



# 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

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

#### Dismiss as Moot<sup>3</sup>

#### *Invoicing Records Demonstrate Full Funding<sup>4</sup>*

Uvalde Consolidated Independent School District, TX, Application No. 211010802, Request for

<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)(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. 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.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also *id.* § 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> 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 approved the underlying funding request).

<sup>4</sup> See, e.g., *Requests for Review of Decisions 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 were funded).

Waiver, CC Docket No. 02-6 (filed Jan. 5, 2023)

Dismiss as Moot, in Part, and Deny in Part<sup>5</sup>

Florida Department of Management Services, FL, BEN 17001621, Request for Waiver, CC Docket No. 02-6 (filed Nov. 28, 2022)

Dismissed on Reconsideration<sup>6</sup>

Elk Hill Farm School, VA, Application Nos. 211021204, 211023014, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 3, 2023)

Gateway Charter Academy, TX, Application Nos. 211008011, 211011728, 211035279, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 3, 2023)

Girls Athletic Leadership School, NV, Application No. 201044234, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 26, 2021)

Yeshiva Gedola Midwest Eitz Chaim, IL, Application No. 221040877, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 10, 2023)

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<sup>5</sup> We dismiss as moot the Florida Department of Management Services' (Department) request for waiver requesting increased equipment and service substitution flexibility because the Bureau already provided the requested increased service substitution flexibility and waived section 54.504(d) in the *Hurricane Ian Order. Schools and Libraries Universal Service Support Mechanism, Establishing the Emergency Connectivity Fund to Close the Homework Gap, et. al.*, CC Docket No. 02-6, Order, 2022 WL 6351643, DA 22-1063, para. 8 (WCB Oct. 4, 2022) (*Hurricane Ian Order*) (waiving section 54.504(d) of the Commission's rules requirement that the substituted service or product must have the same functionality as the service or product it is replacing, allowing the maximum flexibility to substitute services based on local needs without being constrained by categories of service or service types). However, we deny the Department's request to reset its category 2 funding budget because we find that it has not demonstrated that the Department has little to no funds remaining in its budget to replace any necessary internal connections, and we also granted increased flexibility for the use of its funding year 2022 funding requests. *See Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6 Order, 34 FCC Rcd 56, 60, para. 9 (WCB 2019) (*California Wildfire Order*) (denying request to increase category 2 funding budgets where applicant "has not presented evidence . . . that applicants have expended a significant amount of their category two budgets leaving limited to no funds to replace these connections).

<sup>6</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (*Allan Shivers Library Order*) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

While Elk Hill Farm School does not raise any new arguments on reconsideration, it continues to assert that it met the statutory requirements or is deserving of a waiver of the red light rule because, though it did not pay its debt in full within 30 days, it made "other satisfactory arrangements" under 47 CFR § 1.1910(b)(3). While Elk Hill Farm might have been working with its school board to authorize payment for the delinquent funds within 30 days, this does not constitute a satisfactory arrangement with USAC or the Commission, because the school did not inform either one of these entities of these factual circumstances. We also reiterate that waiver of the red light rule is not justified by asserting that the parties were late in paying the debt because they failed to receive the notifications. *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc., Wheeling School District 21, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13122, 13126, para. 6 (WCB 2013) (denying E-Rate applicant's request for a waiver of the red light rule and dismissing their funding year 2010 application where the applicant's only justification for not paying the debt was that it was never notified by USAC).

Dismiss to Allow Appeal to be Filed with USAC<sup>7</sup>

Colquitt County School District, GA, Application No. 211037336, Request for Review, CC Docket No. 02-6 (filed Feb. 10, 2023)

Spalding Academy School, NE, Application No. 221038205, Request for Review, CC Docket No. 02-6 (filed Nov. 22, 2022)

Granted<sup>8</sup>*Allowing Extension of Contract End Date<sup>9</sup>*

Carrizo Springs Consolidated Independent School District, TX, Application No. 211034256, Request for Review/and or Waiver, CC Docket No. 02-6 (filed Jan. 3, 2023)

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<sup>7</sup> See *Petitions for Reconsideration by Little Falls Township School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, DA 23-110, para. 10 (WCB Feb. 8, 2023) (*Little Falls Township Order*) (dismissing without prejudice appeals that are filed with the Commission before being reviewed at USAC, and waiving the 60-day appeal filing deadline to allow the party to refile its appeal at USAC).

