



PUBLIC NOTICE

Federal Communications Commission
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DA 22-1008

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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. 21-93
WC Docket No. 02-60
WC Docket No. 18-213
WC Docket No. 06-122

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 the release date of this Public Notice.²

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Dismissed as Insufficient³

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). Sections 54.719(b) and 54.1718(a)(2) of the Commission's rules provide 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. Sections 54.719(c) and 54.1718(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c)54.1718(a)(3). In this Public Notice, we have reclassified as Requests for Waiver any 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 any 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 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, including the requirement that the request for review include supporting documentation); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by 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...)

Dewey County Library, SD, No Application Number Given, CC Docket No. 02-6 (filed Sept. 2, 2022)

Dismiss as Moot⁴

Atherton Communications (Khalsa Montessori Elementary School), AZ, Application No. 201041231, Request for Waiver, CC Docket No. 02-6 (filed Nov. 11, 2021)

Torah Day School of Atlanta, GA, Application No. 201006444, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2021)

Dismiss as Moot⁵

Central Curry School District 1, OR, Application No. 201011132, Request for Waiver, CC Docket No. 02-6 (filed Dec. 3, 2020)

Dismissed on Reconsideration – Untimely⁶

North Central Education Service District, OR, Application No. 582655, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 12, 2020)

Granted⁷

*Competitive Bidding – Bid Evaluation*⁸

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statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

⁴ See, e.g., *Requests for Review of Decision 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 funded).

⁵ See, e.g., *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).

⁶ 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).

⁷ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision 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).

⁸ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC

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Worcester Public Schools, MA, Application No. 211020479, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 21, 2022)

*Grant on Reconsideration – Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application*⁹

Rome City Schools, GA, Application No. 211041263, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 1, 2022)

*Grant on Reconsideration – Untimely Appeal Waiver*¹⁰

Eagle Elementary of Akron, OH, Application Nos. 221035952, 221008493, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 12, 2022)

*Late-Filed FCC Form 471 Applications – Application Filed More than 30 Days Late*¹¹

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Rcd 6109, 6118, para. 14 (WCB 2011) (granting appeal where the record shows that the applicant considered each bid it received and rejected a service provider’s bid only after determining that the service provider could not offer the requested service).

⁹ See, e.g., *Petition for Reconsideration by Fall River Public School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 14650, 14652, para. 4 (WCB 2013) (*Fall River Public School District Order*) (reversing a previous Bureau decision where evidence on reconsideration does not support the previous determination). See also *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 and n.5 (WCB 2010) (*Ann Arbor Public Schools Order*) (permitting applicant to include item omitted from the FCC Form 471, but included on its source documentation).

The petitioner did not realize its funding request was omitted until the application window for funding year 2021 had closed. They then filed late an application for these services in the application number listed above. We direct USAC to include these late-filed funding requests on the petitioners’ timely-filed FY 2021 application or accept their late-filed application as timely. We make no finding on these funding requests and remand back to USAC to make a determination on the merits. See also *supra* note 10.

¹⁰ See, e.g., *Fall River Public School District Order*, 28 FCC Rcd at 14652, para. 4 (reversing a previous Bureau decision where evidence on reconsideration does not support the previous determination); *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 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 also *supra* note 10.

Application number 221008493 was inadvertently omitted from the public notice that denied Eagle Elementary of Akron’s waiver request. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Dockets No. 21-93, 02-60, 06-122, Public Notice, DA 22-897 (WCB Aug. 31, 2022). We include this application now on in our decision on reconsideration.

¹¹ 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 FCC Form 471 application filing 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 after the funding year 2020 window had closed, the Bureau also found good cause existed to waive the funding year 2020 FCC Form 471 application filing deadline for those applicants filing their applications on or before that date, waiving the filing

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Center For Spectrum Services-Kingston, NY, Application No. 221040326, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2022)

Potter's House Christian Academy, Lake Rose Christian Academy, FL, Application Nos. 221040648, 221040653, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2022)

Riverside Christian School, KY, Application No. 221040704, Request for Waiver, CC Docket No. 02-6 (filed July 2, 2022)

*Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control*¹²

Van Buren County Community School District, IA, Application Nos. 191008086, 191042173, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2019)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*¹³

