

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
)
Petition for Reconsideration )
By Utah Education and Telehealth Network )
)
Rural Health Care ) WC Docket No. 02-60
Universal Service Support Mechanism )
)
)

ORDER ON RECONSIDERATION

Adopted: August 13, 2021

Released: August 13, 2021

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we address a petition for reconsideration filed by the Utah Education and Telehealth Network (UETN) seeking review of the Wireline Competition Bureau's (Bureau) denial of a request for review concerning the application of our competitive bidding requirements to seven UETN Healthcare Connect Fund Program funding requests for funding year 2017. Although we uphold our prior decision that there was no applicable exemption to the competitive bidding requirements, we waive the competitive bidding requirements as they apply to the funding requests at issue. Based on the circumstances presented here, we conclude that a strict application of our competitive bidding rules in this case would be inconsistent with the public interest. We therefore remand the seven funding requests listed in Appendix A to the Universal Service Administrative Company (USAC) for further action consistent with this Order.

II. BACKGROUND

2. The Healthcare Connect Fund Program allows eligible individual rural health care providers and consortia that include eligible rural health care providers to apply for universal service support for eligible services. The Healthcare Connect Fund Program rules require that eligible entities seek competitive bids for services eligible for support unless an exemption in our rules applies. One

1 See Petition for Reconsideration, WC Docket No. 02-60 (filed Apr. 25, 2019) (Petition). The seven funding requests at issue and their assigned Funding Request Numbers (FRNs) are listed in Appendix A.

2 Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company, WC Docket No. 02-60, Public Notice, 34 FCC Rcd 1926, 1936 & n.24 (WCB 2019) (March 2019 Streamlined Resolution PN).

3 In remanding the subject applications to USAC, we make no finding as to whether USAC has a basis to issue funding commitments in response to these funding requests.

4 See 47 CFR §§ 54.630-54.649 (2018). The prior Healthcare Connect Fund Program rules cited herein reflect the rules in effect at all times relevant to this proceeding.

5 47 CFR § 54.642(a), (h) (2018). The exemptions to the competitive bidding requirement applicable to the Healthcare Connect Fund Program were recently extended to the Telecommunications Program. See Promoting Telehealth in Rural America, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7411-12 (2019); see also 47 CFR § 54.622(i).

such exemption involves master contracts in the schools and libraries universal services support program (E-Rate Program) administered by USAC.<sup>6</sup> Section 54.642(h)(5) of our rules provides that an eligible healthcare provider is exempt from the competitive bidding requirement if the provider is in a consortium with participants in the E-Rate Program and a party to the consortium's existing contract that was "approved" by the E-Rate Program as a master contract.<sup>7</sup>

3. UETN is the state of Utah's designated and duly authorized statewide education and telehealth network.<sup>8</sup> In 2017, UETN issued a Request for Proposal for telecommunications and Internet access services that combined requests for the state's public schools and libraries and rural healthcare providers in order to solicit better rates for the rural health care sites.<sup>9</sup> When UETN applied for Healthcare Connect Fund Program support for funding year 2017, it did not first undergo a competitive bidding process as is normally required. Instead, UETN maintains its funding requests were based on competitively bid and negotiated E-Rate contracts that qualify for the exemption to the competitive bidding requirement set forth in section 54.642(h)(5).<sup>10</sup>

4. On July 28, 2017, USAC's Rural Health Care Division denied UETN's requests for funding because the master contracts upon which the competitive bidding exemptions were based "had not yet been endorsed" (i.e., approved) in the E-Rate Program.<sup>11</sup> UETN appealed the decisions on August 11, 2017<sup>12</sup> and, during the appeal's pendency, sent confirmation to USAC that six of the seven E-Rate contracts received funding commitments, which UETN claimed demonstrated that "the rationale for the denial of [the funding requests] no longer applies and that [UETN] complied with the HCF competitive bidding exemption standard afforded E-Rate negotiated contracts."<sup>13</sup> USAC nevertheless denied the

---

<sup>6</sup> E-Rate Program rules define a "master contract" as "a contract negotiated with a service provider by a third party, the terms and conditions of which are then made available to an eligible school, library, rural health care provider, or consortium that purchases directly from the service provider." 47 CFR § 54.500.

