



PUBLIC NOTICE

Federal Communications Commission
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DA 23-632

Released: July 31, 2023

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

CC Docket No. 02-6
WC Docket No. 21-93
WC Docket No. 02-60
WC Docket No. 10-90
WC Docket No. 06-122

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

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Dismiss to Allow Appeal to be Filed with USAC³

Des Plaines Public Library, FL, Application No. 211014460, Request for Review, CC Docket No. 02-6 (filed July 7, 2023)

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 *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 with USAC).

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements⁴

Bright Hope Center, NY, Application Nos. 231038974, 231038975, CC Docket No. 02-6 (filed June 9, 2023)

Palm Coast Community School, Inc., FL, Application No. 191040391, CC Docket No. 02-6 (filed Dec. 19, 2022)

Redbank Valley School District, PA, Application No. 231037264, CC Docket No. 02-6 (filed June 19, 2023)

Dismissed on Reconsideration⁵

Argosy Collegiate Charter School, MA, Application No. 181037442, CC Docket No. 02-6 (filed Nov. 25, 2020)

Beecher-Dunbar-Pembine Schools, WI, Application No. 231039271, Petition for Reconsideration, CC Docket No. 02-6 (filed June 7, 2023)

Community Unit School District 16, IL, Application No. 231039315, Petition for Reconsideration, CC Docket No. 02-6 (filed June 21, 2023)

Hawaii Academy Of Arts and Science, HI, Application Nos. 231039245, 231039243, Petition for Reconsideration, CC Docket No. 02-6 (filed June 9, 2023)

Henrico County School District, VA, Application No. 191019903, Petition for Reconsideration, CC Docket No. 02-6 (filed June 30, 2023)

Islamic Academy of Alabama, AL, Application No. 231039270, Petition for Reconsideration, CC Docket No. 02-6 (filed June 9, 2023)

Life Changers Christian Academy, FL, Application Nos. 231039237, 231039236, Petition for Reconsideration, CC Docket No. 02-6 (filed June 9, 2023)

⁴ 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); *see also Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require: (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

⁵ *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).

Russell Public Library, CT, Application No. 231039420, Petition for Reconsideration, CC Docket No. 02-6 (filed June 8, 2023)

Granted⁶

*Eligible Entities*⁷

Academia Adventista de Vieques, PR, Application Nos. 221022143, 221022147, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 3, 2023)

*Granting on Reconsideration – Late-Filed FCC Form 471*⁸

Lamoille North Modified Union School District, VT, Application No. 231039424, Petition for Reconsideration, CC Docket No. 02-6 (filed July 7, 2023)

*Granting Additional Time to Respond to USAC with Information During Invoicing*⁹

Community Action Organization of Erie County, NY, Application No. 181036166, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2023)

⁶ 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).

⁷ *See Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8747, 8750-51, paras. 7-8 (2007) (finding that applicants had provided sufficient documentation to show that they might be eligible for E-Rate support, justifying further review by USAC to reach a definitive determination). Consistent with precedent, we remand this application to USAC for consideration of its eligibility given the additional documentation it submitted. *Id.*

⁸ *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 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). Lamoille North Modified Union School District 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. 231039424 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. 231039424 as timely filed.

⁹ *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) (*Accomack County Public School Order*) (granting requests for review of applicants that had been denied funding during invoicing because they failed to respond to USAC's request for information within the USAC-specified time frame).

Honolulu Community Action Program, Inc. Oahu Head Start, HI, Application No. 191006823, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2022)

Seeds of Health, PA, Application No. 181017483, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2021)

*Incorrect Service Start Date on FCC Form 486*¹⁰

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

*Ineligible Service*¹¹

Erie 1 BOCES, NY, Application No. 191003543, Request for Review, CC Docket No. 02-6 (filed Apr. 11, 2023)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*¹²

Southeastern Massachusetts Educational Collaborative, MA, Application No. 231039143, Request for Waiver, CC Docket No. 02-6 (filed June 10, 2023)

*Ministerial and/or Clerical Errors*¹³

Manson Northwest Webster Community Schools, IA, Application No. 231039563, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2023, supplemented June 14, 2023)

¹⁰ 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*).

