



PUBLIC NOTICE

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

CC Docket No. 02-6
WC Docket No. 02-60

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.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

Granted³

*Competitive Bidding – Bid Evaluation Done Properly*⁴

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 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 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).

⁴ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District et al; School and Libraries Universal Service Support Mechanism*, 26 FCC Rcd 8630, 8634-35,

(continued...)

Horizon Science Academy – Lorain, OH, Application No. 191002331, Request for Review, CC Docket No. 02-6 (filed May 8, 2022)

Horizon Science Academy – Cleveland High School, OH, Application No. 181016533, Request for Review, CC Docket No. 02-6 (filed May 9, 2022)

Horizon Science Academy – Cleveland High School, OH, Application No. 191002329, Request for Review, CC Docket No. 02-6 (filed Dec. 23, 2019)

Competitive Bidding – Selecting Provider from State Master Contract⁵

Worcester Public Schools, MA, Application No. 211020448, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 25, 2022)

FCC Form 471 Applications Filed Timely⁶

Amherst Independent School District, TX, Application No. 221032628, Request for Waiver, CC Docket No. 02-6 (filed Mar. 24, 2022)

Kreiva Academy Public Charter School, NH, Application No. 221040572, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

Granting Additional Time to Respond to USAC with Information⁷

Benton Carroll Salem School District, OH, Application Nos. 201010989, 201046360, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 24, 2022)

Late-Filed FCC Form 471 Applications – Application Filed More than 30 Days Late⁸

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8638, paras. 9, 17 (WCB 2011) (granting an appeal when the applicant provides evidence showing that its vendor evaluation process took place before the contract award date).

⁵ *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 Rcd 6109, 6114-15, para. 9 (WCB 2011) (granting appeal where the applicant submitted documentation to USAC detailing the competitive bidding process, including bid requests, bid proposals, and cost evaluation criteria, where there is no evidence in the record that the applicant failed to conduct a competitive bidding process that adhered to relevant state and local procurement laws, and where there is no evidence of waste, fraud, or abuse).

⁶ *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 7 (2010) (*Academy of Math and Science Order*) (finding that petitioners timely filed their FCC Forms 471 within the FCC Form 471 filing window).

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 applicants' requests for review for applications that were denied because they failed to respond to USAC's request for information within the USAC-specified time frame).

⁸ *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

(continued....)

Abernathy ISD, TX, Application No. 221040438, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2022)

Aleut Community of St. Paul Island Tribal Government Bering Sea Campus Tribal Library, AK, Application No. 221040397, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2022)

Bethany Lutheran School, OH, Application No. 221040155, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2022)

Coalfield Public Library, TN, Application No. 221040251, Request for Waiver, CC Docket No. 02-6 (filed Apr. 27, 2022)

Dartmouth School District, MA, Application No. 221040323, Request for Waiver, CC Docket No. 02-6 (filed May 4, 2022)

De Soto Public Library, WI, Application No. 221040416, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2022)

Explore Excel Charter School, NY, Application No. 221040658, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2022)

Henry School District 14-2, SD, Application No. 221040288, Request for Waiver, CC Docket No. 02-6 (filed May 9, 2022)

Iroquois West School Dist 10, IL, Application No. 221040355, Request for Waiver, CC Docket No. 02-6 (filed May 6, 2022)

Mercy High School, MD, Application No. 221040507, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

Plattsburgh Public Library, NY, Application No. 221039540, Request for Waiver, CC Docket No. 02-6 (filed Mar. 30, 2022)

Queen of All Saints Academy, FL, Application No. 221040570, Request for Waiver, CC Docket No. 02-6 (filed Mar. 20, 2022)

Rock County Christian School, WI, Application No. 221040258, Request for Waiver, CC Docket No. 02-6 (filed Apr. 15, 2022)

Tallahassee Adventist Christian Academy, FL, Application No. 221040232, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2022)

Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control⁹

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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 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.

Alief Montessori Community School, TX, Application No. 221040128, Request for Waiver, CC Docket No. 02-6 (filed Apr. 12, 2022, supplemented May 5, 2022)

Alief Montessori Community School, TX, Application Nos. 221040131, 221040116, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2022, supplemented May 5, 2022)

Atlantic County Library, NJ, Application No. 221040250, Request for Waiver, CC Docket No. 02-6 (filed Mar. 16, 2022, supplemented Apr. 27, 2022)

Boys' Home, Inc., VA, Application No. 221040139, Request for Waiver, CC Docket No. 02-6 (filed Apr. 14, 2022)

Child Development Resources of Ventura County, Inc. Head Start, CA, Application No. 221040134, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2022)

Dassel-Cokato School District 466, MN, Application No. 221040163, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2022)

Montoursville Area School District, PA, Application No. 221040132, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2022)

Mounds Public Library, OK, Application No. 221040170, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Pasadena Public Library, CA, Application No. 221039796, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2022)

Rolling Hills Consolidated Library, MO, Application No. 221040166, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2022)

Wagon Mound Public Schools, NM, Application No. 221039397, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2022)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*¹⁰

Airport Community School District, MI, Application Nos. 221039575, 221039573, Request for Waiver, CC Docket No. 02-6 (filed Mar. 30, 2022)

Archangel Gabriel School, PA, Application No. 221039418, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Athens County Public Libraries, OH, Application No. 221039491, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

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⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (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).