Parties seeking review of USAC decisions must first file an appeal with USAC. See 47 CFR § 54.719(a). Because the petitioners above filed their appeal with the Commission first, we now provide them 60 days from the release date of this Public Notice to refile their appeal at USAC. Pursuant to the *Little Falls Township Order*, we also waive the 60-day appeal filing deadline, 47 CFR § 54.720(a), to allow the appeal to be considered on the merits by USAC without being considered late. See *Little Falls Township Order*, at para. 10. Appeals for funding year 2016 and forward should be filed in the E-Rate Productivity Center portal, found here: [EPC](#). Appeals from funding year 2015 and prior funding years should be filed by email to [Appeals@usac.org](mailto:Appeals@usac.org).

<sup>8</sup> 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).

<sup>9</sup> We find that Carrizo Springs Consolidated Independent School District demonstrated that it had an agreement with its service provider in place that met the Commission's rules and procedures at the time their FCC Forms 471 were submitted. See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; School and Libraries Universal Service Support Mechanism*, 23 FCC Rcd 15526, 15528, para. 5 (WCB 2008) (granting appeals when petitioners demonstrated that they had agreements in place that met the Commission's rules and procedures at the time their FCC Forms 471 were submitted); 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, 8950-51, para. 203 (2014) (easing the signed contract requirement to allow legally binding agreements to be in place, instead of a signed contract); 47 CFR § 54.504(a). We therefore authorize USAC to change the petitioner's category of service from month-to-month to contractual. 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, 17320, n.20 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting a waiver where the applicant selected the wrong category of service on its FCC Form 471). Finally, we also allow Carrizo Springs Consolidated Independent School District's contract expiration date to be updated to September 30, 2023 to allow the service provider to be able to re-submit its requests for reimbursement for the completed project.

*Approval of Service Reclassification – FCC Form 486 Requirement Satisfied*<sup>10</sup>

Westmoreland County Federated Library System, PA, Application No. 161060145, Request for Review, CC Docket No. 02-6 (filed July 29, 2022)

*Discount Calculation*<sup>11</sup>

Burke County Board of Education, GA, Application No. 530681, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 29, 2010)

Burke County Board of Education, GA, Application No. 529893, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 29, 2010)

*Discount Calculation – Allowing Additional Time to Submit*<sup>12</sup>

American Indian Academy of Denver, CO, Application Nos. 221039848, 221039802, Request for Waiver, CC Docket No. 02-6 (filed Mar. 6, 2023)

Baytul-Iman Academy Hazlet Campus, NJ, Application No. 221035476, Request for Waiver, CC Docket No. 02-6 (filed Aug. 30, 2022)

Houston Peace Academy, TX, Application No. 221023827, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2022)

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<sup>10</sup> USAC approved Westmoreland County Federated Library System’s appeal on December 30, 2019, finding that the library system inadvertently categorized its internal connections funding request as a basic maintenance of internal connections (BMIC) funding request. USAC modified the application to correct the category of service to internal connections by rescinding the original funding request for BMIC services commitment and creating a new funding request (FRN) for the internal connections request. However, the service provider had already invoiced and received payment for its services under the original BMIC FRN when USAC took these actions. On June 14, 2022, USAC issued a demand payment letter for the original BMIC FRN seeking repayment because the library system had not filed another FCC Form 486 for the new FRN that USAC created as part of its appeal decision nor had it worked with the service provider to return the funds that were disbursed for the services invoiced under the original BMIC FRN. We now find that the Westmoreland County Federated Library System timely filed its FCC Form 486 for its original BMIC funding request and is not required to file a second FCC Form 486 for the new FRN that USAC created as part of granting the applicant’s appeal. In this instance, we waive sections any procedural deadlines, including the invoice filing deadline, that might be necessary to effectuate our ruling. *See supra* note 8. On remand, USAC should work with the library system and service provider to ensure that its December 30, 2019 decision to approve Westmoreland County Federated Library System’s appeal is effectuated.