Bedminster Board Of Education, Camden's Promise Charter School, Manasquan School District, Middletown Twp School District, Mount Holly Township School District, Runnemede Borough School District, Stafford Township School District, Andes Central School District, Broome Tioga BOCES, Jefferson Lewis BOCES, Madison Oneida BOCES, Potsdam Central School District, SSCTA BOCES dba GST BOCES, St Lawrence Lewis BOCES, Hackettstown School District, Application Nos. 221039793, 221039966, 221039640, 221039782, 221039835, 221039773, 221039996, 221039998, 221039758, 221039856, 221039730, 221039989, 221039786, 221039940, 221039244, 221039651, 221039645, 221039739, 221039742, 221039733, 221039732, 221039731, 221039740, 221039764, 221039741, 221040004, 221039766, Request for Waiver, CC Docket No. 02-6 (filed May 3, 2022)¹⁴

Bethlehem Lutheran, NV, Application Nos. 211040529, 211040528, Request for Waiver, CC Docket No. 02-6 (filed Apr. 8, 2021)

Jewish Institute of Queens, NY, Application No. 221039522, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

Juniata County Library, PA, Application No. 211040092, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2021)¹⁵

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deadline for applications that were submitted up to 99 days late. We extend this waiver standard to funding year 2022 applicants but emphasize 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.

¹² See, e.g., *Requests for Waiver and Review of the Decisions of the Universal Service Administrator by Abbotsford School District, et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (*Abbotsford School District Order*) (finding that the applicant filed its FCC Form 471 application beyond 14 days of the FCC Form 471 filing deadline due to delays beyond their control).

¹³ See, e.g., *Requests for Waiver and Review of the Decisions of the Universal Service Administrator by Academy of Math and Science*, 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 application filing window deadline).

¹⁴ Point Pleasant Boro School District, Application No. 221038870; Lacey Township School District, Application No. 221039044; North Warren Regional School District, Application No. 221038841; and Washington Township School District, Application No. 221038897, all had timely filed applications and do not require waivers.

Kings Valley Charter School, OR, Application No. 201045212, Request for Waiver, CC Docket No. 02-6 (filed Oct. 19, 2020)

Lexington Montessori School, MA, Application Nos. 221039937, 221039935, 221039936, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2022)

Martin Luther King Jr. Education Center Academy, MI, Application No. 221039629, Request for Waiver, CC Docket No. 02-6 (filed Mar. 31, 2022, supplemented Aug. 29, 2022)

*Ministerial and/or Clerical Errors*¹⁶

Covenant Private School, PR, Application No. 211008149, Request for Waiver, CC Docket No. 02-6 (filed July 8, 2021)

Hawkins County School District, TN, Application No. 221025907, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 30, 2022)

The International School at Mesa del Sol, NM, Application No. 221002801, Request for Waiver, CC Docket No. 02-6 (filed Aug. 12, 2022)

Poteet Independent School District, TX, Application No. 221023466, Request for Waiver, CC Docket No. 02-6 (filed Aug. 30, 2022)

*Service Implementation Delay*¹⁷

ComSource, Inc. (Onondaga-Cortland-Madison BOCES), NY, Request for Waiver, Application No. 201025851, CC Docket No. 02-6 (filed July 22, 2022)¹⁸

Wyoming County School District, WV, Application No. 201030218, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

*Waiver of Appeal Filing Deadline*¹⁹

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¹⁵ The application number for Juniata County Library 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 No. 02-60, Public Notice, DA 22-785 (WCB July 29, 2022). We now include the request with the correct application number in this public notice.

¹⁶ *See, e.g., Ann Arbor Public Schools Order*, 25 FCC Rcd at 17319-20, nn.16, 17 (granting a waiver where the applicant omitted entities and items from its source documentation 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).

¹⁷ *See, e.g., Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions).

¹⁸ Consistent with precedent, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *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 within a reasonable period of time after receiving actual notice of USAC's adverse decision).

City And Country School, NY, Application No. 221005177, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2022)

Colorado City Unified School District 14, AZ, Application No. 201028001, Request for Waiver, CC Docket No. 02-6 (filed Jan. 23, 2022)

Forest Hills Public Schools, MI, Application No. 201002148, Request for Waiver, CC Docket No. 02-6 (filed Sept. 7, 2022)

Head Start of Rockland, Inc., NY, Application No. 211037563, Request for Waiver, CC Docket No. 02-6 (filed Jan. 31, 2022)

Leech Lake Band of Ojibwe Early Childhood Programs, MN, Application No. 221006448, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2022)

New Mexico Military Institute, NM, Application No. 221014463, 221036882, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2022)²⁰

Piedmont Regional Library, GA, Application No. 221012951, Request for Waiver, CC Docket No. 02-6 (filed Sept. 1, 2022)

Seneca Family of Agencies, CA, Application No. 211006892, Request for Waiver, CC Docket No. 02-6 (filed Jan. 29, 2022)

*Waiver of Special Construction Service Delivery Deadline*²¹

Cenic-Corporation For Education Network Initiatives In California, CA, Application No.

