



PUBLIC NOTICE

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

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

Dismissing Waiver Because FCC Form 471 Applications Filed Timely³

St. Lucy School, CA, Application No. 221010052, Request for Waiver, CC Docket No. 02-6
(filed Mar. 20, 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, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 7 (2010) (*Academy of Math and Science Order*) (finding that petitioners timely filed their FCC Forms 471 within the relevant FCC Form 471 application filing window).

St. Mary's School for the Deaf, NY, Application Nos. 231011415, 231027422, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2023)

Dismissed on Reconsideration – Untimely⁴

Baltimore City Schools Charter Consortium, MD, Application No. 231039247, Petition for Reconsideration, CC Docket No. 02-6 (filed July 31, 2023)

Dismiss to Allow Appeal to be Filed with USAC⁵

Meritworks Partners, LLC (KIPP Indianapolis, Inc.), IN, Application No. 201033721, Request for Review, CC Docket No. 02-6 (filed Apr. 20, 2023)

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements⁶

Rosary High School, IL, Application Nos. 201020211, 231039736, CC Docket No. 02-6 (filed Aug. 4, 2022)

Saint Matthew School, PA, No Application Number Given, CC Docket No. 02-6 (filed Mar. 28, 2023)

Winnacunnet Coop School District, NH, Application No. 201040811, Request for Review, CC Docket No. 02-6 (filed Feb. 7, 2022)

⁴ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing petitions for reconsideration because they were filed more than 30 days after the date of the Bureau's decisions).

⁵ 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).

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

⁶ 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).

Dismissed on Reconsideration⁷

Antioch District Library, IL, Application No. 231039569, Petition for Reconsideration, CC Docket No. 02-6 (filed July 5, 2023)

Berwyn Public Library, IL, Application No. 231038603, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 1, 2023)

Brooklyn Emerging Leaders Academy Charter School, NY, Application No. 201026972, Petition for Reconsideration, CC Docket No. 02-6 (filed Apr. 15, 2022)

⁷ 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, Cedarville Public School District raises a new argument that a waiver of the FCC Form 471 filing window is consistent with Bureau precedent. The Petitioner now cites to Bureau precedent to argue that its waiver request should not have been rejected because of circumstances beyond the school district's control and notes that another petitioner, Chumash Library Learning Center, was granted a waiver under similar circumstances in the April 2023 Public Notice. 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, 02-60, 18-213 Public Notice, DA 23-557, 2023 (WCB Apr. 28, 2023). 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 did not make this argument when it first filed the waiver request with the Commission on May 25, 2023, we dismiss the petition because it relies on an argument that was not raised previously. 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 also deny the petition on the merits. Cedarville Public School District cites to the *Abbotsford School District Order* to argue that its waiver request should have granted, consistent with precedent. *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) (*Abbotsford School District Order*) (waiving the application deadline where applicants filed their applications beyond 14 days of the filing window deadline because of delays beyond their control). The *Abbotsford School District Order* waives the rule in instances where E-Rate participants filed their FCC Form 471 applications within a "reasonable period of the filing window's close." *Id.* In this instance, Cedarville Public School District filed its FCC Form 471 application 56 days after the window closed, which is not within a reasonable period of the filing window's close. On the other hand, Chumash Library Learning Center filed its FCC Form 471 application on April 13, 2023, which was 16 days after the window closed, which is a reasonable period of the filing window's close. For these reasons, we dismiss this Petition for Reconsideration.

On reconsideration, Guthrie Center Community School District raises a new argument that the illness of the school district's E-Rate coordinator's wife contributed to the late FCC Form 471 filing. 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 did not make this argument when it first filed the waiver request with the Commission on May 25, 2023, we dismiss the petition because it relies on an argument that was not raised previously. 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 also deny the petition on the merits. While we are sympathetic to the argument raised by Guthrie Center Community School District, the Commission has not waived the FCC Form 471 application filing deadline based on the argument that an E-rate staff person's spouse or other family member was suffering from an illness around the time of the deadline. For these reasons, we dismiss this Petition for Reconsideration.

Broward Junior Academy, FL, Application No. 231039392, Petition for Reconsideration, CC Docket No. 02-6 (filed June 26, 2023)

Cedarville Public School District, AR, Application No. 231039553, Petition for Reconsideration, CC Docket No. 02-6 (filed July 21, 2023)

Culbertson Public Library, NE, Application No. 231027838, Petition for Reconsideration, CC Docket No. 02-6 (filed July 7, 2023)

Gesher Jewish Day School, VA, Application No. 231039381, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 15, 2023)

Griffin Technology Academies, CA, Application No. 231039163, Petition for Reconsideration, CC Docket No. 02-6 (filed June 23, 2023)

Guthrie Center Community School District, IA, Application No. 231039238, Petition for Reconsideration, CC Docket No. 02-6 (filed July 26, 2023)

Promise Academy, TN, Application No. 231039071, Petition for Reconsideration, CC Docket No. 02-6 (filed June 29, 2023)

St. Joseph County Public Library, IN, Application No. 211022997, Petition for Reconsideration, CC Docket No 02-6 (filed Jan. 31, 2023)

Wecom (Topock Elementary School District 12 and Painted Desert Demonstration), AZ, Application Nos. 191009258, 191012365, Petition for Reconsideration, CC Docket No 02-6 (filed July 26, 2023)

Granted⁸

*Discount Calculation*⁹

Cornerstone Academy, CA, Application No. 868731, Request for Waiver, CC Docket No. 02-6 (filed Nov. 14, 2012)

⁸ 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).