<sup>11</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 (*Academia Claret Order*) (remanding applications for further processing when, upon de novo review, the Commission disagreed with USAC’s discount calculation determination).

The Bureau previously granted Burke County Board of Education’s appeal with respect to a separate competitive bidding issue. *See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1941, 1941, para 1 (WCB 2012) (*Aberdeen School District Order*) (finding that Burke County Board of Education conducted a fair and open competitive bidding process under Commission rules in effect at the time); *Request for Waiver and Review of a Decision of the Universal Service Administrator by Burke County Board of Education; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8870, n.5 (WCB 2012) (noting that the Bureau would address the remaining issues concerning Burke County’s FCC Form 471 application numbers 530681, 529893, 522743 in a subsequent order).

<sup>12</sup> *See, e.g., Academia Claret Order*, 21 FCC Rcd at 10708, para. 12 (allowing the submission of discount calculation information when the applicant was previously unable to fully comply with the document request within USAC’s permitted time period).

Grayson Christian School, TX, Application No. 221025160, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2022)

St. Paul Lutheran School, TX, Application No. 221034687, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2022)

*Grant on Reconsideration – Signed Contract Requirement*<sup>13</sup>

Michigan City Area Schools, IN, Application No. 181029870, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 1, 2020)

*Granting on Reconsideration – Waiver of Appeal Filing Deadline*<sup>14</sup>

Veritas Academy, MN, Application No. 221013321, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 1, 2023)

*Granting Additional Time to Respond to USAC with Information During Invoicing*<sup>15</sup>

Crosby-Ironton School District 482, MN, Application No. 211024133, Request for Waiver, CC Docket no. 02-6 (filed Feb. 15, 2023)

Phoenix Union High School District 210, AZ, Application No. 211001654, Request for Waiver, CC Docket no. 02-6 (filed Nov. 28, 2022)

*Incorrect Service Start Date on FCC Form 486*<sup>16</sup>

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<sup>13</sup> 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 on Reconsideration*) (reversing a prior Bureau decision where evidence on reconsideration does not support the prior determination); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Amphitheater Unified School District 10 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 7536, 7536-37, para. 2 (WCB 2013) (granting waivers of the signed contract requirement in instances where applicants misunderstood the program rules and submitted their FCC Form 471 applications before signing a contract).

<sup>14</sup> See, e.g., *Fall River Public School District Order on Reconsideration*, 28 FCC Rcd at 14652, para. 4 (reversing a prior Bureau decision where evidence on reconsideration does not support the prior determination); *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 an appeal within a reasonable period of time after receiving actual notice of the mistake).

<sup>15</sup> See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Accomack County Public School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 23-48, para. 14 (WCB Jan. 19, 2023) (granting applicants' requests for review regarding denied requests for reimbursement because they failed to respond to USAC's request for information within the USAC-specified time frame).

<sup>16</sup> See, e.g., *Request for Review and/or Waiver by Glendale Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 1040, 1042, para. 5 (WCB 2006) (granting appeals when the applicants inadvertently listed the wrong service start date on their FCC Forms 486).

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 a USAC decision or action. See, e.g., *Barrow County Order*, 26 FCC Rcd at 4029, para. 2 (waiving the filing deadline for petitioners that filed an appeal within a reasonable period of time after receiving actual notice of the mistake).

Killdeer Public School District #16, ND, Application No. 211022957, Request for Review, CC Docket No. 02-6 (filed Feb. 27, 2023)

*Late-Filed FY22 FCC Form 471 Applications Beyond 30 Days Late*<sup>17</sup>

O'Fallon Public Library, IL, Application No. 221040703, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2022)

*Ministerial and/or Clerical Errors*<sup>18</sup>

Alsip School District 126, IL, Application No. 211009382, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Aug. 30, 2022)<sup>19</sup>

Corporation for Education Network Initiatives in California (CENIC), CA, Application No. 221005282, Request for Waiver and/or Review, CC Docket No. 02-6 (Mar. 8, 2023)

Education Service Center Region 10 d/b/a Fiber Network Consortium, TX, Application No. 221035207, Request for Waiver, CC Docket No. 02-6 (filed Feb. 24, 2023)

