



PUBLIC NOTICE

Federal Communications Commission
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Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 23-557

Released: June 30, 2023

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

CC Docket No. 02-6
WC Docket No. 06-122
WC Docket No. 21-93
WC Docket No. 02-60
WC Docket No. 18-213

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from the release date of this Public Notice.²

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Dismissed on Reconsideration³

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Sections 54.719(b) and 54.1718(a)(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); 54.1718(a)(1)-(2). In this Public Notice, we have reclassified as Requests for Waiver any appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review any appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

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

³ See, 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).

On reconsideration, Lamoyille North Modified Unified Union School District raised a new argument that it did not raise in its previous filing. It now argues that COVID-19 was a contributing factor in their staffing issues that led to
(continued....)

David Douglas School District 40, OR, Application No. 201033579, Petition for Reconsideration, CC Docket No. 02-6 (filed May 25, 2023)

Iroquois West School District 10, IL, Application No. 231039386, Petition for Reconsideration, CC Docket No. 02-6 (filed May 31, 2023)

Lamoille North Modified Unified Union School District, VT, Application No. 231039424, Petition for Reconsideration, CC Docket No. 02-6 (filed June 1, 2023)

Granted⁴

*Granting Applicant Additional Time to Respond*⁵

Torat Hayim Hebrew Academy, CA, Application Nos. 171041043, 171041072, 171041082, Request for Waiver, CC Docket No. 02-6 (filed May 5, 2023)

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its application being submitted late. Our rules state that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission. Because the petitioner was aware when it first filed the waiver request with the Commission that the COVID-19 pandemic contributed to the submission of its late appeal, we dismiss the petition because it relies on a known fact that should have been raised earlier. *See* 47 CFR § 1.106(b)(2), (c)(2) (stating that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission, unless it is required in the public interest). As an alternative and independent basis for rejecting this petition, we deny the request on the merits. While we are sympathetic to the arguments raised by the petitioner, we find that COVID-19-related staffing issues that might have contributed to a clerical oversight does not constitute special circumstances required for the Commission to waive the rule and we deny this request for reconsideration. *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) (*Academy of Math and Science Order*) (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

⁴ 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).

⁵ *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) (*Alpaugh Unified School District Order*); *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) (*Ben Gamla Palm Beach Order*) (granting applicants' requests for review regarding denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

Granting on Reconsideration – Late-Filed FCC Form 471⁶

Goffstown School District, NH, Application No. 231039470, Petition for Reconsideration, CC Docket No. 02-6 (filed June 2, 2023)

Incorrect Service Start Date on FCC Form 486⁷

San Mateo Foster City Elementary School District, CA, Application No. 191029594, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2023, supplemented June 15, 2023)

Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window⁸

Albia Community School District, IA, Application No. 231039176, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Allegany County School District, MD, Application No. 231039154, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

Alvarado Independent School District, TX, Application No. 231038888, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Annur Islamic School, NY, Application No. 231038748, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Arlington Independent School District, TX, Application No. 231039153, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Ballinger Independent School District, TX, Application No. 231038891, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

⁶ See, e.g., *Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (*Callisburg Independent School District Order*) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *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) (waiving the deadline where applicants filed their applications beyond 14 days of the filing window deadline because of delays beyond their control).

⁷ 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 (WCB 2006) (*Glendale Unified School District Order*); see also *Request for Waiver by Harvey Public Library District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15419 (WCB 2008) (*Harvey Public Library District Order*) (granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486). We also waive section 54.720 of the Commission's rules because the petitioner filed its waiver request within 60 days of discovering the error on the FCC Form 486. 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) (*ABC Unified School District Order*).

⁸ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (finding special circumstances exist to justify granting waiver requests for petitioners who filed their FCC Form 471 applications within 14 days of the application filing window deadline).