⁹ *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, 10709, para. 13-14 (WCB 2006) (*Academia Claret Order*) (allowing the submission of discount calculation information when the applicant was previously unable to fully comply with the document request within USAC's permitted time period).

Consistent with precedent, we also waive the appeal filing deadline for Denver Christian Schools. *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*) (granting waivers of the deadline for filing appeals and waiver requests because the filers submitted their appeals/requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision).

Denver Christian Schools, CO, Application No. 221005651, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2023)

*Discount Calculation—Remand for USAC Determination*¹⁰

Las Vegas West School District, NM, Application No. 576721, Request for Review, CC Docket No. 02-6 (filed Dec. 10, 2010)

*Granting Additional Time to Respond to USAC with Information*¹¹

Dodgeland School District, WI, Application No. 171014866, Request for Waiver, CC Docket No. 02-6 (filed Feb. 28, 2020)

*Granting Additional Time to Respond to USAC with Information During Invoicing*¹²

Lafayette County School District, MO, Application No. 996523, Request for Waiver, CC Docket No. 02-6 (filed Jun. 22, 2017)

*Late-Filed FCC Form 471 Applications – Due to Serious Illness*¹³

Moscow Public Schools, KS, Application No. 231039265, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

St. John Evangelical Lutheran School, WI, Application No. 231038803, Request for Waiver, CC Docket No. 02-6 (filed Apr. 12, 2023)

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

¹⁰ During an audit, it was determined that Las Vegas West School District incorrectly applied an alternative discount calculation method. Because of the miscalculation, the school district's discount was reduced from 90% to 80%, making it ineligible for FY 2007 Priority Two funding because the funding cap only funded entities at the 81% level and above. In its appeal with the Commission, Las Vegas West School District argues that, in 2003, the New Mexico Public Education Department changed its calculation method. Based on this argument, the petitioner submitted evidence that the school district should receive an E-Rate Program discount at the 90% level. We make no determination based on this new evidence but remand this appeal to USAC for further review. *See, e.g., Academia Claret Order*, 21 FCC Rcd at 10708, para. 12 (remanding discount calculation appeals back to USAC for review and issue an award or denial based on a complete review and analysis). *See also supra* note 8.

¹¹ *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 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 where they were denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

¹² *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).

¹³ *See, e.g., Academy of Math and Science Order*, 25 FCC Rcd at 9259-60, paras. 8-9; *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Acorn Public Library District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15474, 15477-78, para. 6 (2008) (*Acorn Public Library Order*) (finding special circumstances exist to justify granting a waiver request where, for example, the E-Rate staff person in a small school district filed an E-Rate application 30 days late or less because of an unexpected serious illness).

Academir Preparatory Of Championsgate, FL, Application No. 231038996, Request for Waiver, CC Docket No. 02-6 (filed Apr. 26, 2023)

Crispus Attucks Charter School, PA, Application No. 231039099, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

Digital Pioneers Academy, DC, Application No. 231038831, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

Redbank Valley Public Library, PA, Application No. 231038588, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2023)

The Charlton School, NY, Application No. 231039109, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

*Ministerial and/or Clerical Errors*¹⁵

Asher Public Schools, OK, Application No. 231030081, Request for Waiver, CC Docket No. 02-6 (filed Aug. 3, 2023, supplemented Aug. 11, 2023)

Bais Chaya Mushka, CA, Application Nos. 171041150, 181006195, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 22, 2023)

Central Dewitt Community School District, IA, Application No. 231031348, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 4, 2023)

Delaware Opportunities, Inc, NY, Application No. 231005365, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 2, 2023)

Erie 1 BOCES, NY, Application No. 221016405, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 3, 2023, supplemented Aug. 18, 2023)

Keansburg School District #123005, NJ, Application No. 231029606, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 14, 2023, supplemented Aug. 15, 2023)

Maplewood Academy, MN, Application No. 231013360, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 30, 2023, supplemented Aug. 15, 2023)

Sallisaw Independent School District 1, Application No. 221021269, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 21, 2023, supplemented July 27, 2023)

Union City Area School District, PA, Application No. 181028973, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 29, 2018, supplemented Aug. 11, 2023)

Wood County School District, WV, Application No. 221018748, Request for Review and/or

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¹⁴ 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).

¹⁵ 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, 7, 15, 16, 17, 19, 20 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting waivers where the applicant entered the wrong FCC Form 470 number, category of service, price, discount rate, or date or omitted entities or services from source documents onto its FCC Form 471, and permitting correction when applicant made a typographical error or mischaracterized a contract as month-to-month service).