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¹⁹ See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision).

To correct problems with an invoice that was modified by USAC, Colorado City Unified School District 14 worked with USAC personnel instead of filing an appeal. After working with USAC staff for a considerable period of time, the school district was told to file an appeal, which by that time would be late.

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 also *supra* note 10.

²⁰ Application number 221036882 was inadvertently omitted from a previous public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Dockets No. 21-93, 02-60, 06-122, Public Notice, DA 22-897 (WCB Aug. 31, 2022). We include the application in this public notice.

²¹ See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

We find that the petitioner was unable to complete implementation for reasons beyond its and the service provider's control, and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive the special construction service delivery deadline and direct USAC to process the requests for reimbursement for work completed after the June 30, 2022 deadline.

For these petitioners, we also waive any associated administrative or procedural deadlines, including section 54.514(a), that might be necessary to effectuate our ruling. See also *supra* note 10.

191025165, Request for Waiver, CC Docket No. 02-6 (filed Sept. 14, 2022)

Denied

*Invoice Filing Deadline Extension*²²

Adolph Schreiber Hebrew Academy, NY, Application Nos. 191001134, 191001183, 201015971, 201015987, Request for Waiver, CC Docket No. 02-6 (filed Sept. 1, 2022)

Apple Valley Unified School District and Federal Technology Solutions, Inc., CA, Application No. 191031206, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2022)

Bais Yaakov High School of Chicago, IL, Application No. 191019322, Request for Waiver, CC Docket No. 02-6 (filed (July 12, 2022)

Escambia County School District, CA, Application No. 201013953, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2022)

Phonoscope Inc. (Harris County Public Library & Pasadena Independent School District), TX, Application Nos. 201007395, 201033173, Request for Waiver, CC Docket No. 02-6 (filed Oct. 29, 2021)

*Late-Filed FCC Form 471*²³

Beth Haven Christian School, WV, Application No. 221026645, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2022)

Columbia School District, CT, Application No. 211041740, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2021)

Douglas County School District 04, OR, Application No. 211041784, Request for Waiver, CC Docket No. 02-6 (filed Nov. 19, 2021)

Duchesne Academy, NE, Application No. 221040809, Request for Waiver, CC Docket No. 02-6 (filed Aug. 16, 2022)

Girls Athletic Leadership School, NV, Application No. 221040826, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2022)

²² 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, 3836, para. 8 (WCB 2016) (denying petitioners' requests for waiver of the Commission's invoice filing deadline 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.

²³ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

Grand Junction Public Library, IA, Application No. 201044718, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2020)

Haynes Branch Library, NC, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2021)

Holy Family School, MO, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Mar. 31, 2022)

Kingston K-14 School District, MO, Application No. 211041196, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2021)

Legacy Academy of Excellence, OH, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

Mountains Branch Library, NC, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2021)

New Testament Academy, WI, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2022)

New World Educational Center, AZ, Application No. 191042472, Request for Waiver, CC Docket No. 02-6 (filed June 25, 2019)

Northwest R-1 School District, MO, Application No. 191042602, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Pahrump Community Library, NV, Application No. 221040814, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2022)

Phoenix Union High School District 210, AZ, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2021)

Rampart Library District, CO, Application No. 211012300, Request for Waiver, CC Docket No. 02-6 (filed Sept. 1, 2021)

Rangely School District RE4, CO, Application No. 181043253, Request for Waiver, CC Docket No. 02-6 (filed Oct. 30, 2018)

Rutherford County Library, NC, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2021)

Saint Mary Academy, KY, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed May 9, 2018)

Spring Valley C.C. School District #99, IL, Application No. 221022654, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2022)

St. Augustine School, RI, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Mar. 24, 2022)

St. Joseph Christian School, MO, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Mar. 15, 2019)

St. Mary's Catholic School, KS, Application Nos. 211040386, 211041500, Request for Waiver, CC Docket No. 02-6 (filed Apr. 22, 2021, supplemented Aug. 30, 2021)