Benton High School District 103, IL, Application No. 231039168, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Brazosport Independent School District, TX, Application Nos. 231039027, 231039029, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Bridgeprep Academy of Greater Miami, FL, Application No. 231038879, Request for Waiver, CC Docket No. 02-6 (filed Apr. 14, 2023)

Catholic High School, LA, Application No. 231028611, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Cedar Ridge Childrens Home & School, Inc., MD, Application No. 221039712, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2022, erratum May 25, 2023)

Cutchogue New Suffolk Free Library, NY, Application No. 231030685, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Diocese of Bridgeport Schools, CT, Application No. 231039108, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Durham County Library System, NC, Application No. 231039124, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Education Service Center Region 11 Consortium, TX, Application Nos. 231039172, 231039004, 231039195, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Education Service Center Region 10 DBA Fiber Network Consortium, TX, Application Nos. 231039117, 231039044, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Education Service Center Region 20 Fiber Consortium, TX, Application No. 231039100, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Elko Institute for Academic Achievement, NV, Application No. 231038895, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2023)

George Junior Republic Union Free School District, NY, Application No. 231038989, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2023)

Grapevine-Colleyville Independent School District, TX, Application Nos. 231038930, 231039152, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2023)

Great Hearts Academies Arizona, AZ, Application Nos. 231038606, 231038637, Request for Waiver, CC Docket No. 02-6 (filed Apr. 6, 2023)

Hillsborough County School District, FL, Application Nos. 231038994, 231039165, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

His House, Inc., FL, Application No. 231031041, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2023)

Jewish Beginnings, Inc., WI, Application No. 231038798, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2023)

Livingston Parish Library, LA, Application No. 231039170, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2023)

Mid-Hudson Library, NY, Application No. 231038795, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2023)

Newark Educators Community Charter School, NJ, Application No. 231039133, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

North Branch Area School District, MI, Application No. 231039120, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Northside Charter High School, NY, Application Nos. 231038821, 231038822, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Oceanside Public Library, CA, Application No. 231038633, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2023)

Pflugerville Independent School District, TX, Application No. 231038999, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Plano Independent School District, TX, Application No. 231039003, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Poteet Independent School District, TX, Application Nos. 231038892, 231039210, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2023)

Prairie Hills Unified School District 113, KS, Application No. 231036614, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Rochester City School District, NY, Application No. 231038642, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2023)

Sheldon Independent School District, TX, Application No. 231039105, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Sivells Bend Independent School District, TX, Application No. 231038807, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Suwannee River Regional Library, FL, Application No. 231039129, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Texarkana Independent School District, TX, Application Nos. 231038775, 231038778, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2023)

The New Life Child Development Center, NY, Application No. 231039083, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Tree of Knowledge Learning Academy, FL, Application Nos. 231039036, 231039034, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Tree of Knowledge Learning Academy, FL, Application Nos. 231039038, 231039037, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Tree of Knowledge Learning Academy, NJ, Application Nos. 231039026, 231039030, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Trevor Day School, NY, Application No. 231038774, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Warwick School Department, RI, Application No. 231035397, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Yeshiva Bais Chaya Esther, NY, Application No. 231038750, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application⁹

Bossier Parish School District, LA, Application No. 211023669, Request for Waiver, CC Docket No. 02-6 (filed Jun. 7, 2023, supplemented Jun. 9, 2023).

Madison School District 321, ID, Application No. 231039537, Request for Waiver, CC Docket No. 02-6 (filed May 21, 2023)

Ministerial and/or Clerical Errors – Invoicing¹⁰

Plymouth Public Schools, MA, Application No. 201021656, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2023)

St. Helen Elementary School, OH, Application No. 211011090, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2023)

⁹ 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) (*Archer Public Library Order*) (permitting applicant to add a request omitted from its FCC Form 471, but included on its source list). Madison School District 32 did not realize this funding request was omitted until the FY 2023 application filing window had closed. The school then filed FCC Form 471 Application No. 231039537 out-of-window for this funding request. We direct USAC to add this funding request to one of the school's timely-filed FY 2023 FCC Form 471 applications, or treat FCC Form 471 Application No. 231039537 as timely filed.

¹⁰ *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, 2023 WL 345366, *3-4, paras. 7-9 (WCB Jan. 19, 2023) (*Accomack County Public School Order*) (granting waivers where the E-Rate invoice filers entered the wrong billing information or inadvertently requested funding for the wrong funding year). We also waive, to the extent necessary, section 54.720 of the Commission's rules because the petitioners filed their waiver requests within 60 days of discovering or receiving notice of the ministerial or clerical error. See *id.* at *5, para. 12.

