



# 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. 21-93**  
**WC Docket No. 02-60**  
**WC Docket No. 18-213**  
**WC Docket No. 10-90**

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

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

**CC Docket No. 02-6**

#### **Dismiss as Moot—USAC Took Action Requested<sup>3</sup>**

George West School District, TX, Application No. 211015904, Request for Review, CC Docket No. 02-6 (filed Feb. 24, 2022)

<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Sections 54.719(b) and 54.1718(a)(1) of the Commission's rules provide that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Sections 54.719(c) and 54.1718(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c); 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.

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

<sup>3</sup> See, e.g., *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al-Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (*Al-Noor High School Order*) (dismissing as moot requests for review where USAC had taken the action the petitioner requested and issued new decisions approving funding).

Dismiss to Allow Appeal to be Filed with USAC<sup>4</sup>

Gilroy Unified School District, CA, Application No. 201041280, Request for Review, CC Docket No. 02-6 (filed May 12, 2022, supplemented June 27, 2022)

Gilroy Unified School District, CA, Application No. 211038623, Request for Review, CC Docket No. 02-6 (filed May 12, 2022, supplemented June 27, 2022)

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements<sup>5</sup>

Mapleton School District, OH, Application No. 221019543, CC Docket No 02-6 (filed Mar. 30, 2023)

The Hope Center for Autism, FL, No Application Number Given, CC Docket No 02-6 (filed Mar. 29, 2022)

Dismissed on Reconsideration<sup>6</sup>

Everly Public Library, IA, No Application Filed, Petition for Reconsideration, CC Docket No 02-6 (filed Aug. 14, 2023)

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<sup>4</sup> See *Petitions for Reconsideration by Little Falls Township School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, DA 23-110, para. 10 (WCB Feb. 8, 2023) (*Little Falls Township Order*) (dismissing without prejudice appeals that are filed with the Commission before being reviewed at USAC and waiving the 60-day appeal filing deadline to allow the party to refile its appeal with USAC). In this instance, Gilroy Unified School District filed an untimely appeal with USAC more than a few weeks after it submitted a timely-filed appeal to the Commission. As a result, USAC denied the appeal because it was filed more than 60 days after the date of the FCC Form 486 notification letter, which was the adverse decision. As a result, USAC dismissed the appeal on procedural grounds and did not make a determination on the merits. Gilroy Unified School District should now refile its appeals with USAC to allow the appeals to be considered on the merits by USAC without being considered late.

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](mailto:Appeals@usac.org).

<sup>5</sup> 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).

<sup>6</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers*

Northfield School District 659, MN, Application No. 231039602, Petition for Reconsideration, CC Docket No 02-6 (filed Aug. 18, 2023)

Packer Collegiate Institute, NY, Application No. 221040841, Petition for Reconsideration, CC Docket No 02-6 (filed Nov. 29, 2022)

Granted<sup>7</sup>

*Bid Accepted After Filing for FCC Form 471*<sup>8</sup>

Rockdale County School District, GA, Application No. 201036764, Request for Review, CC Docket No. 02-6 (filed Jan. 31, 2023)

*Contract Agreement in Place*<sup>9</sup>

Coffeyville Unified School District 445, KS, Application No. 191037080, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 6, 2022)

Huntingdon Area School District, PA, Application No. 201015489, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 9, 2023)

St. Louis City School District, MO, Application No. 211005276, Request for Review, CC Docket No. 02-6 (filed June 6, 2023)

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*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).

<sup>7</sup> We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>8</sup> USAC denied Rockdale County School District's application because it did not comply with the E-Rate program's competitive bidding requirements. Upon de novo review, we find that Rockdale County School District did wait 28 days before accepting the bid of the winning service provider. The acceptance of the bid, however, was done shortly after the FCC Form 471 was filed, in violation of our rules. Consistent with precedent, we grant a waiver of our rules in this instance. *See, e.g., Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15529-30, para. 7 (WCB 2008) (*Barberton City School District Order*); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Amphitheater Unified School District 10 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 7536, 7536-37, para. 2 (WCB 2013) (*Amphitheater Unified School District 10 Order*) (granting waivers of the signed contract requirement in instances where applicants misunderstood the program rules and submitted their FCC Form 471 applications before entering into an agreement).