<sup>7</sup> 47 CFR § 54.642(h)(5) (2018). The E-Rate Program master contracts competitive bidding exemption is currently contained in section 54.622(i)(4) of the Commission's rules. 47 CFR § 54.622(i)(4). Other competitive bidding exemptions apply for (1) applicants seeking support for \$10,000 or less of total undiscounted eligible expenses for a single year; (2) applicants who are purchasing services and/or equipment from master services agreements (MSAs) negotiated by federal, state, Tribal, or local government entities on behalf of such applicants; (3) applicants purchasing services and/or equipment from an MSA that was subject to the Healthcare Connect Fund and Pilot Programs competitive bidding requirements; and (4) applicants seeking support under a contract that was deemed "evergreen" by the Administrator. *See* 47 CFR § 54.622(i).

<sup>8</sup> Petition at 4. UETN comprises the Utah Telehealth Network and the Utah Education Network, with the former responsible for Rural Health Care Program funding and the latter responsible for E-Rate Program funding. *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* Each of the FCC Forms 462 (Healthcare Connect Fund Funding Request Form) for the FRNs listed in Appendix A indicated that the "E-Rate Approved Contract" competitive bidding exemption applied and specified the applicable contract ID and "friendly name." *See, e.g.,* FCC Form 462 for FRN 17267181, Block 2, Section 8 (June 30, 2017) (specifying contract ID 948743 and friendly name "UETN E-Rate All West-81293952"). These contracts were entered into by the respective service providers listed in Appendix A and the University of Utah as "a body politic and corporate of the State of Utah, on behalf of its Utah Education and Telehealth Network." Because the contracts provided for services, including telehealth services, to public education, libraries, and other entities affiliated with UETN, they constitute master contracts under the Commission's E-Rate Program rules. *See* 47 CFR § 54.500 (defining "master contract" under the E-Rate Program rules).

<sup>11</sup> *See* e-mails from rhcadmin@usac.org to Sabrina Scott, UETN (July 28, 2017).

<sup>12</sup> *See* Appeal of Administrator Decision in the Healthcare Connect Fund, attached to emails from Sabrina Scott, Utah State E-rate Coordinator, UETN, to rhc-appeals@usac.org (Aug. 11, 2017) (USAC Appeal).

<sup>13</sup> *See* e-mails from Sabrina Scott, Utah State E-rate Coordinator, UETN, to rhc-appeals@usac.org, USAC (Nov. 9, 2017 (FRNs 17269321, 17270941, and 17281301) and Jan. 26, 2018 (FRNs 17273181, 17267181, and 17273581))

(continued....)

appeals on September 27, 2018 because the contracts had not been approved in the E-Rate Program at the time they were submitted as part of the funding requests, as required by our rules.<sup>14</sup> After examining the record, we upheld USAC's decision on that same basis.<sup>15</sup> We also denied UETN's request for a waiver of the competitive bidding requirements because the underlying record did not reveal the existence of special circumstances warranting a waiver.<sup>16</sup>

5. UETN now seeks reconsideration of our decision and, in the alternative, renews its request for a waiver of the Healthcare Connect Fund competitive bidding requirements. In support of its request for reconsideration, UETN asserts for the first time that the rule is unclear as to what an "approved" master contract is for purposes of the competitive bidding exemption, and thus "inappropriate for USAC to deny UETN's funding requests on this basis, and for the Bureau to uphold that decision."<sup>17</sup> UETN also asserts that, when upholding USAC's decision, the Bureau did not apply the required *de novo* standard of review and instead improperly deferred to USAC's analysis.<sup>18</sup> UETN alternatively requests a waiver of the competitive bidding requirements on the grounds that the waiver would advance the Commission's Rural Health Care (RHC) Program's goals and be in the public interest.<sup>19</sup>

### III. DISCUSSION

6. We deny the Petition in part because UETN fails to present any argument warranting reversal of our prior decision regarding the proper interpretation of our rules. UETN principally bases its reconsideration request on the argument that the rule is unclear as to what an "approved" contract is for purposes of the E-Rate master contracts competitive bidding exemption, which in turn leaves applicants such as UETN to "draw their own conclusions" as to how they are to satisfy the exemption's requirements.<sup>20</sup> We disagree that the language of the controlling rule reasonably can be interpreted in a

(Continued from previous page) \_\_\_\_\_  
(UETN Approval Confirmations). UETN did not provide confirmation of a funding commitment for the seventh FRN (17274321), which eventually received a commitment on February 8, 2018. *See* Appendix A.