Yankton School District 63-3, SD, Application No. 211003347, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2023)

Veeya, LLC (Great Hearts America-Texas), TX, Application No. 211039741, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2023)

Zayo Group, LLC (ESC Region 20 Fiber Consortium), TX, Application No. 211029549, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2023)

*Signed Contract Requirement*¹¹

Laurens County School District 56, SC, Application Nos. 221028725, 221028734, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2022)

*Waiver of Appeal Filing Deadline*¹²

The Children's Storefront f/k/a Storefront Academy Harlem, NY, Application No. 181005, Request for Waiver and Review, CC Docket No. 02-6 (filed Apr. 11, 2023)

*Waiver of Special Construction Service Delivery Deadline*¹³

Gallup McKinley County Schools, NM, Application No. 191001103, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2023)

Messmer Catholic Schools, WI, Application No. 201029656, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2023)

¹¹ See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15529-30, para. 7 (WCB 2008) (*Barberton City School District Order*); *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) (*Amphitheater Unified School District Order*) (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).

¹² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Excellence*, CC Docket No. 02-6, Order, 27 FCC Rcd 5182, 5183, para. 2 and n.9 (WCB 2012) (waiving the deadline where the Petitioner was not aware of USAC's intent to recover funds until it received the demand payment letter issued after the appeal filing deadline had passed). We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a determination on the merits.

¹³ 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) (*Grants/Cibola County School District Order*) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

We find that the 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, 2024 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 6.

Denied*Late-Filed FCC Form 471 Applications*¹⁴

Antioch District Library, IL, Application No. 231039569, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2023)

Butte Valley Unified School District, CA, Application No. 231039547, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2023)

Cedarville Public School District, AR, Application No. 231039553, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2023)

Charleston Collegiate School, SC, Application No. 231039536, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2023, supplemented May 25, 2023)

City of Columbia Heights Public Library, MN, Application No. 231039567, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2023)

Cotopaxi School District RE-3, CO, Application No. 231039532, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2023)

Culbertson Public Library, NE, Application No. 231027838, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Diocese of Orlando Office of Catholic Schools, FL, Application No. 231039562, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2023)

Dunkerton Public Library, IA, Application No. 231039564, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2023)

Education Service Center Region 10 DBA Fiber Network Consortium, TX, Application No. 231039421, Request for Waiver, CC Docket No. 02-6 (filed May 29, 2023)

Estancia Valley Classical Academy, NM, Application No. 231039356, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2023)

Evolution Academy Charter School, TX, Application No. 231039497, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

Germantown School District, WI, Application No. 231039541, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2023)

Guthrie Center Community School District, IA, Application No. 231039238, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

Islamic Academy of Youngstown, OH, Application Nos. 231039528, 231039535, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2023)

¹⁴ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

Mapleton Public School, ND, Application Nos. 231039274, 231039273, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2023)

Morehouse Parish School District, LA, Application No. 231039568, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2023)

North Star Charter School, ID, Application No. 231039486, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2023)

ORION E-Rate Consortium, TX, Application No. 231039296, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2023)

Osnaburg Local School District, OH, Application No. 231039566, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2023)

Phoenix International Academy, AZ, Application No. 231039519, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2023)

Rock County Christian School, WI, Application Nos. 231039146, 231039132, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2023)

Savannah Chatham County Public School System, GA, Application No. 231039557, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2023)

St. George Elementary School, MO, Application No. 231038735, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2023)

St. James Lutheran School, IL, Application No. 231039552, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2023)

Sweetser, ME, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2022)¹⁵

The School Board of Marion County, FL, Application No. 231039008, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2023)

Youth Co-Op, FL, Application No. 231039363, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2023)

¹⁵ We also note that Sweetser appears to be requesting a waiver of the Funding Year 2021 application filing window as per USAC's Open Data, the applicant submitted FCC Form 471 applications for funding years 2018, 2019, 2020, 2022, and 2023. However, there does not appear to be an application submitted for FY 2021.

*Late-Filed Invoice or Invoice Deadline Extension*¹⁶

ASPIRA, Inc. of Pennsylvania, PA, Application No. 211020129, Request for Waiver, CC Docket No. 02-6 (filed Feb. 28, 2023)

CherryRoad Technologies Inc. (Springfield School District), MA, Application No. 191019700, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2021)

Mount Carmel High School, IL, Application No. 211035506, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2023)

New Mexico State Library, NM, Application No. 201009322, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2023)

Special Education Service Agency, AK, Application No. 211017874, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2023)

Wecom (Topock Elementary School District 12 and Painted Desert Demonstration), AZ, Application Nos. 191009258, 191012365, Request for Waiver, CC Docket No 02-6 (filed July 25, 2022)

*Untimely Filed Appeals or Waiver Requests*¹⁷

Autauga-Prattville Public Library, AL, Application No. 191033544, Request for Waiver, CC Docket No. 02-6 (filed Dec. 12, 2022)¹⁸

Dayton Cincinnati Technology Services LLC (Estill County School District), OH, Application No. 221029143, Request for Waiver, CC Docket No. 02-6 (filed Apr. 17, 2023)

¹⁶ 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) (*Ada School District Order*) (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) (*First 2014 E-Rate Order*) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances).