<sup>9</sup> *See, e.g., Barberton City School District Order*, 23 FCC Rcd at 15532, para. 10 (granting on the merits when petitioners submitted evidence to the Commission demonstrating that they had a valid contract in place at the time it submitted its FCC Forms 471 to USAC).

*Discount Calculation*<sup>10</sup>

Orange Board of Education, CA, Application No. 221014587, Request for Waiver, CC Docket No. 02-6 (filed July 8, 2022)

*Discount Calculation—Allowing Submission of Discount Calculation Information*<sup>11</sup>

International Baseball Academy and High School, Inc., PR, Application No. 221037268, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2022)

McIntosh Area School, FL, Application No. 231031158, Request for Waiver, CC Docket No. 02-6 (filed Sept. 8, 2023)

Yeshivat Darche Eres Elementary School, NY, Application No. 221021277, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2022)

*Discount Calculation—Remand for USAC Determination*<sup>12</sup>

The Walden School, PA, Application No. 211019393, Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2022)

*Duplicative Services—Remand for USAC Determination*<sup>13</sup>

Seneca Family of Agencies, CA, Application No. 221038295, Request for Review, CC Docket No. 02-6 (filed Jan. 4, 2023)

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<sup>10</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 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).

<sup>11</sup> See, e.g., *Academia Claret Order*, 21 FCC Rcd at 10709, para. 13-14 (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).

<sup>12</sup> The Walden School's E-Rate application was approved at a 20 percent discount level when it was seeking a discount at the 40 percent level. On appeal to USAC, it did not present adequate evidence to demonstrate that The Walden School was eligible at the 40-percent level. After the appeal at USAC was denied, it submitted additional evidence to USAC regarding its discount eligibility. That appeal and evidence was transmitted to the Commission without USAC making an additional determination. We make no determination based on this new evidence presented by The Walden School but remand this appeal back 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 further processing). See also *supra* note 7.

<sup>13</sup> USAC referred this appeal to the Commission based on its determination that the issue raised on appeal relates to the denial of funding for which USAC had already issued its decision. While USAC has issued a decision, we find that the explanation in the denial raises an issue which Seneca Family of Agencies has not had an opportunity to address—specifically, that its funding request contained ineligible duplicative services. Based on this new justification for reducing its funding, Seneca Family of Agencies now submits evidence that USAC's determination was in error. Pursuant to Commission rules, USAC should be the first to make a determination of the duplicative services issue. See *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8970-71, paras. 250-52 (2014) (*First 2014 E-Rate Modernization Order*) (revising sections 54.719 and 54.720 of the Commission's rules to, among other things, require parties seeking appeal of a USAC decision to first seek review with USAC). We make no determination based on this issue but remand this appeal to USAC for further review. See also *supra* note 7.

*Eligible Entities*<sup>14</sup>

Teach Wisconsin, WI, Application No. 201002322, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 13, 2023, supplemented Jun. 8, 2023)

*Equipment Manufacturer or Equivalent*<sup>15</sup>

Baldy View Regional Occupation Program, CA, Application No. 221038295, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 17, 2023)

*Inadvertent Cancellation of FRN*<sup>16</sup>

Fort Wayne Community School District, IN, Application No. 211021419, Request for Review, CC Docket No. 02-6 (filed Jan. 26, 2023)

*Incorrect Service Start Date on FCC Form 486*<sup>17</sup>

Lake District School District 813, MN, Application No. 201029279, Request for Waiver, CC Docket No. 02-6 (filed Dec. 16, 2022)

*Ineligible Service*<sup>18</sup>

Orange County Public Schools, FL, Application No. 201015031, Request for Review CC Docket No. 02-6 (filed Jun. 9, 2023)

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<sup>14</sup> 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) (*Bootheel Consortium Order*) (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 the eligibility of entities listed on the invoice given the additional documentation submitted. *Id.* See also *supra* note 7.

<sup>15</sup> *Request for Review of a Decision of the Universal Service Administrator by Queen of Peace High School*, CC Docket No. 02-6, Order, 26 FCC Rcd 16466 (WCB 2011) (*Queen of Peace Order*) (requiring that applicants include “or equivalent” with any description in which they may list a specific manufacturer’s name, brand, product or service when seeking bids on an FCC Form 470 or an RFP).