St. Michael Indian School, AZ, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2022)

Talmud Torah Toras Yisroel d/b/a Tiferes Yechiel, NJ, Application No. 221039626, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

Trinity Academy, PA, Application No. 201047559, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2020)

*Untimely Filed Appeals or Waiver Requests*²⁴

Altenburg School District 48, MO, Application No. 221040185, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2022)

Bais Trany of Monsey, NY, Application No. 201044209, Request for Waiver, CC Docket No. 02-6 (filed Dec. 2, 2020)

Bluford Unit School District 318, IL, Application No. 221040341, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2022)

Cincinnati Technology Academy, OH, Application No. 211041046, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2021)

Northside Charter High School, NY, Application No. 221039384, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2022)

Oskaloosa Unified School District, KS, Application No. 221039405, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2022)

Sabis International Charter School, MA, Application No. 221040090, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2022)

Shenendehowa Central School District, NY, Application No. 191038422, Request for Waiver, CC Docket No. 02-6 (filed Sept. 25, 2020)

South Florida Jewish Academy, FL, Application Nos. 211040661, 211040662, Request for Waiver, CC Docket No. 02-6 (filed Dec. 8, 2021)

Vernon Parish, LA, Application No. 201033215, Request for Waiver, CC Docket No. 02-6 (filed Nov. 12, 2020)

Emergency Connectivity Fund

WC Docket No. 21-93

²⁴ See, e.g., *Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6; *Bound Brook School District Order*, 29 FCC Rcd at 5823, para. 1 (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 demonstrate special circumstances required for the Commission to waive the rule).

□

Denied□□□□□ *Voluntarily Reduced ECF Funding Requests*²⁵ □

Greenport Union Free School District, NY, Application No. ECF202109299, Request for Waiver, WC Docket No. 21-93 (filed Aug. 22, 2022)

New Lebanon City School District, NY, Application No. ECF222118117, Request for Waiver, WC Docket No. 21-93 (filed Aug. 22, 2022)

Rural Health Care Program**WC Docket No. 02-60**Granted

*Competitive Bidding – Exemption to Competitive Bidding Requirements for Approved Master Service Agreements*²⁶

Southern Ohio Health Care Network, OH, Request for Review, WC Docket No. 02-60, Funding Request Nos. 20853071 and 20808651

*Information Request Deadline Waiver*²⁷

²⁵ *Requests for Waiver of Decisions of the Emergency Connectivity Fund Program Administrator by Toms River Regional School District et al.; Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 22-799, 2022 WL 3016667, at *4 (WCB July 27, 2022) (*Toms River Regional Order*) (denying a request for waiver where the petitioner did not voluntarily reduce the number of requested and approved months of recurring service). In their requests, Greenport Union Free School District and New Lebanon City School District argue that the number of months for their recurring services funding requests were reduced during PIA review based on the former June 30, 2022 service delivery date for first and second window ECF funding requests. We note, however, that USAC modified and approved the months of service for Greenport Union Free School District's and New Lebanon City School District's funding requests based on the dates of service provided by the petitioners in the narratives of their original ECF FCC Form 471 applications. Therefore, we find that the petitioners did not voluntarily reduce the months of service based on the former service delivery date.

²⁶ 47 CFR § 54.622(i)(2) (allowing for an exemption to the competitive bidding requirement for health care providers opting into an existing master service agreement (MSA) approved under the Healthcare Connect Fund Program). The Southern Ohio Health Care Network (SOHCN) entered into a MSA with Charter Communications Operating, LLC in 2017 (the Charter MSA), which USAC approved for Healthcare Connect Fund Program support for funding years 2017, 2018, and 2019. When requesting additional support for funding year 2020, SOHCN did not first seek competitive bids for the services to be supported. Instead, on both of its FCC Forms 462, SOHCN sought an evergreen contract competitive bidding exemption while also citing and submitting a copy of the approved Charter MSA, from which the supported services would be purchased. USAC denied the two funding requests because SOHCN failed to demonstrate that a competitive bidding exemption applied, basing its decision on SOHCN's apparently misplaced request for an evergreen contract exemption rather than on the exemption for approved MSAs. Our review of the record, however, indicates that the approved Charter MSA, with its six-year term running through 2023, provides a basis for an exemption to the competitive bidding requirement for the funding year 2020 requests notwithstanding the inapplicability of the evergreen contract exemption. Accordingly, we grant SOHCN's request for review and remand the two subject funding requests to USAC for further action. 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.