¹⁷ *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).

¹⁸ Autauga-Prattville Public Library is appealing a decision by USAC to deny its appeal because it was filed more than 60 days after the issuance of an adverse FCC Form 472 (BEAR) Notification Letter. We also note that the library did not file an appeal at all the FCC Form 486 Notification Letter which was the eventual cause of the BEAR form denial.

San Perlita Independent School District, TX, Application No. 211015554, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2023)

Contribution Methodology

WC Docket No. 06-122

Grant

*Request for Waiver of the FCC Form 499-A Revision Deadline*¹⁹

RTK Media Inc., Petition for Waiver, WC Docket No. 06-122 (filed Nov. 25, 2022)

Denied

*Request for Waiver of Form 499 Late Filing Fees, Interest, and Penalties*²⁰

Quorum Technologies, Inc., Letter of Appeal, WC Docket No. 06-122 (filed May 25, 2022)

Northwest Digits, LLC, Petition for Waiver, WC Docket No. 06-122 (filed May 25, 2022)

Emergency Connectivity Fund

WC Docket No. 21-93

Granted²¹

*Early Delivery*²²

Kent School District, WA, Application No. ECF202207638, Request for Waiver, WC Docket No. 21-93 (filed May 24, 2023)

¹⁹ See, e.g., *Universal Service Contribution Methodology, Request for Waiver by Experior Networks; Request for Review by Coaxial Cable Television Corporation of Decision of Universal Service Administrator*, WC Docket No. 06-122, Order, 30 FCC Rcd 4711 (WCB 2015) (granting requests to waive the FCC Form 499-A revision deadline where petitioners would have owed no contributions at all if they had filed correctly).

²⁰ 47 CFR § 54.713. See, e.g., *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010) (finding that good cause is not shown when filers claim they were unaware of their obligation to file the forms, ignorant of the process for electronically filing the forms, or had otherwise failed to file the forms); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (finding that good cause is not shown when filer claimed it did not have skilled personnel to interpret and correctly apply the FCC Form 499 instructions). To the extent filers' financial situation makes it difficult to pay the invoice in full, they may set up a payment plan with USAC to satisfy the obligation. See <https://www.usac.org/service-providers/making-payments/how-to-pay/payment-plans/>.

²¹ See *supra* note 6.

²² See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 06-122, Public Notice, DA 22-658, 2022 WL 2399676, n.25 (WCB 2022) (granting requests for waivers for equipment delivered before the start of the approved funding year)..

Kettle Falls School District 212, WA, Application No. ECF202201484, Request for Waiver, WC Docket No. 21-93 (filed June 8, 2023)

Rogers Public School District 30, AR, Application No. ECF202206262, Request for Waiver, WC Docket No. 21-93 (filed June 7, 2023)

*Granting Additional Time to Respond to USAC's Request for Information*²³

Head Start Program of Morris County, NJ, Application Nos. ECF202106684, ECF202206090, Request for Review and/or Waiver, WC Docket No. 21-93 (filed May 11, 2023)

*Late-Filed FCC Form 471 Applications – Circumstances Beyond Applicant's Control*²⁴

Westfield Public Library, IN, Application No. ECF202209946, Request for Waiver, WC Docket No. 21-93 (filed Aug. 8, 2022)²⁵

*Ministerial and/or Clerical Errors*²⁶

East Brunswick Public School District, NJ, Application No. ECF222118743, Request for Review, WC Docket No. 21-93 (filed Feb. 3, 2023)

²³ See, e.g., *Alpaugh Unified School District Order*, 22 FCC Rcd at 6035 *Ben Gamla Palm Beach Order*, 29 FCC Rcd at 1876 (granting requests for review for applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame). 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules.

²⁴ See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Academy for Academic Excellence et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4748-49, para. 4 (WCB 2007) (*Academy for Academic Excellence Order*) (granting waivers where the applicants filed after the close of the filing window due to delays beyond its control, in particular, technical problems with USAC's electronic filing system). 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve this petition for waiver of the Emergency Connectivity Fund program rules.

