



# PUBLIC NOTICE

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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. 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.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from the release date of this Public Notice.<sup>2</sup>

### **Schools and Libraries (E-Rate)**

**CC Docket No. 02-6**

Granted<sup>3</sup>

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<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Sections 54.719(b) and 54.1718(a)(1) 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) and 54.1718(a)(1), (3). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

<sup>3</sup> We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

*Discount Rate Calculation*<sup>4</sup>

Bledsoe County School District, TN, Application Nos. 211031941, 211012194, Request for Review, CC Docket No. 02-6 (filed July 13, 2021)

*Ministerial and/or Clerical Errors*<sup>5</sup>

Chatham County Schools, NC, Application No. 211010456, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2021)

Hampton Public Library, VA Application No. 211014688, Request for Waiver, CC Docket No. 02-6 (filed Dec. 28, 2021, supplemented Jan. 7, 2022)

New Castle Area School District, PA, Application No. 211033157, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2021)

St. Jean Baptiste High School, NY, Application No. 211028154, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2021)

*Service Implementation Delay*<sup>6</sup>

Highline School District 401, WA, Application No. 201034849, Request for Waiver, CC Docket No. 02-6 (filed Dec. 27, 2021)

*Waiver of Contract Requirement – Signed Contract Contingent on Board Approval*<sup>7</sup>

Ridgefield Academy, CT, Application No. 181028271, Request for Waiver, CC Docket No. 02-6 (filed Sept. 23, 2021)

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<sup>4</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (granting a discount rate calculation appeal when there was no explanation in the record for why USAC did not update the discount calculation rate when requested during review).

<sup>5</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15521, n.19 (WCB 2008) (permitting applicant to correct the discount calculation rate and student count indicated on its FCC Form 471 and allowing applicant to also correct a pre-discount price to conform to the price on the source document on its FCC Form 471).

<sup>6</sup> 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, 13653, para. 3 (WCB 2014) (denying late-filed request for a service implementation deadline extension where the applicants failed to demonstrate they were unable to complete implementation on time for reasons beyond the service providers' control and failed to make significant efforts to secure the necessary extension request in a timely manner).

<sup>7</sup> See, e.g., *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, 6023, para. 9 (2007) (granting a waiver of the Commission's rules for applicants that needed their commitments to selected service providers approved by their governing boards before they could legally enter into the agreed-upon contract).

Denied*Improper Consultant and Service Provider Involvement*<sup>8</sup>

The Evangelical School For The Deaf, PR, Application Nos. 942469, 942437, 942404, Request for Review, CC Docket 02-6 (filed Sept. 24, 2014, duplicate Sept. 30, 2014)

*Invoice Deadline Extension*<sup>9</sup>

Discount Cellular Plus, Inc., NY, (Bais Chaya Esther, Application No. 865823; Bais Chimuch L'bonois, Application No. 850614; Bais Chinuch Hayoshen, Application No. 848263; Bais Sara School □ Db a Cong. Machne Haim, Application No. 867948; Bais Trany of Monsey, Application No. 837789; Benos Square of Williamsburg, Application No. 833100; Bnos Chayil, Application No. 842296; Cheder Chabad, Application No. 844175; Cheder Lubavitch, Application No. 842905; Chinuch L'banos, Application No. 840208; Congregation Darkei Avos Sanz Inc, Application No. 870895; Congregation Machne Shalva, Application No. 855080; Congregation Shar Yisoschor, Application No. 841126; Darkei Chaim, Application No. 835406; Hamesivta, Application No. 825772; Hychel Hatorah of Williamsburg, Application No. 838535; Ichud Hatalmidim, Application No. 844292; Learning Institute of Union City Inc., Application No. 833929; Meor Yitzchok Inc., Application No. 855086; Meorot Beite Yahkov, Application No. 856719; Ohel Rafael Kasho, Application No. 837734; Ohelelozer, Application No. 831883; Talmud Torah Ohr Moshe, Application No. 840446; Talmud Torah Tashbar, Application No. 862147; Talmud Torah Tzemach Tzadik, Application No. 865824; Talmud Torah Zecher