Macomb School District 185, IL, Application No. 211040713, Request for Waiver, CC Docket No. 02-6 (filed Feb. 24, 2023)

*Ministerial and/or Clerical Errors -- Competitive Bidding Process*<sup>20</sup>

San Diego County Public Law Library, CA, Application No. 191040882, Funding Request Number 1999074831, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2022)

San Diego County Public Law Library, CA, Application No. 191040882, Funding Request Number 1999074873, Request for Waiver, CC Docket No. 02-6 (filed Aug. 7, 2022)

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<sup>17</sup> 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 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 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.

<sup>18</sup> See, e.g., *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17319-20, nn.5, 10, 20 (granting waivers where the applicant omitted a service that was included on a source list or mischaracterized a one-time cost as a recurring cost or entered the wrong category of service on its FCC Form 471).

<sup>19</sup> Alsip School District 126 unexpectedly received an increase in its E-Rate-funded bandwidth because of a miscommunication with its service provider. We find that this is permissible because the increase in bandwidth did not increase the amount of E-Rate funding committed and the error was not the fault of the applicant.

<sup>20</sup> See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007) (granting waivers of section 54.504(c) of the Commission's rules when the applicant inserted the wrong contract date on the FCC Form 471, making it appear that there was a violation of the minimum 28-day waiting period before applicants can enter into an agreement with a service provider for the requested services).

*Ministerial and/or Clerical Errors – Invoicing*<sup>21</sup>

Grand Valley Local Schools, OH, Application No. 211022708, Request for Waiver, CC Docket No. 02-6 (filed Mar. 15, 2022)

Salamanca City Central School District, NY, Application No. 191040486, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2022)

Total Communications, Inc. (Southwest Barry County School District R5), MO, Application No. 201002128, Request for Waiver, CC Docket No. 02-6 (filed July 18, 2022 and Mar. 14, 2023)

U.S. TelePacific Corp. (San Bernardino Diocesan Schools Consortium), CA, Application No. 211039598, Request for Waiver, CC Docket No. 02-6 (filed Mar. 2, 2023)

Wyoming Department of Enterprise Technology Services, WY, Application No. 181018576, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2020)

*Ministerial and/or Clerical Errors – Special Construction*<sup>22</sup>

Nex-Tech, LLC (Chaparral Schools), KS, Application No. 201035531, Request for Waiver, CC Docket No. 02-6 (filed Feb. 17, 2023)

*Permissible Advance Installation*<sup>23</sup>

Archdiocese of St. Louis, MO, Application No. 201024957, Request for Waiver, CC Docket No. 02-6 (filed Oct. 28, 2022)

*Permissible Service Implementation Delay*<sup>24</sup>

Kerman Unified School District, CA, Application Nos. 191029035, 191029079, 191030371,

<sup>21</sup> See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Accomack County Public School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 23-48, paras. 7-9 (WCB Jan. 19, 2023) (granting a waiver where the E-Rate invoice filer entered the wrong service provider identification number or wrong customer billed date on the BEAR or SPI form, entered the wrong application or funding request number on the BEAR or SPI form, or inadvertently requested funding for the wrong funding year on the BEAR or SPI form).

<sup>22</sup> Chaparral Schools' timely-filed invoices for its special construction project were rejected because the contract expiration date was before the shipping date. The school system tried twice to correct the issue by extending the contract with FCC Forms 500, but both times it inadvertently listed the wrong date. We grant this appeal and instruct USAC to revise the parties' contract expiration date to June 30, 2022 and service start date to June 1, 2022 to allow reimbursement for the project. See, e.g., *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17320 n.9 (permitting applicant to correct the expiration date of a contract).

<sup>23</sup> See *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, 8921-22, paras. 132-33 (2014) (allowing applicants to seek support for category two eligible services purchased on or after April 1 before the funding year).

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 a USAC decision or action. See, e.g., *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17319, para. 1 (granting waivers of appeal filing deadlines because the appeals involved errors by USAC).

<sup>24</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

(continued...)