²⁵ Although we are granting this waiver, we remind the applicant that the review and processing of their application is subject to the prioritization rules set forth in section 54.1708(c) of the Commission's rules. USAC and the Commission are required to ensure those with the greatest need are funded first because not all third window ECF FCC Form 471 applications will be able to be funded because demand during this window exceeded the amount of available funds. See 47 CFR § 54.1708(c).

²⁶ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320-21, para. 2, n.23 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting a waiver when applicant mistakenly provided the wrong documentation concerning a purchase). 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules.

North Haven Memorial Library, CT, Application No. ECF202101178, Request for Review, WC Docket No. 21-93 (filed June 3, 2023)

Stigler Independent School District 20, OK, Application No. ECF202202917, Request for Review, WC Docket No. 21-93 (filed Dec. 12, 2022)

*Payment Verification*²⁷

Academia Adventista Del Noroeste, PR, Application No. ECF202115330, Request for Review and/or Waiver, WC Docket No. 21-93 (filed June 8, 2023)

*Waiver of Appeal Filing Deadline*²⁸

Bridges Preparatory Academy Charter School, CA, Application No. ECF202208306, Request for Waiver, WC Docket No. 21-93 (filed May 23, 2023)

²⁷ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Youthbuild Columbus Community School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 337, 339, paras. 5-6 (WCB 2011) (granting an appeal of a commitment adjustment action where applicant provided evidence of payment of non-discount share on appeal). Consistent with precedent, we also find good cause exists to waive section 54.1718(b)(1) of the Commission's rules, which requires petitioners to file their appeals within 30 days of an adverse USAC decision, because the applicant filed its request within a reasonable period of time of receiving actual notice, there was no actual violation of program rules, and this is an emergency program. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Excellence*, CC Docket No. 02-6, Order, 27 FCC Rcd 5182, 5183, para. 2 and n.9 (WCB 2012) (waiving the deadline where the petitioner was not aware of USAC's intent to recover funds until it received the demand payment letter issued after the appeal filing deadline had passed). 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to this petition for waiver of the Emergency Connectivity Fund program rules.

²⁸ See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision). 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules establishing the appeal filing deadline. See 47 CFR § 54.1718. We note that the Commission adopted a shortened appeal timeframe of 30 days in the Emergency Connectivity Fund Program due to the short-term, emergent nature of the program. See *id.*; *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696, 8740, 8746, paras. 90, 107 (2021) (*Emergency Connectivity Fund Report and Order*). 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 *supra* note 6.

*Waiver of Appeal Filing Deadline – USAC Error Resulted in Late-Filed Appeal*²⁹

Greenbrier County School District, WV, Application No. ECF202110948, Request for Waiver, WC Docket No. 21-93 (filed Nov. 13, 2022)

*Waiver of Service Delivery Date*³⁰

Yakama Nation Library, WA, Application No. ECF222121175, Request for Waiver, WC Docket No. 21-93 (filed May 31, 2023)

*Waiver of Special Construction Service Delivery Date*³¹

Clint Independent School District, TX, Application No. ECF202114954, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2023)

²⁹ See, e.g., *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 Rcd 16903, 16905, para. 4 (WCB 2011) (granting petitioners waivers of our filing deadline for appeals because their late-filed appeal would never have been necessary absent an error on the part of USAC). 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules.

³⁰ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions). Consistent with the extension granted to some applicants on May 12, 2023, we waive the service delivery deadline and direct USAC to set a new service delivery deadline of June 30, 2024, and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 23-405 (WCB May 12, 2023) (extending the deadline of recurring services funding requests from the first and second application filing window to June 30, 2024). We also waive any associated administrative or procedural deadlines that might be necessary to effectuate our ruling. See *supra* note 6. 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve this petition for waiver of the Emergency Connectivity Fund program rules.

³¹ See, e.g., *Grants/Cibola County School District Order*, 33 FCC Rcd at 10051, para. 8 (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 waive the network construction service delivery deadline and direct USAC to set a new service delivery deadline of June 30, 2024, and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. We also waive any associated administrative or procedural deadlines that might be necessary to effectuate our ruling. See *supra* note 6. 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve this petition for waiver of the Emergency Connectivity Fund program rules.