¹¹ See, e.g., *Request for Review by Terral School District 3, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Dockets No. 96-45, 97-21, Order, 15 FCC Rcd 17969 (CCB 2000) (remanding where USAC has failed to provide an explanation for its determination of ineligibility).

¹² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (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).

¹³ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools*, CC Docket No. 02-6, Order, 25 FCC Rcd at 17319, 17319-20, nn. 5, 10 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting waivers where the applicant omitted entities included on its source list or mischaracterized the purchase and installation of equipment as a recurring service; *Archer Public Library Order*, 23 FCC Rcd at 15521 n.19 (permitting applicant to correct a pre-discount price and service on its FCC Form 471 application to conform to the price and service on the source document)).

(continued....)

Norfolk Public Schools, MA, Application No. 211036865, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2023)

North Cedar Community School, IA, Application No. 231037233, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2023)

West Islip Public Schools, NY, Application No. 221007451, Request for Waiver, CC Docket No. 02-6 (filed Feb. 17, 2023)

*Permissible Service Implementation Delay*¹⁴

GST Boces, NY, Application Nos. 191041845, 201043827, 201041887, 201041721, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2022)

*Technology Plan Requirements*¹⁵

Achievement First, CT, Application Nos. 531932, 531990, 532040, 532147, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2010)

*USAC Decision Issued After Invoice Deadline*¹⁶

Cheyenne County School District, CO, Application No. 211017854, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2023)

Vega Collegiate Academy Consortium, CO, Application No. 201041473, Request for Waiver, CC Docket No. 02-6 (filed Nov. 11, 2022)

Manson Northwest Webster Community Schools did not realize its funding request was omitted until the FY 2023 application filing window had closed. The school then filed FCC Form 471 Application No. 231039563 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. 231039563 as timely filed.

¹⁴ 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, 13652-3, para. 2 (WCB 2014) (*Accelerated Charter Order*) (granting late-filed extensions of the service implementation deadline 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).

¹⁵ See, e.g., *Requests for Review or Waiver of the Decisions of the Universal Service Administrator by Brownsville Independent School District, et al.*, CC Docket No. 02-6, Order, 22 FCC Rcd 6045 (2007) (waiving technology plan rules for petitioners that missed deadlines for developing or obtaining approval of their technology plans). For Funding Request Number 1468950, we also find that Achievement First's method of determining its discount was acceptable under Commission rules. 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. 13 (WCB 2006) (*Academia Claret Order*) (remanding applications for further processing when it appears that the applicant fully complied with USAC's procedures).

¹⁶ 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 a 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).

*Waiver of Special Construction Service Delivery Deadline*¹⁷

Te-Moak Tribe of Western Shoshone Library System, NV, Application No. 211034486, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2022)

Denied*Late-Filed FCC Form 471 Applications*¹⁸

Acanc Consortium, Ascent Classical Academy Dougco Consortium, Aspen Community School Consortium, Carbondale Community School Consortium, Rocky Mountain Classic Academy, Talmudical Academy-Baltimore, Texas Torah Institute, University Preparatory School, University Prep Steele Street Inc., Application Nos. 231039229, 231039414, 231039411, 231039413, 231039224, 231039225, 231039226, 231039231, 231039230, 231039227, 231039228, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2023)

Banner School District 31, OK, Application No. 231039457, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2023)

Berwyn Public Library, IL, Application No. 231038603, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2023)

Bryson Independent School District, TX, Application No. 231039623, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2023)

Carthage Elementary School District #317, IL, Application No. 231039630, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2023)

Cobb County School District, GA, Application No. 231039586, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2023)

Ephesus Adventist Academy, FL, Application Nos. 231039389, 231039390, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2023)

Everly Public Library, IA, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2023)

¹⁷ See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

We find that the petitioner was unable to complete implementation for reasons beyond its and its service provider's control and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive the special construction service delivery deadline and direct USAC to provide the applicant until June 30, 2024 to complete its special construction project.

For this petitioner, 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.

¹⁸ 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).