<sup>16</sup> *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc., et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (*Joseph Jingoli & Son Order*) (granting petitioners’ requests to restore mistakenly cancelled funding requests).

<sup>17</sup> See, e.g., *Request for Review and/or Waiver by Glendale Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 1040 (WCB 2006); *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) (granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486).

<sup>18</sup> 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 ineligibility determination).

*Ministerial and/or Clerical Errors*<sup>19</sup>

Accelerated Learning Solutions, TN, Application No. 191033212, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 16, 2023, supplemented Sept. 5, 2023)

Beloved Community Charter School, NJ, Application No. 231014465, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 11, 2023, supplemented Sept. 18, 2023)

Brookville Area School District, PA, Application No. 231018459, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 24, 2023)

Celina City School District, OH, Application No. 231029416, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 8, 2023, supplemented Sept. 13, 2023)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 221024593, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 22, 2023, supplemented Aug. 22, 2023)

Frontier Public Schools, OK, Application No. 231022460, Request for Waiver, CC Docket No. 02-6 (filed Sept. 1, 2023)

Hamilton School District, WI, Application No. 231004856, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 17, 2023)

Lynchburg City School District, VA, Application No. 231013797, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 17, 2023, supplemented Sept. 5, 2023)

Prague Public Schools, OK, Application No. 231029286, Request for Waiver, CC Docket No. 02-6 (filed Sept. 1, 2023)

Sumner County School District, TN, Application No. 231005580, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 31, 2023)

*Ministerial and/or Clerical Errors – Invoicing*<sup>20</sup>

Junction City School District 69, OR, Application No. 201021256, Request for Waiver, CC Docket No. 02-6 (filed Dec. 30, 2022)

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<sup>19</sup> 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, 9, 15, 16, 17, 19 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting waivers where the applicant or USAC entered the wrong date, discount rate or the applicant omitted entities or services from source documents onto its FCC Form 471); *Joseph Jingoli & Son Order*, 22 FCC Rcd at 19228-29, paras. 3-4 (granting petitioners' request to correct a mistaken cancellation of a funding request).

<sup>20</sup> See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Accomack County Public School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 23-48, para. 7-9 (WCB Jan. 19, 2023) (*Accomack County Public School Order*) (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

(continued....)

Sandwich Isles Communications, Inc. (Kanu O Ka Aina New Century Public Charter School), HI, Application No. 201013735, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2023)

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

*Permitting Contract End Date Change*<sup>21</sup>

Las Cruces Public Schools, NM, Application No. 181015597, Request for Waiver, CC Docket No. 02-6 (filed Feb. 16, 2023)

*Price as Primary Factor*<sup>22</sup>

Coffeyville Unified School District 445, KS, Application No. 221032083, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2022)

Meridian Independent School District, TX, Application No. 201024914, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2023)

Rialto Unified School District, CA, Application No. 221032698, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 26, 2023)

*USAC Funding Error*<sup>23</sup>

Madison Metropolitan School District, WI, Application Nos. 201006894, 201006895, 201041583, Request for Review, CC Docket No. 02-6 (filed Nov. 12, 2022)

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section 54.720 of the Commission's rules in cases where the petitioners filed their waiver request within 60 days of discovering or receiving notice of the ministerial or clerical error. *See id.* at para. 12.

<sup>21</sup> Consistent with our obligation to conduct a de novo review of decisions made by USAC, we grant this request for review. *See* 47 CFR § 54.723. Based on the facts and circumstances of this case, we find that USAC should allow Las Cruces Public Schools to change its contract end date to June 30, 2021 to allow its invoices to be processed.

<sup>22</sup> *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6114-15, para. 9 (WCB 2011) (granting appeals where the record demonstrated that applicants gave the most weight to price during the bid evaluation process).

<sup>23</sup> We remand to USAC to evaluate whether an error was made in the reduction in funding. Based on the USAC Commitment Adjustment Letters, the school district's Category 2 budget exceeded its limit by \$5,832.30, however, USAC seeks to reduce funding by \$25,311.31. *Requests for Review of a Decision of the Universal Service Administrator by West Branch-Rose City Area School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd. 15470, 15472, para. 5 (WCB 2012) (remanding an application back to USAC when it appears a funding discrepancy could be resolved through USAC's review of the documentation submitted by the petitioner as part of its appeal).