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<sup>8</sup> Pursuant to section 54.503(a) all entities participating in the schools and libraries universal service program must conduct a fair and open competitive bidding process. The Commission has found that service providers must not be involved in the procurement process and/or have a financial relationship when the service provider is also participating in the competitive bidding process as a bidder. *See Request for Review of Decisions of the Universal Service Administrator by Akisha Networks Inc.*, Order, CC Docket No. 02-6, 27 FCC Rcd 8294, 8295-8296, para. 2 (WCB 2012) (denying an E-Rate funding after finding “[a] consultant, acting on behalf of the applicant, exerts great influence . . . and thus, should not have a financial relationship with a service provider which it selects (or recommends) on behalf of the applicant”).

<sup>9</sup> *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 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 filing deadline rule absent extraordinary circumstances); 47 CFR § 54.514.

In addition to seeking a waiver of the invoice filing deadline rule, Discount Cellular Plus, Inc. is also requesting review of USAC’s decision to deny several invoices in remittance statements dated January 21, 2016. Because Discount Cellular Plus, Inc. did not file an appeal with USAC contesting these invoice denials until March 21, 2016, we deny this request as being untimely filed. *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals to USAC or to the Commission within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission’s rules; and (2) did not show special circumstances necessary for the Commission to waive the appeal or waiver 60 day filing deadline).

Yochanan, Application No. 855020; Tiferes Bnos □ Pre, Application No. 833501; United Talmudical Academy of Burough Park, Application No. 837920; Viznitzer Chaider Tiferes Yisroel, Application No. 830417; Yeshiva Avir Yakov, Application No. 838343; Yeshiva Karlin Stolin School, Application No. 869907; Yeshiva Mesivta Wiznitz of USA, Application No. 843386; Yeshiva Shaarei Yosher School, Application No. 836113), Request for Waiver, CC Docket No. 02-6 (filed July 1, 2016)

*Late-Filed FCC Form 471 Applications*<sup>10</sup>

All Hallows Institute School, NY, Application No. 211041145, Request for Waiver, CC Docket No. 02-6 (filed Sept. 27, 2021)

Ashtabula County District Library, OH, Application No. 211041712, Request for Waiver, CC Docket No. 02-6 (filed Oct. 19, 2021)

Condra School, TX, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2021)

Empower Charter School, CA, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2021)<sup>11</sup>

Ladd Public Library, IL, Application No. 211041088, Request for Waiver, CC Docket No. 02-6 (filed Sept. 17, 2021)

Lindsay Independent School District, TX, Application No. 211041713, Request for Waiver, CC Docket No. 02-6 (filed Oct. 19, 2021)

Madison Creative Arts Academy, FL, Application No. 211041542, Request for Waiver, CC Docket No. 02-6 (filed Sept. 22, 2021)

Middleboro School District, MA, Application No. 211041486, Request for Waiver, CC Docket No. 02-6 (Aug. 24, 2021, supplemented Aug. 31, 2021)

Okaloosa Academy, FL, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2021)

Rome City Schools, GA, Application No. 211041263, Request for Waiver, CC Docket No. 02-6 (filed July 26, 2021)

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<sup>10</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 application filing deadline where petitioners failed to present special circumstances justifying waiver of the Commission rule).

<sup>11</sup> Here, the petitioner requested a waiver of the funding year 2021 FCC Form 470 filing deadline to allow them to conduct a competitive bidding process and then file an FCC Form 471 application for funding year 2021. We find, however, that the resulting FCC Form 471 would be submitted very late after the FY 2021 application window had closed. In addition, because Empower Charter School failed to present special circumstances justifying waiver of the Commission rules, a waiver could not be granted to waive the FY 2021 application filing window deadline to allow the late-filed form to be accepted. We therefore deny the request for waiver to be allowed to file a late submitted FY 2021 FCC Form 470.