Denied*Untimely Filed Appeals or Waiver Requests*³²

Hoosic Valley Central School District, NY, Application No. ECF202114830, Request for Waiver, WC Docket No. 21-93 (filed Feb. 8, 2023)

Pequenos Giant Academy Child Care Center, IL, Application No. ECF202204097, Request for Waiver, CC Docket No. 02-6 (filed Jan. 9, 2023)

Rural Health Care Program
WC Docket No. 02-60Dismiss as Moot³³

GCI Communication Corp. (Ketchikan Indian Community Tribal Health Clinic), AK, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 1715401 (filed May 17, 2021)

GCI Communication Corp. (Multiple Health Care Providers), AK, Request for Review and/or Waiver, WC Docket No. 02-60, Multiple Funding Request Numbers (filed July 12, 2019)

GCI Communication Corp. (Multiple Health Care Providers), AK, Request for Review and/or Waiver, WC Docket No. 02-60, Multiple Funding Request Numbers (filed Nov. 15, 2019)

GCI Communication Corp. (Multiple Health Care Providers), AK, Request for Review and/or Waiver, WC Docket No. 02-60, Multiple Funding Request Numbers (filed Apr. 20, 2020)

³² See, e.g., *Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6; *Bound Brook School District Order*, 29 FCC Rcd at 5823, para. 1 (denying requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and (2) did not show special circumstances necessary for the Commission to waive the deadline). 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, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules. We note that the Commission adopted a shortened waiver and appeal timeframe of 30 days in the Emergency Connectivity Fund Program due to the short-term, emergent nature of the program. See 47 CFR 54.1718; *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8740, 8746, paras. 90, 107. As such, requests for waiver of Emergency Connectivity Fund Program rules that are filed more than 30 days after a deadline or decision will be denied.

³³ See, e.g., *Requests for Review of Decision of the Universal Service Administrator by Integrity Communications (Brooks Consolidated Independent School District) et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 7994, 7995, para. 1 (WCB 2012) (dismissing appeals as moot where the petitioner subsequently withdrew its funding requests). Pursuant to its Consent Decree with the Enforcement Bureau, GCI Communication Corp. (GCI), withdrew these dismissed appeals. See *In the Matter of GCI Communication Corp.*, File No. EB-IHD-19-00028792, Order and Consent Decree, DA 23-380, Appx. B (EB rel. May 10, 2023) (requiring GCI's withdrawal of certain pending appeals) (*GCI Consent Decree*). See also Letter from Jennifer P. Bagg, Counsel, GCI, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 02-60, WC Docket No. 17-310 (May 31, 2023) (requesting the withdrawal of the appeals listed in Appendix B of the *GCI Consent Decree*).

GCI Communication Corp. (Multiple Health Care Providers), AK, Request for Review and/or Waiver, WC Docket No. 02-60, Multiple Funding Request Numbers (filed Nov. 23, 2021)

Granted

*Rural Rates*³⁴

GCI Communication Corp., AK, Request for Review and Waiver, WC Docket No. 02-60, Funding Request No. 2080223 (filed Sept. 16, 2021)

Waiver of Appeal Deadline

GCI Communication Corp. (Multiple Health Care Providers), AK, Request for Review and Waiver, WC Docket No. 02-60, Funding Request Nos. 2081508, 2079355, 2081368, 2081369, 2081385, 2081180, 2081179, 2081518, 2081502, 2081382, 2081384, 2081527, 2081176, 2081266, 2081277, 2081354, 2081375, 2081379 (filed May 5, 2022)³⁵

GCI Communication Corp. (Ketchikan Indian Community Tribal Health Clinic), AK, Request for Review and Waiver, WC Docket No. 02-60, Funding Request No. 20777411 (filed March 22, 2022)³⁶

*Waiver of Invoice Filing Deadline—Sua Sponte Waiver*³⁷

³⁴ *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7343, n.40 (2019) (*Promoting Telehealth Report and Order*) (permitting the use of rural rates approved under an evergreen contract entered into or extended before the adoption of the Report and Order). Additionally, we grant GCI's request for review and instruct USAC to allow GCI to use the previously approved rate for FRN 2080223 as justified under footnote 40 of the *Promoting Telehealth Report and Order*. According to the documents GCI provided, the evergreen contract supporting the funding request at issue in this appeal was executed in 2016, prior to the *Promoting Telehealth Report and Order* and is therefore permitted to use a previously approved rate for funding year 2020. We also grant a waiver of the deadline to file this Request for Review because the COVID-19 pandemic impacted the petitioner's ability to file its appeal. See *Rural Health Care Support Mechanism; Promoting Telehealth in Rural America*, WC Docket Nos. 02-60 and 17-310, Order, 36 FCC Rcd 7051, 7063, para. 32 (WCB 2021) (*2021 COVID-19 RHC Relief Order*) (declining to automatically extend deadlines for all appeals and waiver requests, but noting that "[a] petitioner may seek a waiver of the deadline to file an appeal or waiver request if it reasonably attempted to meet the deadline but was unable to do so due to the COVID-19 pandemic and it filed within a reasonable amount of time after the deadline.").