*Waiver of Appeal Filing Deadline*<sup>24</sup>

DC Preparatory Academy, DC, Application No. 211040364, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2023)

Vector Resources, Inc. (Los Angeles Unified School District), CA, Application No. 442526, Request for Waiver, CC Docket No. 02-6 (filed Sept. 12, 2023)

*Waiver of Special Construction Service Delivery Deadline*<sup>25</sup>

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 201026123, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2023)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 201030231, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2023)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 211023509, Request for Waiver, CC Docket No. 02-6 (filed Aug. 18, 2023)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 201031673, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2023)

Central Consolidated School District 22, NM, Application No. 211002700, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2023)

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<sup>24</sup> See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District, et al*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (granting waivers of the 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 7.

<sup>25</sup> 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 these entities were unable to complete implementation for reasons beyond their and their service providers' control and made good faith efforts to comply with Commission rules and procedures. CENIC notes that its projects are in various stages of completion but that all should be done by the end of the year. We therefore give CENIC up until December 31, 2023 to complete the projects. We grant Central Consolidated School District 22 until June 30, 2024 to complete its project. We grant Education Service Center Region 10 d/b/a Fiber Network Consortium until December 31, 2023 to complete its project. We grant Mitchell School District 55 and Luckiamute Valley Charter School Consortia until June 30, 2024 to complete their projects. Accordingly, we waive the special construction service delivery deadline and direct USAC to provide the applicants this additional time to complete their special construction projects. 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 7.



Education Service Center Region 10 DBA Fiber Network Consortium, TX, Application No. 211035072, Request for Waiver, CC Docket No. 02-6 (filed May 5, 2023)<sup>26</sup>

Luckiamute Valley Charter School Consortia, OR, Application No. 221008884, Request for Waiver, CC Docket No. 02-6 (filed Sept. 15, 2023)

Mitchell School District 55, OR, Application No. 221035214, Request for Waiver, CC Docket No. 02-6 (filed Sept. 15, 2023)

## Denied

### *Duplicative Services*<sup>27</sup>

Addie Mae Collins Community Service, NY, Application No. 221006772, Request for Review, CC Docket No. 02-6 (filed Jan. 4, 2023)

Nash-Edgecomb Economic Development Inc., NC, Application No. 221005238, Request for Review, CC Docket No. 02-6 (filed Jan. 3, 2023)

### *Failure to File FCC Form 470 for Current Funding Year*<sup>28</sup>

Hammond Public Library, IN, Application No. 843658, Request for Waiver, CC Docket No. 02-6 (filed Nov. 30, 2012)

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

Chicago Jewish Day School, IL, Application No. 221040895, Request for Waiver, CC Docket No. 02-6 (filed Oct. 26, 2022)

De La Salle Academy, NY, Application No. 231039757, Request for Waiver, CC Docket No. 02-

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<sup>26</sup> Education Service Center Region 10 d/b/a Fiber Network Consortium argues that it should have received an automatic one-year extension of the service delivery deadline for non-recurring services under the Commission's rules because its FCDL was issued after March 1 of the funding year. *See* 47 CFR §54.507(d)(4)(i). While this is true for most non-recurring services, applicants receiving E-Rate funding for special construction do not receive automatic extensions. If an applicant has not received an FCDL on or before the June 30 deadline, they must request an extension of this deadline by filing a customer service case in EPC and attaching a completed Special Construction Deadline Extension Request (SCDER) to the case on or before June 30. *See* <https://apps.usac.org/sl/tools/news-briefs/preview.aspx?id=1012>.

<sup>27</sup> *See Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 92009-10, paras. 22-23 (2003) (*Universal Service Second Report and Order*) (noting that requests for duplicative services, described as services that provide the same functionality for the same population in the same location during the same period of time, will be rejected).

<sup>28</sup> *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).