²⁷ See, e.g., *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 02-6, 02-60, 06-122, Public Notice, DA 22-328, 2022 WL 1000388, at *6 & n.20 (WCB Mar. 31, 2022) (waiving the information request deadline requirement and directing USAC to allow the petitioner

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Charger Access, LLC (Heart of Texas Region MHMR Center), TX, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 2083018, 2083035, 2082990 (filed May 14, 2021)

Cahaba Medical Care Foundation and ENA Healthcare Services, LLC, AL, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 2085074, 2085077 (filed June 7, 2021)

Plumas District Hospital and ENA Healthcare Services, LLC, CA, Request for Waiver, WC Docket No. 02-60, Funding Request No. 2083500 (filed June 7, 2021)²⁸

Wirt County Health Services and ENA Healthcare Services, LLC, WV, Request for Waiver, WC Docket No. 02-60, Funding Request No. 2083778 (filed June 14, 2021)²⁹

Denied

*Competitive Bidding*³⁰

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 additional time to respond to the information request); *Rural Health Care Support Mechanism; Promoting Telehealth in Rural America*, WC Docket Nos. 02-60, 17-310, Order, 36 FCC Rcd 7051, 7063, para. 31 & n.87 (WCB 2021) (directing USAC to grant a 28-day extension to the deadline to respond to information requests if sought by an applicant due to the COVID-19 pandemic and providing that applicants may file requests for waiver if funding requests are denied due to missed response deadlines for information requests filed prior to the release of the Order). We direct USAC to allow petitioners additional time to respond to the information request. We make no finding on the underlying issues in these waiver requests and remand the funding requests at issue to USAC for further review.

²⁸ We dismiss without prejudice the petitioner's request that "the Commission waive its rules to allow Plumas to correct the clerical error on its Form 466." See Request for Waiver by Plumas District Hospital and ENA Healthcare Services, LLC, WC Docket No. 02-60, at 7 & n.24 (filed Jun. 7, 2021). The petitioner argued that "USAC's information request also made it clear that Plumas had made a typographical error on its FCC Form 466." See *id.* However, the petitioner did not explain what that "typographical error" was, and USAC's information request dated February 8, 2021 did not reference any "typographical error." Thus, this request fails to comply with section 54.721 of the Commission's rules. See 47 CFR § 54.721 (requiring a request for review pursuant to § 54.719(a) through (c) contain "[a] full statement of relevant, material facts with supporting affidavits and documentation" and "[t]he question presented for review, with reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision," among other requirements); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by 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 section 54.721 of the Commission's rules); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

²⁹ Wirt County Health Services provided an evergreen contract identification number and other information with its Request for Waiver. See Request for Waiver by Wirt County Health Services and ENA Healthcare Services, LLC, WC Docket No. 02-60 (filed Jun. 14, 2021), at 7 & n.24, Exhibit 5. We direct USAC to consider the above mentioned information submitted with Wirt County's Request for Waiver and allow Wirt County additional time to respond to the information request if additional information is required.

³⁰ *Franciscan Skemp Waukon Clinic, Waukon, Iowa, Rural Health Care Universal Service Support Mechanism*, WC Docket No. 02-60, Order, 29 FCC Rcd 11714, 11717-18, para. 9 (WCB 2014) (*Waukon Order*) (denying request for review where applicant signed a multi-year contract for the services at issue before the expiration of the 28-day waiting period). Ascension Health entered into a contract with its selected service provider on November 16, 2018, several months before the March 30, 2019 expiration date of the 28-day waiting period established when USAC posted Ascension Health's request for services on its website on March 1, 2019. Ascension Health maintains that its early entry into the service contract is not a competitive bidding rule violation because it "requested contract review for Evergreen status with the contract signed 11-16-2018 and had uploaded with the [FCC Form] 462 and assigned

(continued....)