¹⁰ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (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).

Ave Maria Academy, PA, Application No. 221039422, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2022)

Baytul-Iman Academy Hazlet Campus, NJ, Application No. 221039127, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Brainerd Baptist School, TN, Application No. 221039891, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Canton Central Catholic High School, OH, Application No. 221039800, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Children's Friend and Service, RI, Application No. 221039602, Request for Waiver, CC Docket No. 02-6 (filed Mar. 30, 2022)

Connelly School Of The Holy Child, MD, Application No. 221040017, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Elizabeth Seton High School, MD, Application No. 221039293, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Gladwyne Montessori School, PA, Application No. 221039433, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Guardian Angel School, PA, Application No. 221039424, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2022)

Holy Family Catholic School, ID, Application No. 221039238, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Holy Infancy School, PA, Application No. 221039929, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Jewell School, OR, Application Nos. 221039967, 221039973, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2022)

Juniata County Library, PA, Application No. 211039942, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2021)¹¹

La Crosse School District, WI, Application No. 221039258, Request for Waiver, CC Docket No. 02-6 (filed Mar. 23, 2022)

Las Cruces Public Schools, NM, Application No. 221000934, Request for Waiver, CC Docket No. 02-6 (filed May 2, 2022)

Main Street Preparatory Academy, St Francis Xavier School, Charter Schools USA, New Life Academy, Joshua Christian Academy, Glades Academy, Gulf County School District,

¹¹ The application number and name 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, WC Docket No. 06-122, WC Docket No. 18-213, Public Notice, DA 21-473 (WCB Apr. 30, 2021). We now include the request with the correct name and application number.

Application Nos. 221039838, 221039927, 221039614, 221022893, 221039625, 221040060, 221039931, 221039862, Request for Waiver, CC Docket No. 02-6 (filed Apr. 16, 2022)

Marian High School, PA, Application No. 221039953, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2022)

Mother Of Mercy Academy, PA, Application No. 221039427, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2022)

Our Lady Of Good Counsel School, NJ, Application No. 221039257, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Our Lady Of Good Counsel School, NJ, Application No. 221039312, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Sacramento Country Day School, CA, Application No. 221039754, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Salam Academy, NM, Application No. 221039634, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

St. Brendan School, CA, Application No. 221038995, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2022)

St. James The Apostle School, TX, Application No. 221040011, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

St. Raymond School, CA, Application No. 221037289, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2022)

Trimble County Public Library, KY, Application No. 221039414, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2022)

*Late-Filed FCC Form 486*¹²

Michigan State Educational Network Consortium (MISEN), MI, Application No. 201015422, Request for Waiver, CC Docket No. 02-6 (filed May 4, 2022)

*Ministerial and/or Clerical Errors*¹³

¹² See, e.g., *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) (*Archdiocese of New Orleans Order*) (granting relief 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 applicant demonstrated good cause for the late filing).

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 *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Barrow County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 4028, 4029, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that filed the appeal as soon they received actual notice of the mistake and when the appeal was filed within a reasonable period of time after receiving actual notice of the mistake).

Georgia Department of Juvenile Justice, GA, Application No. 211035778, Request for Waiver and /or Review, CC Docket No. 02-6 (filed Feb. 22, 2022, supplemented May 18, 2022)¹⁴

Mecklenburg County School District, VA, Application No. 221018828, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2022)

*Signed Contract Requirement and Installation of Equipment*¹⁵

Baltimore City School District, Application Nos. 331658, 330635, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 20, 2020)

*Spin Change*¹⁶

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¹³ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319-20, nn.5, 7, 9 & 19 (WCB 2010) (granting a waiver where the applicant omitted items from its source list on its FCC Form 471; permitting applicant to correct an incorrect billed entity number or date on a form or a mischaracterization of its term of service on its FCC Form 471 to match what is on its source list).

¹⁴ The application number for the Georgia Department of Juvenile Justice was incorrect in a prior public notice. See *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. 06-122, Public Notice, DA 22-658 (WCB Jun. 30, 2022). We now include the request with the correct application number.