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

6 (filed Aug. 15, 2023)

Midland School District #7, IL, Application No. 221040843, Request for Waiver, CC Docket No. 02-6 (filed Sept. 8, 2023)

Norris School District, WI, Application No. 221040838, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2022)

North Country Library System, NY, Application No. 221040906, Request for Waiver, CC Docket No. 02-6 (filed Dec. 8, 2022)

Ohr Chadash Academy, MD, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2023)

Smith Academy for Excellence, IN, Application No. 231039651, Request for Waiver, CC Docket No. 02-6 (filed Aug. 16, 2023)

Tapestry Public Charter School, GA, Application No. 221040836, Request for Waiver, CC Docket No. 02-6 (filed Sept. 19, 2022)

Wood County Coop, TX, Application No. 231039758, Request for Waiver, CC Docket No. 02-6 (filed Aug. 16, 2023)

Yankton School District 63-3, SD, Application No. 221041061, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2022)

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

Aspire Technology Partners, LLC (Elizabeth Public School), NJ, Application No. 191025499, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2023)

Comcast Business Communications (Elverta Joint Elementary School District), PA, Application No. 211000850, Request for Waiver, CC Docket No. 02-6 (filed Aug. 15, 2023)

Edinburg CISD, TX, Application Nos. 211022484, 211023670, 211036828, Request for Waiver, CC Docket No. 02-6 (filed Sept. 1, 2023)

School District of Maple, WI, Application No. 211033997, Request for Waiver, CC Docket No. 02-6 (filed Feb. 15, 2023)

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<sup>30</sup> 47 CFR § 54.514. *See also, e.g., Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (*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).

*Red Light Rule Violation*<sup>31</sup>

Southeastern Victory College, PR, Application Nos. 201033723, 201033710, Request for Waiver, CC Docket No. 02-6 (filed Mar. 17, 2022)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-rate Services Later Requested*<sup>32</sup>

Madison Metro School District, WI, Application No. 161056119, Request for Waiver, CC Docket No. 02-6 (filed Dec. 26, 2018)

Spokane School District 81, WA, Application No. 161028639, Request for Waiver, CC Docket No. 02-6 (filed Apr. 7, 2017)

*Untimely Filed Appeals or Waiver Requests*<sup>33</sup>

Mequon-Thiensville School District, WI, Application Nos. 221039254, 221039253, 221039252, Request for Waiver, CC Docket No. 02-6 (filed Sept. 21, 2022)

Riverside Technologies, Inc. (Douglas School District 51-1), SD, Application No. 211023216, Request for Waiver, CC Docket No. 02-6 (filed Jun. 6, 2023)

Riverside Technologies, Inc. (Eldora-New Providence School District), IA, Application No. 191038563, Request for Waiver, CC Docket No. 02-6 (filed Jun. 6, 2023)

Riverside Technologies, Inc. (Red Oak Community School District), IA, Application No. 211017632, Request for Waiver, CC Docket No. 02-6 (filed Jun. 6, 2023)

Riverside Technologies, Inc. (Verdigre Public Library), NE, Application No. 201020351, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2023)

SFM Charities, Inc., PR, Application Nos. 201035434, 201035476, 211036698, Request for Review, CC Docket No. 02-6 (filed Jan. 13, 2023)

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<sup>31</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc., Wheeling School District 21, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13122, 13126, para 6 (WCB 2013) (*Net56 Order*) (denying E-Rate applicant's request for a waiver of the red light rule and dismissing their E-Rate application where the applicant failed to timely pay the debt).

<sup>32</sup> 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 applicants' appeals that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

<sup>33</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684, 5688, para. 6 (WCB 2010) (*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).

West Central School District, IA, Application No. 221039300, Request for Waiver, CC Docket No. 02-6 (filed Jan. 30, 2023)

*Violation of the Competitive Bidding 28-Day Rule*<sup>34</sup>

Bayonne School District, NJ, Application No. 825783, Funding Request Number 2263698, Request for Review, CC Docket No. 02-6 (filed Feb. 28, 2014)

Eastport/South Manor Central School District, NY, Application No. 760734, Request for Review, CC Docket No. 02-6 (filed Aug. 20, 2013)

**Emergency Connectivity Fund Program**

**WC Docket No. 21-93**

Dismissed as Moot<sup>35</sup>

Biblioteca Rio Canas Abajo, PR, Application No. ECF202114810, Request for Waiver, WC Docket No. 21-93 (filed Nov. 2, 2022)