Waiver, CC Docket No. 02-6 (filed July 7, 2023)

*Ministerial and/or Clerical Errors – Invoicing*¹⁶

Peak Methods, Inc. (Heavener Public Schools), OK, Application No. 161054729, Request for Waiver, CC Docket No. 02-6 (filed Aug. 20, 2018)

*Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application*¹⁷

Avalon Independent School District, TX, Application No. 231021007, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2023)

Waco-McLennan Public Library, TX, Application No. 181021022, Request for Waiver, CC Docket No. 02-6 (filed Oct. 12, 2018)

*Services Delivered After Contract Expiration Date*¹⁸

Southwest Educational Development Center, UT, Application No. 211017360, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 26, 2023)

*Waiver of Appeal Filing Deadline*¹⁹

Maplebrook School, NY, Application No. 231001926, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2023)

YMCA of the East Bay, CA, Application No. 211024339, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2022)

¹⁶ See *Accomack County Public School Order*, DA 23-48, at paras. 7-9 (granting waivers where the E-Rate invoice filers entered the wrong service start date, application number, funding request number, customer bill date or inadvertently requested an invoice filing deadline extension for the wrong funding request number). We also waive section 54.720 of the Commission's rules because the petitioner filed its waiver request within 60 days of discovering or receiving notice of the ministerial or clerical error. See *id.* at para. 12.

¹⁷ 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). Avalon Independent School District attempted to add an FRN one day after the FY 2023 window closed. We direct USAC to add this funding request to Avalon Independent School District timely-filed FY 2023 FCC Form 471 application. Waco-McLennan Public Library did not realize this funding request was omitted until the FY 2018 application filing window had closed. We direct USAC to add this funding request to one of the petitioner's timely-filed FY 2018 FCC Form 471 applications.

¹⁸ See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5316-17, 5319-20, paras. 2, 9 (2006) (*Bishop Perry Order*) (finding that, under certain circumstances, rigid adherence to certain E-rate rules and requirements that are "procedural" in nature does not promote the goals of section 254 of the Act - ensuring access to discounted telecommunications and information services to schools and libraries - and, therefore, does not serve the public interest). See also, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District Barberton, Ohio, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 23 FCC Rcd 15526, 15530-31, paras. 8-9 (WCB 2008) (*Barberton City Order*).

¹⁹ See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of appeal filing deadline when the petitioners submitted their appeals or waiver requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 8.

*Waiver of Special Construction Service Delivery Deadline*²⁰

Arlington Independent School District, TX, Application No. 211040524, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2023)

Denied*Discount Rate*²¹

Midwest City Del City School District, OK, Application Nos. 578369, 562205, 559836, Request for Review, CC Docket No. 02-6 (filed Apr. 2, 2011)

NATIVE Vocational School District, AZ, Application No. 871949, Request for Review, CC Docket No. 02-6 (filed Nov. 30, 2015)

Yeshiva RLKTI Primary, NY, Application No. 726269, Request for Review, CC Docket No. 02-6 (filed Jan. 3, 2012)

*Failure to File FCC Form 470 for Current Funding Year*²²

Hammond Public Library, IN, Application No. 563276, Request for Review, CC Docket No. 02-6 (filed Nov. 30, 2012)

*Late-Filed FCC Form 471 Applications*²³

Academia Menonita Betania, PR, Application No. 231039256, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

Aspira, Inc. of Pennsylvania, PA, Application No. 231039591, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2023)

²⁰ 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 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 Arlington Independent School District 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. Arlington Independent School District asked for an extension until July 30, 2023 to complete the project. Accordingly, we waive the special construction service delivery deadline and direct USAC to provide the applicant this additional time to complete its special construction project. 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 8.

²¹ See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Enterprise City Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2372 (WCB 2012) (finding that the applicants did not provide sufficient documentation to support their requested discount rate).

²² See, e.g., *Review of the Decision of the Universal Service Administrator by Aberdeen School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 10 (2007) (*Aberdeen School District Order*) (denying appeal where applicant failed to file a new FCC Form 470 and solicit bids in the year for which it sought services, thereby circumventing the competitive bidding process).

²³ 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).

Bishop Ward High School, KS, Application No. 231039707, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2023)

Caesar E. Chavez Consortium, OH, Application No. 231039660, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2023, duplicate July 27, 2023)

Champion Christian School District, PA, Application No. 231039649, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2023)

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

City Church of Orlando, Inc., FL, Application No. 231027665, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2023)

Crown Pointe Academy, CO, Application No. 231039686, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2023)

Dixon School of the Arts and Sciences, FL, Application No. 231039692, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2023)

Eagle Elementary of Akron, OH, Application No. 231039575, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2023)

Esko Public School District #0099, MN, Application No. 231039525, Request for Waiver, CC Docket No. 02-6 (filed July 26, 2023)

Garfield County Library, NE, Application No. 231039631, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2023)

Good Shepherd Catholic Academy, NY, Application No. 231039332, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2023)

Gulf Beaches Public Library, FL, Application No. 231039671, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2023)

High Achievement Christian School, PR, Application No. 231039690, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2023)

Holy Redeemer Catholic School and Parish, OR, Application Nos. 231039509, 231039498, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2023)

Holy Rosary School, WA, Application No. 231039658, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2023)

Islamic Academy of Alabama, AL, Application No. 231039241, Request for Waiver, CC Docket No. 02-6 (filed Apr. 12, 2023)²⁴

Kountze Independent School District, TX, Application No. 231039694, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2023)

²⁴ In its waiver request, Islamic Academy of Alabama also seeks a waiver for Application No. 231038915. The Bureau already granted a waiver for this application. *See Streamlined Resolution of Requests Related to the Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 21-93, Public Notice, DA 23-433, at 18 (WCB May 31, 2023)

Kountze Independent School District, TX, Application No. 231039693, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2023)

La Lumiere School, Inc., IN, Application No. 231039717, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2023)