Gesher Jewish Day School, VA, Application No. 231039381, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2023)

Hampton Public School District, NE, Application No. 231039596, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2023)

Hernando County School District, FL, Application No. 231039633, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2023)

Immaculate Conception Church, NY, Application No. 231010785, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2023)

Kootasca Head Start, MN, Application No. 231039527, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2023)

Leelanau Montessori Public School Academy District, MI, Application No. 231039629, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2023)

Lincoln Way Area Special Education JA District 843, IL, Application No. 231039423, Request for Waiver, CC Docket No. 02-6 (filed June 25, 2023)

McIntosh Area School, FL, Application No. 231033325, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2023)

Memphis Main Public Library, TN, Application No. 231039593, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2023)

Mt. Olivet Jr. Academy, FL, Application No. 231039321, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2023)

Murl Windsor Academy, FL, Application No. 231039398, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2023)

New Hope SDA School, FL, Application No. 231039436, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2023)

Northfield School District 659, MN, Application No. 231039602, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2023)

Panhandle Public Library Cooperative System, FL, Application No. 231039476, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2023)

Quest Charter Academy-Peoria, IL, Application No. 231039634, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2023)

Redding Christian Schools, CA, Application No. 231039549, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2023)

Robert J. Kleberg Public Library, TX, Application No. 231039640, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2023)

Saint Joseph Regional High School, NJ, Application No. 231039480, Request for Waiver, CC Docket No. 02-6 (filed May 9, 2023)

St. Timothy School, AZ, Application No. 231039606, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2023)

Warren Public School District 1, AR, Application No. 231039590, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2023)

Weslaco Independent School District, TX, Application Nos. 231036464, 231036051, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2023)

Wright County Community Action, MN, Application No. 231039594, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2023)

*Late-Filed Invoice or Invoice Deadline Extension*¹⁹

Detel Computer Solutions, LLC (Red River Parish School District), LA, Application No. 211032697, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2023)

Fletcher Academy, NC, Application No. 201031188, Request for Waiver, CC Docket No. 02-6 (filed Nov. 11, 2021)

Las Cruces Public Schools Consortium, NM, Application No. 191031473, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2023)

MCC Network Services, LLC (Hoopston Public Library), IL, Application No. 201018648, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2023)

Rio Rancho Public Library System, NM, Application No. 191040627, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2023)

*Ministerial and/or Clerical Errors*²⁰

Pequenos Giants Academy Child Care Center., IL, Application No. 221034943, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Jan. 9, 2023)

¹⁹ 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).

²⁰ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by CCRC Community Link et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5326, para. 1 (WCB 2012) (denying support to entities that failed to show that they were eligible for E-Rate support); *Request for Review by Beginning With Children Charter School and Yeshiva Karlin-Stolin, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 936, 940, para. 11 (CCB 2003) (finding that the ultimate burden of proof remains on the applicant).

*Untimely Filed Appeals or Waiver Requests*²¹

DeKalb Brilliance Academy, GA, Application No. 221036910, Request for Waiver, CC Docket No. 02-6 (filed Jan. 31, 2023)

Palmer Independent School District, TX, Application No. 221027306, Request for Waiver, CC Docket No. 02-6 (filed July 11, 2023)

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

Tahoma School District, WA, Application No. 231032210, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2023)

Emergency Connectivity Fund
WC Docket No. 21-93**Granted**²²*Early Delivery*²³

Sedalia School District 200, MO, Application No. ECF202102918, Request for Waiver, WC Docket No. 21-93 (filed July 11, 2023)

*Ministerial and/or Clerical Errors*²⁴

Liberty-Perry Community School Corporation, IN, Application No. ECF202101592, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Nov. 10, 2022)

²¹ 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).

²² See *supra* note 6.

²³ 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).

²⁴ See, e.g., *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17320-21, para. 2, n.23 (granting a waiver when applicant mistakenly provided the wrong documentation concerning a purchase). 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 these petitions for waiver of the Emergency Connectivity Fund program rules.

*Payment Verification*²⁵

Atlantic Shores Christian Schools, VA, Application No. ECF202111498, Request for Review and/or Waiver, WC Docket No. 21-93 (filed July 25, 2023)

*Timely-Filed Appeals*²⁶

Quality Education & Development LLC, NY, Application Nos. ECF202104913, ECF202106881, ECF202106885, ECF222120792, ECF202106887, ECF202106908, ECF202106910, ECF202113927, ECF202114320, ECF202107609, ECF202106919, ECF202112105, ECF202106953, ECF202107497, ECF202107506, ECF202112049, WC Docket No. 21-93 (filed July 4, 2023)

*Waiver of ECF Special Construction Service Delivery Date*²⁷

A+ Partners in Education, WV, Application No. ECF222116734, Request for Waiver, WC Docket No. 21-93 (filed July 25, 2023)

²⁵ 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.