Grand Rapids Public School, MI, Application Nos. ECF202107664, ECF202206487, Request for Waiver, WC Docket No. 21-93 (filed Feb. 27, 2023)<sup>36</sup>

Youthbuild Charter School, CA, Application No. ECF202104794, Request for Waiver, WC Docket No. 21-93 (filed June 23, 2023)<sup>37</sup>

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<sup>34</sup> See, e.g., *Application for Review of a Decision of the Universal Service Administrator by Challis Joint School District #181; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd. 3812, 3814, para. 5 (WCB 2011) (*Challis Joint School District Order*) (denying request for review where applicant selected a service provider for E-rate services prior to submitting its FCC Form 470 when the rule requires the applicant to wait at least 28 days after such posting).

<sup>35</sup> See, e.g., *Al-Noor High School Order*, 27 FCC Rcd at 8223 (dismissing as moot requests for review where USAC took the requested action).

<sup>36</sup> In its request, Grand Rapids Public Schools requested an extension of the invoice filing deadline. The record shows that the invoice filing deadlines were extended for Grand Rapids Public School's funding requests as a result of recent actions taken by the Wireline Competition Bureau. See *Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 23-405, 2023 WL 3579192, at \*4 (WCB May 12, 2023) (*May 2023 Service Delivery Deadline Extension Order*); *Request for Waiver by T-Mobile USA, Inc.; Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 23-669, 2023 WL 5262666, at \*2, para. 8 (WCB Aug. 14, 2023) (*ECF Invoice Filing Waiver Order*).

<sup>37</sup> In its request, Youthbuild Charter School requested an extension of the service delivery deadline. The record shows that the service delivery deadline was extended for Youthbuild Charter School's funding request as a result of recent actions taken by the Wireline Competition Bureau. See *Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 23-405, 2023 WL 3579192, at \*4 (WCB May 12, 2023) (*May 2023 Service Delivery Deadline Extension Order*).

Granted<sup>38</sup>*Early Delivery*<sup>39</sup>

Griffith Public Schools, IN, Application No. ECF202109103, Request for Waiver, WC Docket No. 21-93 (filed Aug. 23, 2023)

*Ministerial and/or Clerical Error*<sup>40</sup>

George County School District, MS, Application No. ECF202115221, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Mar. 30, 2022)

Heritage Academy, MS, Application No. ECF202115114, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Mar. 30, 2022)

North Tippah School District, MS, Application No. ECF202114987, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Mar. 30, 2022)

*Payment Verification*<sup>41</sup>

Felicity-Franklin School District, OH, Application No. ECF202108806, Request for Waiver and/or Review, WC Docket No. 21-93 (filed Aug. 23, 2023)

San Juan Christian Academy, PR, Application No. ECF202114890, Request for Waiver, WC Docket No. 21-93 (filed Aug. 29, 2023)

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<sup>38</sup> See *supra* note 7.

<sup>39</sup> 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).

<sup>40</sup> See, e.g., *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17320-21, para. 2, n.20 (permitting correction when applicant selected the wrong category of service in its FCC Form 471). 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.

<sup>41</sup> 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). 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.

Denied*Failure to Satisfy Debt/Red Light Rule*<sup>42</sup>

Faith Christian School, IN, Application No. ECF202209889, Request for Waiver, WC Docket No. 21-93 (filed June 16, 2022 & July 21, 2022)

*Late-Filed ECF FCC Form 471 Applications*<sup>43</sup>

John C. Fremont Library District, CO, No Application No., Request for Waiver, WC Docket No. 21-93 (filed Aug. 13, 2021)

St. Elizabeths School, CO, Application No. ECF222121217, Request for Waiver, WC Docket No. 21-93 (filed Mar. 22, 2022)

St. Thomas Aquinas, IA, No Application No., Request for Waiver, WC Docket No. 21-93 (filed Aug. 12, 2021)

**Rural Health Care Program**  
**WC Docket No. 02-60**Granted*Competitive Bidding– Requirement to Submit Copies of All Bids Received*<sup>44</sup>

Quality of Life Health Services, AL, Appeal, WC Docket No. 02-60, Funding Request No. 19657061 (filed March 5, 2021)

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<sup>42</sup> See, e.g., *Net56 Order*, 28 FCC Rcd. at 13126, para 6 (denying E-Rate applicant's request for a waiver of the red light rule and dismissing their funding request for not paying an outstanding debt).