<sup>14</sup> Letter from Rural Health Care Division, USAC, to Deb LaMarche, UETN at 1 (Sept. 27, 2018); 47 CFR § 54.642(h)(5). In the same decision, USAC reversed a previous denial of a funding request for FRN 17275101. That funding request, which involved a competitive bidding exemption other than the E-Rate master contracts exemption, is not at issue in this proceeding.

<sup>15</sup> *March 2019 Streamlined Resolution PN*, 34 FCC Rcd 1926, 1936 & n.24 (explaining that the contracts at issue in this proceeding did not receive approval for use in the E-Rate Program until three to eight months after UETN submitted its funding requests).

<sup>16</sup> *Id.*

<sup>17</sup> Petition at 6-7. UETN also maintains that "neither the Commission itself nor USAC can articulate the requirements of the rule clearly and consistently." *Id.* at 7.

<sup>18</sup> *Id.* at 9-10. *See* 47 CFR § 54.723(a) ("The Wireline Competition Bureau shall conduct *de novo* review of request for review of decisions issue[d] by the Administrator.").

<sup>19</sup> Petition at 10-11.

<sup>20</sup> *Id.* at 9. Although UETN did not expressly profess confusion over section 54.642(h)(5)'s use of the word "approved" in its prior pleadings before USAC or the Bureau, it did cite, in support of its prior appeals, reliance on language formerly available on USAC's website that the E-Rate master contracts competitive bidding exemption applies to contracts "negotiated" under the E-Rate Program. *See* USAC Appeal at 1 (explaining UETN "negotiated and executed" the contracts in question pursuant to a comprehensive Request for Proposal issued under the E-Rate Program); *cf.*, Petition at 7-8 (listing the "variety of . . . formulations" used by the Commission and USAC to describe the E-Rate master contracts competitive bidding exemption requirements). While we recognize the inconsistency between USAC's use of "negotiated" and section 54.642(h)(5)'s use of "approved," the language of our rule must control in this case, as UETN itself acknowledges. *See* Petition at 7 ("UETN recognizes that it is the applicant's responsibility to ensure that it complies with the Commission's rules, and emphasizes that it is not trying to shirk that responsibility.").

manner that would render UETN compliant. Section 54.642(h)(5) requires that the contract must be “approved in the schools and libraries universal service support program as a master contract” to exempt an applicant from the Healthcare Connect Fund competitive bidding requirements in section 54.642.<sup>21</sup> In turn, section 54.643(a)(4) requires that at the time a funding request is submitted, the applicant must “submit relevant documentation to allow the administrator to verify that the applicant is eligible for the claimed exception” from competitive bidding requirements under the Healthcare Connect Fund program.<sup>22</sup> As the “is eligible” wording establishes, the criteria of the competitive bidding exception must already be met at the time the applicant files the support request and accompanying documentation. This interpretation comports with the *Healthcare Connect Fund Order* itself, which explained that an applicant “utilizing this exemption must submit documentation with its request for funding that demonstrates that . . . the consortium contract was approved as a master contract in the E-rate program.”<sup>23</sup> It therefore follows that a master contract must be “approved in the schools and libraries universal service program as a master contract” by the time the request for Healthcare Connect Fund support is filed in order for the applicant to be exempt from the competitive bidding requirements under the Healthcare Connect Fund rules.

7. In addition, section 54.642(h)(5) is most reasonably read as requiring prior approval in the form of an E-Rate funding commitment decision letter issued by USAC’s Schools and Libraries Division for a funding request relying on the master contracts exemption.<sup>24</sup> Section 54.642(h)(5) states that the relevant contract must be “approved in the schools and libraries universal service support program,” indicating that the meaning of that language should be understood by reference to the E-Rate rules. Under those rules, applicants “must conduct a fair and open competitive bidding process” consistent with requirements set forth in Subpart 54.5 of the Commission’s rules.<sup>25</sup> After selecting the most cost-effective service offering at the conclusion of the process, applicants then must submit an FCC Form 471 to USAC detailing information about the applicants and the contracted-for services, certifying compliance with applicable E-Rate program requirements—including those designed to ensure fair and open competitive bidding processes—among other things.<sup>26</sup> As is the case with all universal service programs, USAC must employ procedures “to verify [E-Rate] discounts . . . and support amounts,”<sup>27</sup> culminating in a funding commitment decision letter where support is justified.<sup>28</sup> The issuance of a funding commitment decision letter provides a clear signal to applicants that the master contract is “approved” under the E-Rate program for purposes of section 54.642(h)(5).<sup>29</sup>

---

<sup>21</sup> 47 CFR § 54.642(h)(5) (2018).