Ascension Health, WI, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 19648041 (filed Mar. 15, 2021)

Connected Care Pilot Program
WC Docket No. 18-213

Granted

*Waiver of Initial FCC Form 462 Filing Deadline*³¹

Community Health Center, Inc. (CHCI), CT, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000380 (filed Sept. 20, 2022)

Conway Medical Center, SC, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000113 (filed Sept. 23, 2022)

Metro Health, Inc., DC, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000246 (filed Sept. 22, 2022)

Contribution Methodology

WC Docket No. 06-122

Granted

*Ministerial and/or Clerical Error*³²

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 USAC contract ID 1165866.” See, e.g., Request for Review and/or Waiver of Ascension Health, WC Docket No. 02-60, at 1 (filed Mar. 15, 2021) (Ascension Health Request). The mere request for evergreen status, however, does not relieve an applicant from the requirements to competitively bid for services and then wait at least 28 days from the date its request for service was posted before selecting and committing to a service provider. See 47 CFR § 54.642(a), (g) (2017). Only a contract previously designated as evergreen by USAC permits an applicant to avoid having to re-bid during the contract’s term. 47 CFR § 54.642(h)(4)(i) (2017). The contract entered into by Ascension Health on November 16, 2018 likewise cannot serve as a standing bid to circumvent the 28-day waiting period requirement. An applicant can use a contract entered into prior to expiration of the 28-day waiting period as a standing bid only if it is “choosing to continue service under an existing contract.” *Waukon Order*, 29 FCC Rcd at 11715, para. 3. The services that Ascension Health contracted for in November 2018 were for new services that commenced “after the contract was signed.” See, e.g., Ascension Health Request at 1 (referencing the Network Cost Worksheet submitted with the FCC Form 462, which lists service start dates of April 1, 2019 or later for the five services at issue).

³¹ See *Promoting Telehealth for Low-Income Consumers*, WC Docket No. 18-213, Order, DA 22-40, para. 3 (Jan. 13, 2022) (granting an extension of the deadline to file an initial FCC Form 462 for certain Connected Care Pilot Program participants). See also *Promoting Telehealth for Low-Income Consumers*, WC Docket No. 18-213, Second Report and Order, 36 FCC Rcd 10642, 10662-63, para. 48 (2021) (delegating authority to the Bureau to “grant limited extensions of deadlines to Pilot projects”). The Bureau grants CHCI 30 days from the release of this Public Notice to file its initial FCC Form 462 (Request for Funding) with USAC.

³² See *Universal Service Contribution Methodology; Petition for Reconsideration by Ascent Media Group, Inc.*, WC Docket No. 06-122, Order, 28 FCC Rcd 6150 (WCB 2013) (finding good cause for granting a waiver of the FCC Form 499-Q filing deadline where the company mistakenly reported its total projected company revenues instead of its assessable interstate and international end-user revenues, resulting in invoices that were significantly higher than what they would have been, but for the reporting error); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator and Request for Waiver by American Broadband & Telecommunications*, WC Docket No. 06-122, 28 FCC Rcd 10358 (WCB 2013) (finding good cause for granting a

(continued....)

Latam Telecommunications, LLC, Request for Review and Petition for Waiver, WC Docket No. 06-122 (filed Aug. 19, 2022)

*Petition for Waiver of the LIRE for Revenue Reporting Year 2023*³³

Miron Enterprises, LLC and Tello, LLC., Petition for Waiver of the Limited International Revenue Exemption, WC Docket No. 06-122 (filed Sep. 8, 2022)

Denied

*Request for Waiver of Late Filing Fees*³⁴

CGB Tech Solutions, Inc., Letter from Jennifer Brunkow, to Federal Communications Commission, WC Docket No. 06-122 (filed Mar. 24, 2022)

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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waiver of the FCC Form 499-Q deadline where a typographical error resulted in invoices for the relevant quarter that were several times the company's true-up contribution obligation for the entire year).

³³ 47 CFR § 54.706(c). See, e.g., *Tata Communications (America), Inc., and Tata Communications (Guam), L.L.C. Request for Waiver of Section 54.706(a) of the Commission's Rules*, WC Docket No. 06-122, Order, 36 FCC Rcd 5759 (WCB 2021) (finding good cause for a limited waiver of the LIRE allowing filers to continue contributing solely on their interstate revenue). To the extent Miron Enterprises, LLC and Tello, LLC seek waiver for revenue reporting year 2024, they must file a request to renew or extend this waiver, accompanied by the requisite showings supporting their request, consistent with the Commission's waiver rule and precedent.

³⁴ 47 CFR § 54.713. See, e.g., *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010) (finding that good cause is not shown when filers claim they were unaware of their obligation to file the forms, ignorant of the process for electronically filing the forms, or had otherwise failed to file the forms); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (finding that good cause is not shown when filer claimed it did not have skilled personnel to interpret and correctly apply the FCC Form 499 instructions).