191030400, 191030423, 191030431, 191030448, Request for Waiver, CC Docket No. 02-6 (filed Apr. 17, 2022)

*Services Provided Within Funding Year*<sup>25</sup>

MTM Technologies, Inc. (Christina School District), DE, Application No. 191029597, Request for Waiver, CC Docket No. 02-6 (filed Dec. 14, 2022)

*USAC Decision Issued After Invoice Deadline*<sup>26</sup>

Cumberland School Department, RI, Application No. 201036069, Request for Waiver, CC Docket No. 02-6 (filed Sept. 12, 2022)

Madera Unified School District, CA, Application No. 201027685, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2022)

Scituate School District, RI, Application No. 201022945, Request for Waiver, CC Docket No. 02-6 (filed Aug. 12, 2022)

*Waiver of Appeal Filing Deadline*<sup>27</sup>

A&A Technologies International LLC (Broward Junior Academy), FL, Request for Waiver, Application No. 201024668, CC Docket No. 02-6 (filed July 1, 2022 and Feb. 15, 2023)

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Rcd 13652, 13652-3, para. 2 (WCB 2014) (granting late-filed 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 in a timely manner).

<sup>25</sup> USAC denied funding after the service provider submitted an invoice containing a billing statement that was dated after the last date for installation for non-recurring services (Sept. 30, 2021). In its appeal, MTM Technologies, Inc. explained that it provided services to the school before September 30, 2021, the last date for the installation of services, even though the billing statement was sent later. While we grant this appeal, on remand USAC should verify that the last date of non-recurring services occurred before September 30, 2021. In this instance, we waive sections any procedural deadlines, including the invoice filing deadline, that might be necessary to effectuate our ruling. *See supra* note 8.

<sup>26</sup> *See Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (authorizing the Bureau to grant a waiver in instances where an E-Rate program participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

<sup>27</sup> *See, e.g., Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because the petitioners 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).

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 8.



Granted in Part/Denied in Part*Discount Calculation, Eligible Services and Improperly Disbursed Funds*<sup>28</sup>

Burke County Board of Education, GA, Application No. 522743, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 29, 2010)

Denied*Late-Filed FCC Form 471 Applications*<sup>29</sup>

Dandridge Memorial Library, TN, Application No. 221028917, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2022)

Morehouse Parish School District, LA, Application No. 221040744, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2022)

Oconee County School District, GA, Application No. 221041001, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2022)

Sacred Heart School, PA, Application No. 221040736, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2022)

*Late-Filed Invoice or Invoice Deadline Extension*<sup>30</sup>

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<sup>28</sup> We grant Burke County Board of Education's appeal with respect to the issue of discount calculations. *See, e.g., Academia Claret Order*, 21 FCC Rcd at 10708, para. 12 (remanding applications for further processing when, upon de novo review, the Commission disagreed with USAC's discount calculation determination). We deny Burke County Board of Education's appeal with respect to the E-Rate reimbursements for ineligible services. *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by AllWays, Inc. (Prairie Hills School District 144); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1968, 1968-69, para. 1 (WCB 2012) (upholding denials of funding requests for services that are not eligible for E-rate support). We also find that the applicant made a calculation error and over-invoiced for E-Rate services in the amount of \$6,030.03.

The Bureau previously granted Burke County Board of Education's appeal with respect to a separate competitive bidding issue. *See Aberdeen School District Order*, 27 FCC Rcd at 1941, para 1 (finding that Burke County Board of Education conducted a fair and open competitive bidding process under Commission rules in effect at the time); *see also Burke County Board of Education Order*, 27 FCC Rcd at 8870, n.5 (noting that the Bureau would address the remaining issues concerning Burke County's FCC Form 471 application numbers 530681, 529893, 522743 in a subsequent order).

<sup>29</sup> *See, e.g., Requests for Waiver and Review of the Decisions of the Universal Service Administrator by Academy of Math and Science, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (denying waivers of the FCC Form 471 application filing deadline where petitioners failed to present special circumstances justifying a waiver of our rules).

<sup>30</sup> 47 CFR § 54.514. *See also, 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 rules absent extraordinary circumstances).