Leetonia Exempted Village School District, OH, Application Nos. 231039373, 231039380, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2023)

Letts Public Library, IA, Application No. 231039263, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

Lorain Public Library, OH, Application No. 231039668, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2023)

Mobile Public Library, AL, Application No. 231039670, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2023)

Mt. View-Birch Tree School District R3, MO, Application No. 231039355, Request for Waiver, CC Docket No. 02-6 (filed Apr. 26, 2023)

North Country Library System, NY, Application No. 221040906, Request for Waiver, CC Docket No. 02-6 (filed Dec. 9, 2022)

Pawnee School District R E 12, CO, Application No. 231039431, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2023)

Prairie-Hills School District 144, IL, No Application Filed, Request for Waiver, WC Docket No. 21-93 (filed Mar. 9, 2023)

Pulaski County School District, GA, Application No. 231039711, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2023)

Regional Safe School – Carlinville, IL, Application No. 231039266, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

Riceville Community School District, IA, Application No. 231039646, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2023)

Rosedale Christian Academy, MD, Application No. 231039678, Request for Waiver, CC Docket No. 02-6 (filed July 11, 2023)

Sargent School District RE-33J, CO, Application Nos. 231039608, 231039607, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2023)

School District of Oconee County, SC, Application Nos. 231039684, 231039683, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2023)

School of Dreams Academy, NM, Application No. 231039579, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2023)

Seneca Township High School District 160, IL, Application No. 231033426, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2023)

Spurger Independent School District, TX, Application No. 231033222, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2023)

St. Mary's Catholic School, MN, Application No. 231039254, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023)

Warren Glen Academy, NJ, Application No. 231039732, Request for Waiver, CC Docket No. 02-6 (filed Aug. 3, 2023)

Warsaw C U School District 316, IL, Application No. 231039719, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2023)

Winfield Mt. Union Community School District, IA, Application No. 231009207, Request for Waiver, CC Docket No. 02-6 (filed Feb. 6, 2023)²⁵

Yakima Valley Libraries, WA, Application Nos. 231039636, 231039422, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2023)

*Late-Filed Invoice or Invoice Deadline Extension*²⁶

Ascent Classical Academy DougCo Consortium, CO, Application No. 211039802, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2023)

ASPIRA, Inc. of Pennsylvania, PA, Application No. 211020129, Request for Waiver, CC Docket No. 02-6 (filed May 5, 2023)

ASPIRA, Inc. of Pennsylvania, PA, Application No. 211020129, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2023)

ASU Preparatory Academy, AZ, Application No. 211034970, Request for Waiver, CC Docket No. 02-6 (filed Aug. 7, 2023)

Auglaize County Public District Library, OH, Application No. 201019812, Request for Waiver, CC Docket No. 02-6 (filed Feb. 28, 2022)

Edge Information Technologies (Marion Public Library), IN, Application No. 211014878, Request for Waiver, CC Docket No. 02-6 (filed Aug. 15, 2023)

Kindle Farm School, VT, Application No. 211037323, Request for Waiver, CC Docket No. 02-6 (filed May 3, 2023)

Krum Independent School District, TX, Application No. 191006525, Request for Waiver, CC Docket No. 02-6 (filed July 1, 2021)

Synergetics, Inc. (West Bolivar Consolidated School District), MS, Application No. 191034303, Request for Waiver, CC Docket No. 02-6 (filed Aug. 10, 2023)

*Ministerial and/or Clerical Errors*²⁷

²⁵ Winfield Mt. Union Community School District did not file an application at all for FY 2022 and is attempting to use an FY 2023 E-Rate application for services already delivered in FY 2022.

²⁶ 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).

Bridges Academy, CA, Application No. 231028821, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Jan. 24, 2023)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-rate Services Later Requested*²⁸

Barren County School District, KY, Application No. 231034263, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2023)

*Service Substitution*²⁹

Hebrew Academy of Special Children, NY, Application No. 221025390, Request for Waiver, CC Docket No. 02-6 (filed Mar. 30, 2023)

*Untimely Filed Appeals or Waiver Requests*³⁰

Centro Tecnológico Iglesia de Dios Pentocostal, PR, Application Nos. 211017083, 211017079, Request for Waiver, CC Docket No. 02-6 (filed Mar. 22, 2022)

Chabad of Southern Nevada, NV, Application No. 191002944, Request for Waiver, CC Docket No. 02-6 (filed Nov. 22, 2022)

Golden Plains Unified School District, CA, Application No. 171000922, Request for Waiver, CC Docket No. 02-6 (filed Sept. 26, 2018)

Keller Independent School District, TX, Application No. 191041828, Request for Waiver, CC Docket No. 02-6 (filed Aug. 1, 2023)

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

²⁸ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

²⁹ *Requests for Waiver Of Sections 54.504(C), 54.504(F), 54.507(C), and 54.507(G) of the Commission's Rules, State Of Louisiana Department Of Education Baton Rouge, La, Recovery School District New Orleans, La, New Orleans Public Schools New Orleans, La, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 F.C.C.R. 1653, 1662, para. 17 (2010) (denying a service substitution request where the request does not meet the first prong of the criteria specified in our rules for granting such a request, and specifically finding that equipment that provides switching functions and the services necessary to maintain the switches provide two separate functionalities).

³⁰ 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).

