et al., Order, DA 19-1227 (WCB 2019) (*HUBB Waiver Order*) (granting a waiver to applicants who encountered technical difficulties with accessing or utilizing the HUBB for location information reporting and certification pursuant to 47 CFR § 54.316). Due to an error modifying user permissions, PVTC uploaded all its newly deployed geocoded broadband locations from 2018 prior to the deadline but was unable to certify this information. We grant the waiver request consistent with the *HUBB Waiver Order*.