¹⁵ With respect to USAC's determinations that there was no signed contract with the service provider before Baltimore City School District's (BCSD) submitted its FCC Form 471, we grant BCSD's Request for a Waiver. See *Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6019, 6022-23, paras. 8-9 (2007) (granting a waiver of the Commission's contract rules for applicants when applicants technically missed the program deadline for having a written contract in place, they were adhering to local or state procurement laws); see also *Request for Waiver of the Decision of the Universal Service Administrator by Cincinnati School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 5994, 5997, para 7 (WCB 2006) (granting appeal where applicant technically missed the program deadline for having a written contract in place at the time it submitted its FCC Form 471).

With respect to USAC's determinations that E-Rate funded equipment was not being utilized, we find special circumstances to justify granting Baltimore City School BCSD's Request for Review. In 2009, the Commission provided formal guidance to USAC on situations where USAC finds equipment was not being utilized and whether recovery was required. See Letter from Dana R. Shaffer, Chief, Wireline Competition Bureau, FCC, to Scott Barash, Acting Chief Executive Officer, USAC, CC Docket No. 02-6, Letter, 24 FCC Rcd 417 (WCB 2009) (2009 "Table C" Recovery Issues Letter). In the letter, the Bureau explained that USAC should not seek recovery in every instance in which it determined the equipment was not utilized. The Bureau noted that, for example, in situations where equipment was not being used due to human resource limitations, but was subsequently installed, recovery would not be warranted. In the instant case, BCSD experienced human resources limitations after significant lay-offs and was unable to complete the project with internal staff. BCSD then sought outside technical assistance to complete the project and put the E-Rate funded equipment to use.

¹⁶ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Academy of Detroit West et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 1960, 1961-66, paras. 5-8, 15 (WCB 2020) (granting appeal regarding a SPIN change request where service start date was delayed).

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 *Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by Animas School District 6 et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC

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Logansport Community School Corporation, IN, Application No. 191025457, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 5, 2021)

*Waiver of Special Construction Service Delivery Deadline*¹⁷

Gallup McKinley County Schools, NM, Application No. 191001103, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

Newaygo County Regional Educational Service Agency, MI, Application No. 201024886, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2022, supplemented June 22, 2022)

Northview Public Schools, MI, Application No. 201029471, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2022)

Wayland Union School District, MI, Application No. 201030158, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2022)

White Pine District Library, MI, Application No. 201005893, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2022, supplemented June 22, 2022)

Denied

*Failure to Post RFP for 28 Days in Violation of the Competitive Bidding Rule*¹⁸

Future Leaders Institute Charter School, NY, Application No. 211026207, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2021)

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Rcd 16903, 16905, para. 4 (WCB 2011) (granting petitioners' waivers of the filing deadline for appeals because their late-filed appeals would not have been necessary absent an error on the part of USAC).

¹⁷ 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 these petitioners were unable to complete implementation for reasons beyond their and their service providers' 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 provide the applicants until June 30, 2023 to complete their special construction projects.

For these petitioners, we also waive any associated administrative or procedural deadlines, including the invoice filing deadline, that might be necessary to effectuate our ruling. See *supra* note 3.

¹⁸ See, e.g., *Requests for Review and/or Waiver of Albuquerque School District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 5878, 5880, para. 4 (WCB 2011); *Al-Ihsan Academy, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16419, para. 9 (WCB 2011) (requiring that request for proposals be available for bidders for the entire 28-day competitive bidding period even if the FCC Form 470 was properly posted); *Application for Review of a Decision of the Universal Service Administrator by Challis Joint School District #181; School 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).

Southern Westchester BOCES, NY, Application No. 191018460, Request for Waiver, CC Docket No. 02-6 (filed Mar. 3, 2020)

*Invoice Filing Deadline Extension*¹⁹

Free Library of Northampton Twp, PA, Application Nos. 201037597, 201042933, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

Lempster School District, NH, Application No. 201017827, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2022)

Monsey Beis Chaya Mushka, NY, Application Nos. 181016686, 191005233, 191038502, CC Docket No. 02-6 (filed June 8, 2022)

Winslow Unified School District, AZ, Application No. 201021213, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2022)

Yeshiva Rabbi S R Hirsch School, NY, Application Nos. 191010763, 191013331, 201023286, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2022)

*Untimely Filed Appeals or Waiver Requests*²⁰

Colegio San Felipe, PR, Application No. 211012148, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2022)

Gestalt Community Schools, TN, Application No. 191011259, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2022)

Insight Public Sector (Edinburg Consolidated Independent School District), AZ, Application No. 191027399, Request for Waiver, CC Docket No. 02-6 (filed Apr. 26, 2022)

North American Family Institute, MA, Application No. 211041061, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2022)

¹⁹ 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.