Ocean Tides School, RI, Application No. 231038580, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2023)

San Joaquin Valley Library System, CA, Application No. 211036849, Request for Waiver, CC Docket No. 02-6 (filed July 23, 2023)

*Urban/Rural Classification*³¹

Sweetwater County School District 01, WY, Application No. 181033784, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2018)

Rural Health Care Program
WC Docket No. 02-60

Granted

*Waiver of the Invoice Filing Deadline*³²

Community Health Center Association of Mississippi, MS, Request for Waiver, WC Docket No. 02-60, Funding Request No. 19663721 (filed May 10, 2023)

*Waiver of the Service Provider Identification Number Change Deadline*³³

Southern Hills Counseling Center, Inc. - Paoli, IN, Request for Waiver, WC Docket No.02-60, Funding Request No. 21988251 (filed June 6, 2023)

*Competitive Bidding – Waiver of 28 Day Waiting Period*³⁴

³¹ We deny Sweetwater County School District 01's request to declare that it is located in a non-urban location. An individual school or library will be designated as “urban” if located in an “Urbanized Area” or an “Urban Cluster” with a population equal to or greater than 25,000, as determined by the most recent rural-urban classification by the U.S. Census Bureau (Census Bureau). *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15592, para. 136 (2014) (*Second 2014 E-Rate Order*); 47 C.F.R. § 54.505(b)(3)(i)-(ii). The Census Bureau’s 2010 rural-urban classification was used for Funding Year 2018 which classifies Rock Springs, WY, as urban. *See also* https://www2.census.gov/geo/docs/reference/ua/ua_list_all.xls.

³² *See In re Rural Health Care Mechanism*, CC Docket No. 02-60, Order, 35 FCC Rcd 1986, 1988-89, para. 9 (WCB 2020) (granting waiver of the invoice filing deadline in light of “technical issues” that prevented filers from meeting it); *Abbotsford School District Order*, 27 FCC Rcd at 15300, para. 2 (waiving invoice filing deadline due to delays beyond the control of the entities requesting a waiver). 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 date of this Public Notice or the issuance of a Funding Commitment Letter, to file invoices with USAC.

³³ *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 also 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).

³⁴ *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, WC Docket No. 02-60, Public Notice, DA 22-1008, 2022 WL 5241209 at *6 & n. 26 (WCB, Sept. 30, 2022) (granting request for review where service agreement provided a basis for a competitive bidding exemption despite the lack of

(continued....)

Hawaii Telehealth Consortium., HI, Appeal, WC Docket No. 02-60, Funding Request No. 21144311 (filed Nov. 18, 2022)

*Competitive Bidding – Master Service Agreement Competitive Bidding Exemption*³⁵

Eastern Kansas Health Network, Inc., KS, Petition for Waiver, WC Docket No. 02-60, Funding Request No. 17263751 (filed May 11, 2022)

Denied

*Denial of Waiver Request of the Invoice Filing Deadline*³⁶

Magna 5, LLC (Various Health Care Providers), NY, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 21943421, 21944181, 21944231, 21952061, 21952091, 21952101, 21952141, 21952311, 21952331, 21952361 (filed May 8, 2023)

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an applicable evergreen contract bidding exemption). Hawaii Telehealth Consortium (HTC) received Health Care Fund (HCF) Program support for funding year 2020 based on a three-year service agreement that USAC designated as evergreen. When seeking HCF Program support for funding year 2021, HTC indicated that it qualified for the evergreen contract bidding exemption, citing the same service agreement. However, HTC indicated a different contract ID on its network cost worksheet (NCW) than the ID associated with the evergreen agreement. USAC denied the funding request because HTC failed to provide confirmation that the NCW contract ID is an extension of the evergreen agreement. Our review of the record, however, indicates that the evergreen contract qualifies for the master service agreement competitive bidding exemption because it was developed and negotiated in response to an request for proposal that by its terms specifically solicited proposals that included a mechanism for adding additional sites to the master service agreement, as required by our rules. *See* 47 CFR § 54.622(i)(2). We therefore grant HTC’s appeal and remand the funding request to USAC for further action.

³⁵ *See, e.g., Aberdeen School District Order*, 22 FCC Rcd at 8762-63, para.9 (2007) (granting waivers of violations of the 28-day rule in the E-Rate Program when the applicants missed the deadline by only one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time); *see also Request for Waiver by Elite Program Specialists, LLC*, WC Docket No. 02-60, Order, DA 22-554, para. 7 (2022). Eastern Kansas Health Network (EKHN) submitted a FCC Form 461 to initiate competitive bidding for funding year 2017 support on April 24, 2017. USAC posted the Form 461 on April 27, 2017, and designated May 26, 2017, as the Allowable Contract Selection Date (ACSD). EKHN received only one bid, and “in error” entered into a service agreement with the responding vendor on May 25, 2017. As the agreement was entered into only one day before the ACSD, we find that EKHN conducted a meaningful competitive bidding process and grant its appeal.

³⁶ *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) (denying a request for waiver of the invoice filing deadline when the petitioner missed the deadline due to personnel issues).