Charter School of Educational Excellence, NY, Application No. 201014240, Request for Waiver, CC Docket No. 02-6 (filed Nov.8, 2021)

CNYC Charter High School for Computer Engineering, and Innovation, NY, Application No. 201031866, Request for Waiver, CC Docket no. 02-6 (filed Nov. 8, 2021)

East Harlem Scholars Academy, NY, Application No. 201032699, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2021)

East Harlem Scholars Academy II, NY, Application No. 201032724, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2021)

Fatbeam, LLC (Twin Falls School District 411, Emmett School District 221, Wendell School District 232, Weiser School District 431, Orofino JT School District 171, Snake River Public Library), ID, Application Nos. 201011318, 201005943, 201033899, 201033975, 201009348, 201045058, 201018036, 201024351, 201024597, Request for Waiver, CC Docket No. 02-6 (filed Mar. 24, 2022)

Martin County School District, KY, Application No. 211038156 (FRN 2199060710), Request for Waiver, CC Docket No. 02-6 (filed Feb. 27, 2023)

Martin County School District, KY, Application No. 211038156 (FRN 2199061343), Request for Waiver, CC Docket No. 02-6 (filed Feb. 27, 2023)

NYC Charter HS for Architecture, Engineering, and Construction Industries, NY, Application No. 201031862, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2021)

Triad Local Schools, OH, Application No. 201009489, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2021)

Veeya, LLC (Great Hearts Academies), AZ, Application No. 191002112, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2022)

#### *Ministerial and/or Clerical Errors*<sup>31</sup>

Anna Independent School District, TX, Application Nos. 161001085, 161003721, 171005498, 171014584, 181003056, 191034593, 191012991, 201009046, 201018877, Request for Waiver and/or Review, CC Docket No. 02-6 (filed June 21, 2022)

#### *Untimely Filed Appeals or Waiver Requests*<sup>32</sup>

Bais Chaya Mushka, CA, Application No. 191002705, Request for Waiver, CC Docket No. 02-6 (filed Jan. 16, 2023)

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<sup>31</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding that the petitioners did not demonstrate good cause to justify waivers of the Commission's rules permitting changes to the applicants' E-Rate applications after the filing window deadline).

<sup>32</sup> 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); *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) (denying requests for review and/or waiver on the grounds that

(continued....)

Developmental Disabilities Institute, NY, Application No. 171027139, Request for Waiver, CC Docket No. 02-6 (filed Mar. 1, 2023)

Meritworks Partners, LLC (KIPP Indianapolis, Inc.), Application No. 201033721, Request for Waiver, CC Docket No. 02-6 (filed Feb. 22, 2023)

Mystic & Noank Library, CT, Application No. 211003784, Request for Waiver, CC Docket No. 02-6 (filed Dec. 21, 2022)

United Talmudical Academy of Borough Park, NY, Application No. 756693, Request for Waiver, CC Docket No. 02-6 (filed Feb. 14, 2022)

**Emergency Connectivity Fund**  
**WC Docket No. 21-93**

Dismissed on Reconsideration<sup>33</sup>

Y & S Technologies (Bais Chana Heritage School, Cheder Menachem Mendel, Harkham Hillel Hebrew Academy, Maimonides Academy, Samuel A Fryer Yavneh Hebrew Academy), NY, Application Nos. ECF202113229, ECF222120973, ECF202111777, ECF222120657, ECF202111716, ECF222120372, ECF222120774, Petition for Reconsideration, WC Docket No. 21-93 (filed Mar. 1, 2023)

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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).

<sup>33</sup> See, e.g., *Allan Shivers Library Order*, 29 FCC Rcd at 10357, para. 2 (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, we rely on E-Rate program precedent to resolve this petition for reconsideration of the Bureau's decision to deny the petitioner's request for waiver of the Emergency Connectivity Fund program rules.

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

Granted

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*<sup>34</sup>

Davie Domestic Violence Services & Rape Crisis Center, NC, *Sua Sponte Waiver*, WC Docket No. 02-60, Funding Request No. 21147251

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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<sup>34</sup> *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District Abbotsford, Wisconsin, et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (waiver of invoice filing deadline due to delays beyond the control of the entities requesting a waiver).