²⁰ 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, 5688, para. 6 (WCB 2010) (*Agra Public Schools Order*); *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, para. 1 (WCB 2014) (*Bound Brook School District Order*) (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).

Rural Health Care Program
WC Docket No. 02-60

Granted

*Information Request Deadline Waiver*²¹

Community Care of West Virginia, Inc. and ENA Healthcare Services, LLC, WV, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 2086514, 2086400 (filed June 14, 2021)²²

Samuel Simmonds Memorial Hospital / Arctic Slope Native Association, Ltd., AK, Request for Review and Waiver, WC Docket No. 02-60, Funding Request Nos. 2199130, 2117710, 2117715, 2117718, 2117721 (filed Mar. 24, 2022)²³

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*²⁴

East Central MS Health Care - Newton Health Care, MS, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20201071

GRRM - E. Dene Moore Care Center, CO, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21217631

Hawaii Telehealth Consortium, ME, Request for Waiver, WC Docket No. 02-60, Funding Request No. 19591861

²¹ 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 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.

²² Community Care of West Virginia provided a response to USAC to the information request for Funding Request Number 2086514 via e-mail on March 26, 2021. We direct USAC to consider the information submitted on March 26, 2021 and allow Community Care of West Virginia additional time to respond to the information request if additional information is required.

²³ Samuel Simmonds Memorial Hospital provided a response to the information requests to USAC via e-mail on January 20, 2022. We direct USAC to consider the information submitted on January 20, 2022 and allow Samuel Simmonds Memorial Hospital additional time to respond to the information requests if additional information is required.

²⁴ See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020) (*Funding Year 2018 Invoice Waiver Order*); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (*Funding Year 2016 Invoice Waiver Order*) (granting a waiver *sua sponte* of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC's decision, which made compliance with program rules impossible). We waive the petitioners' invoice filing deadlines and allow 180 days from the later of the release date of this Public Notice or the issuance date of a funding commitment letter (FCL) to file the invoices with USAC.

Henderson County Rural Health Center, IL, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20869751

Kansas Health-e Broadband Consortium, KS, Request for Waiver, WC Docket No. 02-60, Funding Request No. 19589681

Kansas Health-e Broadband Consortium, KS, Request for Waiver, WC Docket No. 02-60, Funding Request No. 19614371

Lewis County Community Health Services dba Valley View Health Center – Toledo, WA, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20829141

Lewis County Community Health Services dba Valley View Health Center – Toledo, WA, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20829161

McLaren Health Care Corp., MI, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20201031

The Memorial Hospital, CO, Request for Waiver, WC Docket No. 02-60, Funding Request No. 19650831

Miller County Hospital, GA, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21881121

Missouri Highlands Health Care – Ellington, MO, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21217731

New England Telehealth Consortium, ME, Request for Waiver, WC Docket No. 02-60, Funding Request No. 19207801

Palacios Community Medical Center, TX, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21224211

Permian Regional Medical Center, TX, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21210691

Presbyterian Manors of Mid America, KS, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20827801

Sterling Health (Kentucky Telehealth Consortium), ME, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20211081

Sutter Health, CA, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21222841

Utah Telehealth Network, UT, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17270941

Utah Telehealth Network, UT, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17273181

Utah Telehealth Network, UT, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17274321

Denied*Competitive Bidding*²⁵

Ascension Health, WI, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 19632791 (filed Mar. 15, 2021)

Ascension Health, WI, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 19632831 (filed Mar. 15, 2021)

Ascension Health, WI, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 19632841 (filed Mar. 15, 2021)

Ascension Health, WI, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 1963281 (filed Mar. 15, 2021)

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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²⁵ *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 four contracts with its selected service provider on October 3 and 4, 2018, several months before the March 30, 2019 expiration date of the 28-day waiting period established when USAC posted Ascension Health's four requests for services on its website on March 1, 2019. Ascension Health maintains that its early entry into the service contracts is not a competitive bidding rule violation because it "requested contract review for Evergreen status with the contract signed 10-03-2018 and had uploaded with the [FCC Form] 462 and USAC assigned contract ID 1165032." *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) (describing the service contract applicable to FRN 19632841). 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 contracts entered into by Ascension Health in October 2018 likewise cannot serve as standing bids 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 four services that Ascension Health contracted for in October 2018 were for new services that commenced after the March 30, 2019 expiration date of the 28-day waiting period. *See, e.g.*, Ascension Health Request at 1 (indicating that the service associated with FRN 19632841 was "installed 05/21/2019").