Emergency Connectivity Fund Program
WC Docket No. 21-93

Dismissed on Reconsideration³⁷

Hoosic Valley Central School District, NY, Application No. ECF202114830, Petition for Reconsideration, WC Docket No. 21-93 (filed July 28, 2023)

Granted³⁸

*Early Delivery*³⁹

Ascend Leadership Academy, NC, Application No. ECF202202340, Request for Waiver, WC Docket No. 21-93 (filed Aug. 21, 2023)

*Granting Additional Time to Respond to USAC's Request for Information*⁴⁰

Reece School, NY, Application No. ECF202106657, Request for Waiver, WC Docket No. 21-93 (filed July 13, 2023)

*Late-Filed ECF FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*⁴¹

Blue Ridge Opportunity Commission, NC, Application No. ECF202209791, Request for Waiver, WC Docket No. 21-93 (filed June 8, 2022)

Capital Area Community Action Agency, FL, Application No. ECF202209803, Request for Waiver, WC Docket No. 21-93 (filed June 15, 2022)

³⁷ See, e.g., *Allan Shivers Library Order*, 29 FCC Rcd at 10357, para. 2 (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, 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. See *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*).

³⁸ See *supra* note 8.

³⁹ 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, 37 FCC Rcd 7445, 7459 n.25 (WCB 2022) (granting requests for waivers for equipment delivered before the start of the approved funding year).

⁴⁰ See, e.g., *Alpaugh Unified School District Order*, 22 FCC Rcd at 6035 *Ben Gamla Palm Beach Order*, 29 FCC Rcd at 1876 (granting applicants' requests for review where they were 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. See *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8746, paras. 90, 107.

⁴¹ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the application filing window deadline). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Programs, including the E-Rate Program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund Program, we now rely on E-Rate program precedent to resolve petitions for waiver of the Emergency Connectivity Fund Program application filing deadline. See *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8740, 8746, paras. 90, 107.

Carden Academy of Maui, HI, Application Nos. ECF202209787, ECF202209788, Request for Waiver, WC Docket No. 21-93 (filed May 22, 2022)

Cesar Chavez Public Charter School, DC, Application No. ECF202209780, Request for Waiver, WC Docket No. 21-93 (filed May 31, 2022)

Colegio San Jose Lares, PR, Application No. ECF202209732, Request for Waiver, WC Docket No. 21-93 (filed May 16, 2022)

EPIC Charter (Excellence Performance Innovation Citizenship), CA, Application No. ECF202209755, Request for Waiver, WC Docket No. 21-93 (filed May 17, 2022)

Greg Mathis Charter High School, SC, Application No. ECF202209754, Request for Waiver, WC Docket No. 21-93 (filed May 16, 2022)

Growing Up Green Charter School, NY, Application No. ECF202209737, Request for Waiver, WC Docket No. 21-93 (filed May 17, 2022)

Growing Up Green Charter School II, NY, Application No. ECF202209738, Request for Waiver, WC Docket No. 21-93 (filed May 17, 2022)

Hebrew Academy/Margate, FL, Application No. ECF202209739, Request for Waiver, WC Docket No. 21-93 (filed May 16, 2022)

Hibbing Independent School District 701, MN, Application No. ECF202209807, Request for Waiver, WC Docket No. 21-93 (filed May 26, 2022)

Houston Quran Academy MAS Katy Center, TX, Application Nos. ECF202209777, ECF202209778, Request for Waiver, WC Docket No. 21-93 (filed June 16, 2022)

John Rex Charter School, OK, Application No. ECF202209789, Request for Waiver, WC Docket No. 21-93 (filed May 20, 2022)

Kalkaska Public Schools, MI, Application No. ECF202209785, Request for Waiver, WC Docket No. 21-93 (filed May 20, 2022)

Knowledge-First Empowerment Academy, TX, Application No. ECF202209756, Request for Waiver, WC Docket No. 21-93 (filed May 19, 2022)

Liguori Inc. DBS Liguori Academy, PA, Application No. ECF202209757, Request for Waiver, WC Docket No. 21-93 (filed May 17, 2022)

Madina Academy, CT, Application Nos. ECF202209758, ECF202209759, Request for Waiver, WC Docket No. 21-93 (filed June 15, 2022)

Marysville Public School District, MI, Application No. ECF202209786, Request for Waiver, WC Docket No. 21-93 (filed May 20, 2022)

Mesabi East School District 2711, MN, Application No. ECF202209770, Request for Waiver, WC Docket No. 21-93 (filed May 18, 2022)

Mountain View Lutheran School, NV, Application No. ECF202201380, Request for Waiver, WC Docket No. 21-93 (filed May 24, 2022)

Northern Summit Academy – Shasta, CA, Application No. ECF202209781, Request for Waiver, WC Docket No. 21-93 (filed May 19, 2022)

Onondaga-Cortland-Madison Boces, NY, Application No. ECF202209764, Request for Waiver, WC Docket No. 21-93 (filed May 23, 2022)

Paradise USD 399, KS, Application No. ECF202209774, Request for Waiver, WC Docket No. 21-93 (filed May 23, 2022)

Rockcastle County School District, KY, Application No. ECF202209761, Request for Waiver, WC Docket No. 21-93 (filed May 17, 2022)

Schoharie Central School District, NY, Application No. ECF202209805, Request for Waiver, WC Docket No. 21-93 (filed May 26, 2022)

Starkville Oktibbeha Consolidated School District, MS, Application No. ECF202209817, Request for Waiver, WC Docket No. 21-93 (filed June 10, 2022)

Summit School District Re-1, CO, Application Nos. ECF202209783, ECF202209784, Request for Waiver, WC Docket No. 21-93 (filed May 19, 2022)