Stoughton Area School, WI, Application No. 211041041, Request for Waiver, CC Docket No. 02-6 (filed Sept. 10, 2021)

Target Range School District 23, MT, Application No. 211041725, Request for Waiver, CC Docket No. 02-6 (filed Oct. 26, 2021)

Unified School District 247 Southeast, KS, Application No. 211040918, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2021)

Utopia Independent School District, TX, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2021)

Varnum Public Schools, OK, Application No. 211041551, Request for Waiver, CC Docket No. 02-6 (filed Sept. 21, 2021)

Walton Academy, FL, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2021)

White House Public Library, TN, Application No. 211041511, Request for Waiver, CC Docket No. 02-6 (filed Sept. 20, 2021)

*Late-Filed FCC Form 486*<sup>12</sup>

Cibecue Community School, AZ, Application No. 171006757, Request for Waiver, CC Docket No. 02-6 (filed Sept. 14, 2018)

Eastern Plains Instructional Television Consortium, NM, Application No. 171018814, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2018, supplemented Oct. 30, 2020, supplemented May 6, 2021)

Highland Community School District 5, IL, Application No. 161032212, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2018)

Plateau Telecom Inc. (Eastern Plains Instructional Television Consortium), NM, Application No. 171018814, Request for Waiver, CC Docket No. 02-6 (filed May 6, 2021)

**Emergency Connectivity Fund**

**WC Docket No. 21-93**

Dismissed as Moot<sup>13</sup>

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<sup>12</sup> 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) (granting relief only for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicants have demonstrated good cause for the late filing).

<sup>13</sup> See, e.g., *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 02-6, WC Docket Nos. 06-122, 21-93, Public Notice, DA 21-1331, at 6-9 (WCB rel. Oct. 29, 2021); *Request for Waiver by Catholic Memorial School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 19 FCC Rcd 7075 (WCB 2004) (dismissing a request for waiver as moot because USAC received and accepted the required form). We note LaPoynor Independent School

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LaPoynor Independent School District, TX, Application No. ECF222116759, Request for Waiver, WC Docket No. 21-93 (filed Aug. 17, 2021)

**Rural Health Care Program**

**WC Docket No. 02-60**

Granted

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*<sup>14</sup>

Catholic Health Initiatives, CO, WC Docket No. 02-60, Funding Request No. 19894501

New England Telehealth Consortium, ME, WC Docket No. 02-60, Funding Request No. 18208021

New England Telehealth Consortium, ME, WC Docket No. 02-60, Funding Request No. 18208031

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

New England Telehealth Consortium, ME, WC Docket No. 02-60, Funding Request No. 19203201

New England Telehealth Consortium, ME, WC Docket No. 02-60, Funding Request No. 19208061

Rural Wisconsin Health Cooperative, WI, Docket No. 02-60, Funding Request No. 19572211

South Central Kansas Regional Medical Center, KS, WC Docket No. 02-60, Funding Request No. 19206201

**Contribution Methodology**

**WC Docket No. 06-122**

Dismiss as Moot

*Request for Waiver of the 499-Q Revision Deadline*<sup>15</sup>

SCI Networks, Request for Waiver, WC Docket No. 06-122 (filed Dec. 23, 2021)

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District filed an application during the second Emergency Connectivity Fund Program application filing window, and therefore, we find that their request for waiver of the first application filing window deadline to be moot as the applicant was able to apply for funding during the second filing window.

<sup>14</sup>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.

<sup>15</sup> *Universal Service Contribution Methodology, Requests for Waiver of Decisions of the Universal Service Administrator by Ambess Enterprises, Inc., et al.*, Order, WC Docket No. 06-122, 25 FCC Rcd 3722 (WCB 2010) (dismissing several petitions for waiver because subsequent USAC action provided the relief sought by petitioners).

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](mailto:james.bachtell@fcc.gov) or (202) 418-2694.

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