<sup>22</sup> 47 CFR § 54.643(a)(4) (2018). The requirement that applicants claiming a competitive bidding exemption submit relevant information to allow USAC to verify that the applicant is eligible for the claimed exemption is currently contained in section 54.623(a)(3) of the Commission’s rules. 47 CFR § 54.623(a)(3).

<sup>23</sup> *Healthcare Connect Fund Order*, 27 FCC Rcd at 16793, para. 267.

<sup>24</sup> We note that UETN indirectly acknowledged this requirement when it submitted the UETN Approval Confirmations, which it used to notify USAC of the approval of the E-Rate contracts, thereby demonstrating that UETN “complied with the [Healthcare Connect Fund] competitive bidding exemption standard afforded E-rate negotiated contracts, as set forth in the [Healthcare Connect Fund] program rules.” See UETN Approval Confirmations.

<sup>25</sup> 47 CFR § 54.503(a) (2018).

<sup>26</sup> 47 CFR § 54.504(a) (2018).

<sup>27</sup> 47 CFR § 54.707(a) (2018).

<sup>28</sup> See, e.g., *Request For Review of Decisions of the Universal Service Administrator By Joseph M. Hill Trustee In Bankruptcy For Lakehills Consulting, LP., et al.*, Order, 26 FCC Rcd 16586, 16587, para. 3 (2011); *Schools and Libraries Universal Service Support Mechanism*, Order, 26 FCC Rcd 6487, 6487-88, para. 3 (2011).

<sup>29</sup> We note that UETN offers no plausible alternative interpretation of “approved” and does not identify any other USAC action that signals to an applicant that an E-Rate master contract has been approved. The absence of any

(continued....)

8. We disagree with UETN’s contention that E-Rate master contracts are not “approved” by USAC, and that USAC “merely ensures there was a signed contract before the application was submitted.”<sup>30</sup> This argument overlooks the critical role of USAC’s issuance of funding commitment decision letters discussed above. UETN’s position also neglects the fact that Commission orders commonly have referred to USAC’s role in the E-Rate process, described above, in terms of “approv[al]” of the funding requests premised on competitively-bid contracts.<sup>31</sup> Significantly, USAC’s role also entails more than a mere administrative check, instead embodying key safeguards and protections including for ensuring the validity of competitive bidding. The fact that the Commission has adopted detailed rules governing the competitive bidding process in both the E-Rate and Healthcare Connect Fund contexts demonstrates that it would not simply assume that its fiscal responsibility and cost effectiveness goals would be protected absent such measures. Yet unless “approved” in section 54.642(h)(5) were interpreted to mean approval by USAC through the culmination of the regulatory process established under the E-Rate rules—*i.e.*, issuance of a funding commitment decision letter—those protections would be missing in the case of contracts like UETN’s.<sup>32</sup> USAC therefore properly applied our Healthcare Connect Fund rules when it denied UETN’s funding requests because the necessary master contract approvals from USAC—in the form of funding commitment decision letters relating to each of those contracts—came after UETN’s funding requests were submitted.<sup>33</sup> Because UETN offers nothing persuasive to contradict that conclusion or offer any plausible alternative interpretation of the master contract approval requirement, we deny this aspect of the Petition.<sup>34</sup>

(Continued from previous page)

alternative documentation of contract approval is significant, as Healthcare Connect Fund applicants “must submit relevant documentation to allow the Administrator to verify that the applicant is eligible for the claimed exemption.” 47 CFR § 54.643(a)(4).

<sup>30</sup> Petition at 6.