Uniondale Union Free School District, NY, Application No. ECF202209753, Request for Waiver, WC Docket No. 21-93 (filed May 20, 2022)

*Late-Filed ECF FCC Form 471 – Application Filed More than 30 Days Late*⁴²

Bais Reuvan Kaminetz of Lakewood, NJ, Application No. ECF202209828, Request for Waiver, WC Docket No. 21-93 (filed June 1, 2022)

Biblioteca Municipal de Las Piedras, PR, Application No. ECF202207750, Request for Waiver, WC Docket No. 21-93 (filed July 6, 2022)

Bibliotecas Municipio de Ponce, PR, Application No. ECF202209829, Request for Waiver, WC Docket No. 21-93 (filed June 2, 2022)

Community Coordinated Care for Children 4C, FL, Application No. ECF202209849, Request for Waiver, WC Docket No. 21-93 (filed June 16, 2022)

Hawaii Academy of Arts & Science, HI, Application No. ECF202209848, Request for Waiver, WC Docket No. 21-93 (filed June 16, 2022)

⁴² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Agri-Business Child Development et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 8278, 8280, para. 7 (WCB 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the FCC Form 471 application filing window deadline for applicants impacted by the coronavirus (COVID-19) pandemic that requested a waiver of the filing deadline and submitted their applications within 60 days of the close of the filing window); see also *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, Public Notice, 35 FCC Rcd 9927, 9931 n.13 (WCB 2021) (finding good cause to extend the waiver standard set out in the *Agri-Business Child Development Order* to applicants who filed their applications within 99 days of the funding year 2020 FCC Form 471 application filing window deadline); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, 36 FCC Rcd 10035, 10037, n.7 (WCB June 30, 2021) (extending the *Agri-Business Child Development Order* waiver standard to E-Rate funding year 2021 applicants); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, 96-45, WC Docket Nos. 02-60, 21-93, 10-90, 05-337, 06-122, Public Notice, 37 FCC Rcd 2683, 2688, n.12 (WCB 2022) (granting late-filed ECF FCC Form 471 applications).

Iman Academy SW, TX, Application No. ECF202209760, Request for Waiver, WC Docket No. 21-93 (filed June 9, 2022)

Islamic Academy of Alabama, AL, Application No. ECF202209845, Request for Waiver, WC Docket No. 21-93 (filed Sept. 27, 2022)

Ka Umeke Kao PCS, HI, Application No. ECF202209824, Request for Waiver, WC Docket No. 21-93 (filed June 16, 2022)

New Horizon School West Los Angeles, CA, Application No. ECF202209846, Request for Waiver, WC Docket No. 21-93 (filed July 15, 2022)

Orange Crescent School, CA, Application No. ECF202209876, Request for Waiver, WC Docket No. 21-93 (filed July 6, 2022)

Prospect Ridge Academy, CO, Application No. ECF202209819, Request for Waiver, WC Docket No. 21-93 (filed June 24, 2022)

Wallkill Central School District, NY, Application No. ECF202209823, Request for Waiver, WC Docket No. 21-93 (filed June 2, 2022)

Washington Public Library, NJ, Application No. ECF202209826, Request for Waiver, WC Docket No. 21-93 (filed June 8, 2022)

Wilmington City School District, OH, Application No. ECF202209884, Request for Waiver, WC Docket No. 21-93 (filed July 18, 2022)

*Payment Verification*⁴³

Butte Central Catholic School, MT, Application No. ECF202105801, Request for Review and/or Waiver, WC Docket No. 21-93 (filed July 26, 2023)

Franklin County Vo-Tech School District, MA, Application No. ECF202104344, Request for Review and/or Waiver, WC Docket No. 21-93 (filed July 5, 2023)

⁴³ 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. See *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8746, paras. 90, 107.

Sulphur Independent School District 1, OK, Application No. ECF202114194, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 3, 2023)⁴⁴

*Reasonable Support Amount*⁴⁵

NYSARC Inc, New York City Chapter, AHRC New York City, NY, Application No. ECF202206508, Request for Waiver, WC Docket No. 21-93 (filed May 17, 2022)

*Timely-Filed Appeals*⁴⁶

Coral Reef Montessori Academy Charter, FL, Application No. ECF202108947, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Aug. 1, 2023)

*Waiver of the Appeal Filing Deadline*⁴⁷

Legacy Academy, AR, Application No. ECF202111827, Request for Waiver, WC Docket No. 21-93 (filed Jan. 30, 2023)

Quality Education and Development LLC, NY, Application No. ECF202114363, Request for Waiver, WC Docket No. 21-93 (filed July 21, 2023)

⁴⁴ We also remand E-Rate application number 231012845 back to USAC and direct USAC to complete its review of the applications and issue a funding decision based on a complete review and analysis. *See, e.g., Metropolitan Nashville Public Schools, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 12334 (WCB 2018) (granting a limited waiver of the red light rule given the disproportionate penalty the applicant would suffer coupled with other unique circumstances presented).