³⁵ See *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting requests for waiver of the deadline to file an appeal when the petitioners filed their appeals within a reasonable time after receiving actual notice of USAC's adverse decision). We remand these applications to USAC to determine whether the rural rates for the period covered by the contract extension comport with program rules and direct USAC to conduct outreach to GCI on this question.

³⁶ See *Rural Health Care Support Mechanism; Promoting Telehealth in Rural America*, WC Docket Nos. 02-60 and 17-310, Order, 36 FCC Rcd 7051, 7063, para. 32 (WCB 2021) (*2021 COVID-19 RHC Relief Order*) (noting that "[a] petitioner may seek a waiver of the deadline to file an appeal or waiver request if it reasonably attempted to meet the deadline but was unable to do so due to the COVID-19 pandemic and it filed within a reasonable amount of time after the deadline."). We grant GCI's request to waive the 60-day appeal deadline because it faced unprecedented challenges caused by the COVID-19 pandemic, including operational and personnel changes, during the period before the appeal deadline. We remand these applications to USAC to determine whether the rural rates for the period covered by the contract extension comport with program rules and direct USAC to conduct outreach to GCI on this question.

Tennessee Telehealth Consortium, TN, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18255251

Kentucky Telehealth Consortium, KY, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19642411

*Waiver of Service Provider Identification Number Change Deadline*³⁸

Alice Hyde Medical Center, NY, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 21976141, 21976161, 21976151, 21976181, 21976121, 21976171 (filed Apr. 13, 2023)

Bootheel Counseling Services, MO, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21158071 (filed Feb. 3, 2023)

Connected Care Pilot Program
WC Docket No. 18-213

Granted

*Invoice Deadline*³⁹

Banyan Health System, FL, Request for Waiver, WC Docket No. 18-213, Funding Request No. 21230511 (filed Apr. 24, 2023)

(Continued from previous page) _____

³⁷ 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 petitioner's invoice filing deadline and allow it 180 days from the later of the release of this Public Notice or the issuance of a Funding Commitment Letter to file invoices with USAC.

³⁸ See *Requests for Review of Decisions of the Universal Service Administrator by Bay Shore Union Free School District, et al., Schools and Libraries Universal Service Support Mechanism, et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15537, 15543, para. 11 (WCB 2008) (waiving the service provider identification number (SPIN) change deadline when applicants were unaware of the need for a SPIN change until after the deadline). See also 47 CFR 54.624(a)(4)(B) ("An applicant must file their request for a site or service change to the Administrator no later than the service delivery deadline as defined in § 54.626."). We direct USAC to coordinate with the applicants on filing SPIN change requests and make no finding as to the merits of the request. We dismiss the request for a waiver of the invoice deadline as moot because, if a SPIN change is granted, USAC will set a new invoice deadline of 120 days from the date of the revised funding commitment letter approving the SPIN change. See 47 CFR § 54.627(a)(2).

³⁹ Banyan Health Systems received an incorrect service delivery deadline for the funding request at issue in this appeal, resulting in an incorrect invoice deadline because the invoice deadline in the Connected Care Pilot Program is set as 120 days from the service delivery deadline. See *Promoting Telehealth for Low-Income Consumers*, WC Docket 18-213, Second Report and Order, 36 FCC Rcd 10642, 10658-59, para. 34 (2021) (stating that the invoice deadline shall be 120 days from the service delivery deadline). The service delivery deadline for Connected Care Pilot Program is three years from the first date of service for the respective Pilot Project, and by no later than June 30, 2025. See *id.*, at 10656, para. 28 (stating that all funding commitments shall end three years from the first date of service for the respective Pilot project, and by no later than June 30, 2025). Since Banyan's project started on July 1, 2022, the service delivery deadline for funding requests for Banyan's Pilot project is June 30, 2025, and its invoice deadline is Oct. 28, 2025.

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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