<sup>31</sup> See, e.g., *Requests For Waiver of Sections 54.504(c), 54.504(f), 54.507(c), and 54.507(g) of the Commission’s Rules, et al.*, Order, 25 FCC Rcd 1653, 1666, para. 25 (2010); *Requests For Waiver of the Decision of the Universal Service Administrator By Adams County School District 14 Commerce City, Colorado, et al.*, Order, 22 FCC Rcd 6019, 6022-23, para. 9 (2007); *Request For Review of A Decision of the Universal Service Administrator By Katy Independent School District Katy, Texas, et al.*, Order, 26 FCC Rcd 16433, 16435, para. 6 (WCB 2011); *Request For Review of A Decision of the Universal Service Administrator By Coahoma County School District Clarksdale, MS, et al.*, Order, 26 FCC Rcd 11201, 11203-04, para. 5 (WCB 2011); *Request For Review of Decisions of the Universal Service Administrator By Gila Bend Unified School District 24 Gila Bend, Arizona*, Order, 26 FCC Rcd 6870, 6872-73, para. 6 (WCB 2011); *Request For Waiver of Section 54.507(d) of the Commission’s Rules Harvest Preparatory School Yuma, Arizona, et al.*, Order, 25 FCC Rcd 5501, 5502-03, para. 3 (WCB 2010).

<sup>32</sup> We thus reject UETN’s suggestion that “approval” could be interpreted to refer to mere “negotiation” of the contracts or the like, citing high-level characterizations of the exemption taken from the *Healthcare Connect Fund Order*. Petition at 7. As a threshold matter, UETN does not explain how the language it draws from those high-level characterizations would fit within any reasonable understanding of the term “approved” as used in the text of the rule. Independently, however, an exemption from competitive bidding requirements under the Healthcare Connect Fund program merely because a contract was “negotiated” in the E-rate context would provide none of the safeguards and protections that the Commission relies upon to help ensure fiscal responsibility and cost-effectiveness.

<sup>33</sup> See, e.g., Petition at 11-12 (conceding that USAC had not issued funding commitments for the relevant contracts by the time the Healthcare Connect Fund request for support was filed).

<sup>34</sup> We reject UETN’s claim that the Bureau failed to conduct a *de novo* review when considering UETN’s appeal before the Bureau. See Petition at 9-10. The Bureau must conduct a *de novo* review of requests for review of decisions issued by USAC. 47 CFR § 54.723(a). When reaching our decision in 2019 to uphold USAC’s denials of UETN’s funding requests, we examined the entire record and did not simply defer to the decision reached by USAC. After conducting a *de novo* review, we concluded that “[t]he 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 [USAC] for processing. As such, the [RHC] program competitive bidding exemption does not apply.”

(continued...)

9. Although we determine that there is no basis to overturn our prior decision upholding USAC's funding denial, upon re-examination of the record, we conclude that it is appropriate to grant UETN's waiver request. The Commission's rules may be waived for good cause shown.<sup>35</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>36</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>37</sup> Waiver of the Commission's rules is appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.<sup>38</sup> We conclude that it is appropriate to waive the competitive bidding requirements as they apply to UETN in this particular case because strict application of section 54.642(h)(5) would not be consistent with the public interest or further the policy goals of the master contracts competitive bidding exemption.

10. The issues raised in this case are a consequence of timing. UETN submitted contracts prior to those contracts actually receiving approval in the form of funding commitments. UETN argues that waiver is appropriate because the timing could have been different, in that USAC could have waited until the E-Rate funding commitments were issued before considering UETN's funding requests.<sup>39</sup> UETN also maintains that USAC could have granted the funding requests at the appeal stage because all seven E-Rate funding commitments had been issued prior to USAC's decision denying the appeal.<sup>40</sup> While we conclude that USAC acted properly by not ignoring the actual timing sequence when applying the requirements of section 54.642(h)(5), we are now persuaded that those requirements should be waived in this instance. We agree with UETN that denying its funding requests on the basis of prematurely filed, but ultimately approved, contracts would run counter to the policy goals of cost-effectiveness and consortium facilitation announced in the order adopting the master contracts competitive bidding exemption.<sup>41</sup> These goals serve the public interest by saving universal service funds through the lower contract prices often associated with consortia bulk-buying.<sup>42</sup>

11. Waiver in this case is also supported by the special circumstances involving UETN's position. The E-Rate Program ultimately approved the master contracts that UETN relied upon, which means that the contracts were deemed to be competitively bid. Had such approval not been granted, UETN's reliance on the master contracts exemption would be misplaced and UETN would be compelled to undergo competitive bidding to ensure that it was aware of cost-effective alternatives to the master contracts. But that is not the case here. Under UETN's circumstances, a deviation from the general rule is warranted because the competitive bidding requirement, and the public interest benefits derived therefrom, were met, albeit after UETN filed its funding requests. We also note that the record includes no evidence of waste, fraud, or abuse on the part of UETN.<sup>43</sup> Accordingly, under this set of facts, we find