<sup>43</sup> 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).

<sup>44</sup> *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5320 (2006) (granting appeals of decisions by USAC due to minor clerical or ministerial errors in the applications). Quality of Life Health Services (Quality of Life) received six bids in response to its request for Healthcare Connect Fund supported services to its W.T. Scruggs Medical Center site for funding year 2019. Quality of Life submitted copies of these six bids with its request for funding. However, Quality of Life's funding request mistakenly indicated that eight such bids were received, apparently counting two proposals that it received for services to other Quality of Life sites as bids. Our review of these two proposals confirms that the service providers in question did not bid on the W.T. Scruggs Medical Center site. Accordingly, we find that Quality of Life properly provided the six bids required to be submitted with its funding request, see 47 CFR § 54.643(a)(4) (2018), and that the mistaken notation that eight bids were received amounts to harmless ministerial error. We therefore grant Quality of Life's appeal and remand the funding request to USAC for further action.

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*<sup>45</sup>

LMAS District Health Department, MI, *Sua Sponte Waiver*, WC Docket No. 02-60, Funding Request No. 21144251 (June 1, 2023)

**Connected Care Pilot Program****WC Docket No. 18-213****Granted***Waiver of Project End Date*<sup>46</sup>

MA FQHC Telehealth Consortium, MA, WC Docket No. 18-213, Connected Care Pilot Program Funding Request Nos. 22255271, 22257161, 22258571, 22258581, 22258591, 22258991, 22260221, 22260231, 22260241, 22260251, 22260261, 22260551, 22260981 (Aug. 4, 2023)

**High-Cost Program (Connect America Fund)****WC Docket No. 10-90****Granted***Letter of Credit*<sup>47</sup>

St. Paul Cooperative Telephone Association Petition for Waiver of Letter of Credit Requirements, WC Docket No. 10-90 (filed Sept. 15, 2023)

<sup>45</sup> See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (granting a waiver *sua sponte* of the invoice filing deadline when the deadline had already passed when health care providers received USAC's decision, thus making compliance with program rules impossible). 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.

<sup>46</sup> See *Wireline Competition Bureau Announces Key Deadlines for Connected Care Pilot Program*, WC Docket No. 18-213, Public Notice, 37 FCC Rcd 6386 (WCB 2022) (waiving the original project end date of June 20, 2025 and extending it until December 31, 2025, recognizing that strict compliance with the original program end date is inconsistent with the public interest because it prevented some projects from completing a full three-year project). MA FQHC Telehealth Consortium requests an extension of its Pilot Project end date until December 31, 2025, the latest possible project end date available in the Connected Care Pilot Program. Pilot project end dates are generally three years from the first date of service on the funding request for the respective Pilot project. See *Promoting Telehealth for Low-Income Consumers*, WC Docket 18-213, Second Report and Order, 36 FCC Rcd 10642, 10655, para. 28 (2021) (stating that all funding commitments shall end three years from the first date of service for the respective Pilot project). MA FQHC received a single funding commitment with a start date of June 1, 2022, which established the start date of its project, but subsequently filed multiple funding requests for services that would not start until well after June 1, 2022. To ensure that MA FQHC can receive a full three years of service for those later funding requests, we extend its project end date until December 31, 2025.

<sup>47</sup> St. Paul Cooperative Telephone Association seeks a temporary 120 day waiver of the Rural Digital Opportunity Fund Program (RDOF) Letter of Credit rules, which require a recipient of RDOF support to maintain a Letter of Credit (LOC) with a bank that maintains a Weiss safety rating of B- or better. 47 CFR 54.804(c)(2)(i)(B). We grant this temporary waiver for 120 days (from the date of the petition), until January 16, 2024. 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*); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative*

(continued....)

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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*Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 10-90, 02-60 and 06-122, Public Notice, DA 23-756, n.52 (WCB Aug. 31, 2023) (granting 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).