²⁶ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Sundale Elementary School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 4124 (WCB 2014) (remanding an appeal to USAC that was timely filed). 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.

²⁷ See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures). We 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. 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.

*Waiver of Service Delivery Date*²⁸

La Pryor Independent School District, TX, Application No. ECF202113129, Request for Waiver, WC Docket No. 21-93 (filed June 26, 2023)

Rural Health Care Program
WC Docket No. 02-60Granted*Waiver of the Invoice Filing Deadline*²⁹

Bytes Network & Network Solutions, Inc., NE, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21151171 (filed Apr. 14, 2023; supplemented May 22, 2023)

*Waiver of the 60-Day Appeal Deadline*³⁰

Adventist Health, CA, Request for Waiver, Docket No. 02-60, Request No. 21966541 (filed Apr. 6, 2023)

²⁸ See, e.g., *Accelerated Charter Order*, 29 FCC Rcd at 13652-53, para. 2 (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 six-month 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 December 27, 2023, 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 equipment funding requests from the first and second application filing window by 180 days). 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.

²⁹ See *Requests for Waiver or Review of Decision of the Universal Service Administrator by Indiana Telehealth Network*, WC Docket No. 02-60, Order, 33 FCC Rcd 12341, 12342, para. 4 (WCB 2018) (*Indiana Telehealth Network*) (granting a waiver of the invoice filing deadline when the petitioner missed the deadline due to technical issues outside of its control). We find that a waiver is justified because the petitioner was unable to submit a timely invoice due to technical issues with a federal information technology platform. We waive the petitioner's invoice filing deadline and allow it 120 days from the later of the release of this Public Notice or the issuance of a Funding Commitment Letter to file invoices with USAC.

³⁰ See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. (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, or the reasons were due "the result of clerical, ministerial, or procedural errors, or were due to circumstances beyond their control"). In this instance, the petitioner did not receive notice of USAC's funding decision. We direct USAC to re-issue the denial decision to the petitioner.

*Competitive Bidding – Exemption for Evergreen Contracts*³¹

GCI Communications Corp. (Fairbanks Memorial Hospital), AK, Request for Review and Waiver, WC Docket No. 02-60, Funding Request No. 20796111 (filed Nov. 28, 2021)

Denied*Competitive Bidding*³²

Ascension Health, WI, Request for Review and/or Waiver, WC Docket No. 02-60, Funding Request No. 19645321 (filed Jan. 5, 2021)

*Denial of Waiver Request of the Invoice Filing Deadline*³³

Dimmit County Memorial Hospital, TX, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21990951 (filed Apr. 13, 2023)

³¹ See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 02-6, 02-60, 06-122, Public Notice, DA-1008, at 10 (granting appeal from the Southern Ohio Health Care Network after finding that a competitive bidding exemption applied). See also 47 CFR § 54.622(i)(3)(iii) (permitting voluntary extensions of evergreen contracts so long as extensions not exceed five years in the aggregate); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 2922, 2924-25, paras. 7-8 (2020) (allowing health care providers grappling with the COVID-19 pandemic to extend their expiring evergreen contracts through funding year 2020 even if the five-year extension limit under section 54.622(i)(3) of the Commission’s rules had been reached if the extension was memorialized and relevant documentation was retained). In this case, the petitioner’s evergreen extension was properly executed because an email stating that the contract had been extended properly memorialized the extension.