⁴⁵ *See Requests for Waiver and Review of Decisions of the Emergency Connectivity Fund Program Administrator by Fresno Unified School District, et al.*, WC Docket No. 21-93, Order, 37 FCC Rcd 15 (WCB 2022) (waiving the \$400 reasonable support amount cap for connected devices needed to meet the remote learning needs of students, school staff and library patrons with disabilities); *see also Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8731, para. 70 (recognizing that the reasonable cost of connected devices for individuals with disabilities may be higher than the \$400 cap in the ECF program and directing schools and libraries to seek a waiver of the support amount cap if they can demonstrate that the additional cost for the connected devices is necessary to meet the remote learning needs of students, school staff and library patrons with disabilities). We make no finding as the ultimate eligibility of the applications for which we allow a waiver of the reasonable support amount. *See supra* note 8.

⁴⁶ *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. *See Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8746, paras. 90, 107.

⁴⁷ *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.; Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8740, 8746, paras. 90, 107. 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 8.

Denied*Ineligible Entities*⁴⁸

Queen University, GA, Application No. ECF202209743, Request for Waiver, WC Docket No. 21-93 (filed May 17, 2022)

*Late-Filed ECF FCC Form 471 Applications*⁴⁹

Classical Academy Charter School of Clifton, NJ, Application No. ECF202209954, Request for Waiver, WC Docket No. 21-93 (filed Nov. 18, 2022)

Colonial Heights Public Schools, VA, Application No. ECF202209978, Request for Waiver, WC Docket No. 21-93 (filed Nov. 17, 2022)

Heartland Library Cooperative, FL, Application No. ECF202209938, Request for Waiver, WC Docket No. 21-93 (filed Sept. 19 & 22, 2022)

Paterson Public Schools, NJ, Application No. ECF202209931, Request for Waiver, WC Docket No. 21-93 (filed Oct. 12, 2022)

Saint Elizabeth Ann Seton School, AK, No Application No., Request for Waiver, WC Docket No. 21-93 (filed May 24, 2022)

Scappoose Public Library District, OR, No Application No., Request for Waiver, WC Docket No. 21-93 (filed May 13, 2022)

Sullivan County Public Library, TN, Application No. ECF202210098, Request for Waiver, WC Docket No. 21-93 (filed May 29, 2023)

⁴⁸ 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 of the Decision of the Universal Service Administrator 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, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 936, 940, para. 11 (CCB 2003) (emphasizing that the ultimate burden of proof remains on the applicant). 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, to adopt the same rules of eligibility for participating schools and libraries as 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. See 47 CFR § 54.1700(g), (k) (defining eligible elementary and secondary schools for the purposes of the ECF program).

⁴⁹ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules); *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, 37 FCC Rcd 6423, 6439 n.13 (WCB 2022) (denying late-filed ECF FCC Form 471 applications).

Contribution Methodology**WC Docket No. 06-122**Denied

*Request for Waiver of Form 499-A Revision Deadline and Late Filing Fees*⁵⁰

Unified Telecom, Inc., Letter of Appeal, WC Docket No. 06-122 (filed Aug. 2, 2023)

Liberty Bell Telephone Co., Letter of Appeal, WC Docket No. 06-122 (filed July 27, 2023)

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

*High Cost Universal Broadband (HUBB) Milestone Certification Reporting*⁵¹

Rock Port Telephone Company, WC Docket No. 10-90, Waiver Request – Allow USAC to open HUBB for Milestone Certification (filed May 25, 2023)

⁵⁰ 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 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); *Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *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); *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 was not shown when filer claimed it did not have skilled personnel to interpret and correctly apply 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/>.

⁵¹ Rock Port Telephone Company timely uploaded and certified enough locations by March 1, 2023 to meet its interim milestone obligation, but did not timely certify that it met the milestone obligations. 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 HUBB portal but due to an inadvertent administrative oversight, the milestone obligation was not timely certified).

*Letter of Credit*⁵²

Declaration Networks Group, Inc., Petition for Temporary Waiver of Section 54.315(c)(2), WC Docket No. 10-90 (filed Aug. 2, 2023)

Denied*Waiver of One-Time Grace Period*⁵³

OzarksGo, LLC, Waiver Request, WC Docket No. 10-90 (filed July 21, 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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⁵² Declaration Networks Group, Inc. (DNG) seeks a temporary waiver of the Connect America Fund Phase II Auction (CAF II) Letter of Credit rules, which require a recipient of CAF II support to maintain a Letter of Credit (LOC) with a bank that maintains a Weiss safety rating of B- or better. We grant this waiver until December 15, 2023. See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 22-951 (WCB Sept. 13, 2022) (Point Broadband Order); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 23-419 (WCB May 17, 2023) (ECFiber Order); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 23-513 (WCB June 14, 2023) (DoCoMo Order).

⁵³ OzarksGo, LLC (OzarksGo) filed and certified its locations to the HUBB on March 6, 2023 due to issues filing locations. The data for CAF II was uploaded properly but not certified timely due to seeking guidance on correcting its initial upload of locations. The Universal Service Administrative Company (USAC) notified OzarksGo that a one-time grace period for late filing would be applied to avoid a support recovery. *Connect America Fund*, WC Docket No. 10-90, et al., Report and Order, 29 FCC 15644, 15690-93, paras. 132-38 (2014) (December 2014 Connect America Order) (establishing a one-time grace period for high-cost fund recipients that file late due to administrative oversight or inadvertence. The Commission stated that the one-time grace period applies to administrative or inadvertent mistakes, and if a recipient misses a deadline more than once, the support reduction should provide incentive for the recipient to revise their procedures to ensure late filings do not become a pattern).