(Continued from previous page) \_\_\_\_\_

*March 2019 Streamlined Resolution PN*, 34 FCC Rcd at 1936 n.24. With regard to UETN's waiver request, we concluded that "the underlying record does not reveal the existence of special circumstances warranting a waiver of RHC program rules." *Id.*

<sup>35</sup> 47 CFR § 1.3.

<sup>36</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>37</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>38</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>39</sup> See Petition at 12.

<sup>40</sup> *Id.*

<sup>41</sup> See Petition at 11 (citing *Healthcare Connect Fund Order*, 27 FCC Rcd at 16793, para. 267).

<sup>42</sup> *Healthcare Connect Fund Order*, 27 FCC Rcd at 16793, para. 267.

<sup>43</sup> See *Request for Review or Waiver by Maniilaq Association of Decision of Universal Service Administrator, Rural Health Care Universal Service Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 1458, 1462, para. 9

(continued...)

that a limited waiver of section 54.642(a) of the Commission's rules, which requires applicants to engage in competitive bidding unless one or more of the competitive bidding exemptions applies, is warranted.<sup>44</sup>

12. We emphasize that the waiver we grant today does not constitute Commission or Bureau approval for RHC Program applicants to disregard the requirement that the master contracts competitive bidding exemption only applies in the case of approved contracts, with approval requiring an E-Rate Program funding commitment.<sup>45</sup> Such disregard for the rule puts applicants at risk of missing out on RHC Program support if they file funding requests invoking this exemption when E-Rate funding requests citing to a common master contract are still pending because it is no guarantee that the E-Rate funding requests will be approved. Even if the E-Rate funding requests are approved, it is possible that they will have been approved after the deadline has lapsed for the RHC Program applicant to file a request for waiver for its RHC Program funding request<sup>46</sup> We expect RHC Program applicants to submit funding requests in compliance with this requirement and for USAC to continue to apply the competitive bidding exemption requirements strictly.

#### IV. ORDERING CLAUSES

13. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.106 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.106, that the Petition for Reconsideration filed by Utah Education and Telehealth Network IS GRANTED IN PART and DENIED IN PART to the extent provided herein.

14. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, and 54.722(a), section 54.642(a) of the Commission's rules, 47 CFR § 54.642(a), IS WAIVED to the extent described herein.

15. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, and 54.722(a), that the denied applications identified in Appendix A ARE REMANDED to USAC for further action in accordance with the terms of this Order on Reconsideration.

(Continued from previous page) \_\_\_\_\_

(WCB 2020) (waiving RHC Program competitive bidding rule requirement in part due to absence of evidence of waste, fraud, or abuse).

<sup>44</sup> See 47 CFR § 54.642(a) (2018).

<sup>45</sup> As noted above, the master contracts competitive bidding exemption now applies to both Healthcare Connect Fund program and Telecommunications program applicants. See 47 CFR § 54.622(i)(4).

<sup>46</sup> See 47 CFR § 54.720(a) (requiring that requests for waiver be filed within 60 days of the date of the USAC decision for which the petitioner is seeking a waiver).

16. IT IS FURTHER ORDERED that, pursuant to the authority delegated in section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer  
Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau



## APPENDIX A

## List of UETN FRNs Claiming Approved E-Rate Master Contracts Competitive Bidding Exemption

<b>FRN</b>	<b>Service Provider</b>	<b>E-Rate FRN/ Contract Approval Date</b>
17267181	All West Communications, Inc.	1799076991 (Dec. 1, 2017)
17269321	South Central Utah Telephone Association, Inc.	1799067528 (Sept. 1, 2017)
17270941	CenturyLink Qwest Corporation	1799106755 (Sept. 8, 2017)
17273181	Central Utah Telephone Inc.	1799067558 (Jan. 18, 2018)
17273581	Emery Telephone	1799075392 (Jan. 13, 2018)
17274321	Comcast Business Communications	1799088613 (Feb. 8, 2018)
17281301	UBTA-UBET Communications, Inc.	1799096201 (Sept. 8, 2017)