³² *Franciscan Skemp Waukon Clinic, Waukon, Iowa, Rural Health Care Universal Service Support Mechanism*, WC Docket No. 02-60, Order, 29 FCC Rcd 11714, 11717-18, para. 9 (WCB 2014) (*Waukon Order*) (denying request for review where applicant signed a multi-year contract for the services at issue before the expiration of the 28-day waiting period). Ascension Health entered into a contract with its selected service provider on November 16, 2018, several months before the March 30, 2019, expiration date of the 28-day waiting period established when USAC posted Ascension Health’s request for services on its website on March 1, 2019. Ascension Health maintains that the service contract “was filed for 36 [months] with USAC contract ID 1165866 and had requested evergreen status.” See Request for Review and/or Waiver of Ascension Health, WC Docket No. 02-60, at 1 (filed Jan. 5, 2021) (Ascension Health Request). The mere request for evergreen status, however, does not relieve an applicant from the requirements to competitively bid for services and then wait at least 28 days from the date its request for service was posted before selecting and committing to a service provider. See 47 CFR § 54.642(a), (g) (2018). Only a contract previously designated as evergreen by USAC permits an applicant to avoid having to re-bid during the contract’s term. 47 CFR § 54.642(h)(4)(i) (2018). The contract entered into by Ascension Health on November 16, 2018, likewise cannot serve as a standing bid to circumvent the 28-day waiting period requirement. An applicant can use a contract entered into prior to expiration of the 28-day waiting period as a standing bid only if it is “choosing to continue service under an existing contract.” *Waukon Order*, 29 FCC Rcd at 11715, para. 3. The services that Ascension Health contracted for in November 2018 were for new services that commenced after it entered into the service contract. See Ascension Health Request at 1 (stating that the contracted services were “not yet installed” at the time evergreen status was requested and that the “anticipated start date of circuits [was] July 2019”).

³³ See *Indiana Telehealth Network Order*, 33 FCC Rcd at 12342, para. 4 (denying a waiver of the invoice filing deadline when the petitioner missed the deadline due to personnel issues).

High-Cost Program (Connect America Fund)
WC Docket No. 10-90

Granted

*HUBB Milestone Certification Reporting*³⁴

F&B Communications, Inc. Waiver Request – Allow USAC to open HUBB for Milestone Certification, WC Docket No. 10-90 (filed Apr. 20, 2023).

Atlas Telephone Company, Inc Request for Waiver of Section 54.316, WC Docket No. 10-90 (filed June 7, 2023).

Citizens Telephone Cooperative’s Petition for Waiver Regarding Broadband Milestone Certification for 2022, WC Docket No. 10-90 (filed June 19, 2023).

*HUBB Location Certification*³⁵

Union Telephone Company Petition for Waiver, WC Docket No. 10-90 (filed May 22, 2023).

Contribution Methodology
WC Docket No. 06-122

Denied

*Request for Waiver of Form 499-A Revision Deadline*³⁶

³⁴ F&B Communications, Inc., Atlas Telephone Company, Inc., and Citizens Telephone Cooperative all timely uploaded and certified enough locations by March 1, 2023 to meet their respective interim milestones but did not timely make the separate certification that they met the milestones. *See Connect America Fund, et al.*, WC Docket Nos. 10-90 et al., Order, 36 FCC Rcd 13976, paras. 9-10 (*NNTC Certification Waiver Order*) (granting waiver to allow the carrier to report locations after the deadline for the reporting year when locations were timely uploaded to the HUBB portal but due to an inadvertent administrative oversight were not timely certified); *see also Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 10-90, 02-60 and 06-122, Public Notice, DA 23-333, n.38 (WCB Apr. 28, 2023) (granting waiver to allow the carrier to certify meeting its milestone obligation after the deadline for the reporting year when locations were timely uploaded and certified to the High Cost Universal Broadband (HUBB) portal but due to an inadvertent administrative oversight, the milestone obligation was not timely certified).

³⁵ Union Telephone Company timely uploaded and certified all locations to meet its 2022 milestone obligations but did not re-certify locations after a bulk modification of its already certified locations. *See NNTC Certification Waiver Order*, 36 FCC Rcd at 13976, paras. 9-10.

³⁶ *See, e.g., Universal Service Contribution Methodology; Petition for Waiver of Universal Service Fund Rules by Outfitter Satellite, Inc.*, WC Docket No. 06-122, Order, 28 FCC Rcd 13358 (WCB 2013) (finding that alleged mistakes by Outfitter’s accounting firm and internal accounting staff were not adequate grounds for waiver); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator by IP Telecom Group, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 11213 (WCB 2011); *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 requests for deadline waivers where claims of good cause amounted to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner’s control).

Vocal IP Networx Ltd., Letter of Appeal, WC Docket No. 06-122 (filed July 5, 2023)

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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