

**Before the
Federal Communications Commission
Washington, DC 20554**

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|--|---|--------------------------------|
| In the Matter of |) | |
| |) | |
| Requests for Review of |) | |
| Decisions of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Bloom High School District 206 |) | SLD Nos. 779911, <i>et al.</i> |
| Chicago Heights, Illinois, <i>et al.</i> |) | |
| |) | |
| Schools and Libraries Universal Service |) | CC Docket No. 02-6 |
| Support Mechanism |) | |

ORDER AND ORDER ON RECONSIDERATION

Adopted: November 19, 2012

Released: November 19, 2012

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with precedent,¹ we deny eight requests from petitioners² seeking review of decisions made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program).³ Based on our review of the record, we find that the petitioners failed to submit their requests either to the Commission or to USAC within 60 days, as required by the Commission's rules, and failed to demonstrate that special circumstances exist to justify a waiver of the deadline.⁴

¹ See *Request for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-363747, *et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (Wireline Comp. Bur. 2010); *Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by Bonnie Brae Educational Center School, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-625470, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 1344 (Wireline Comp. Bur. 2012) (both orders denying appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by the Commission's rules, and without showing special circumstances necessary for the Commission to waive the deadline).

² The requests are listed in Appendix A.

³ Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

⁴ 47 C.F.R. § 54.720 (setting forth the 60-day deadline for appeals of USAC decisions). The Commission may waive any provision of its rules for good cause shown. 47 C.F.R. § 1.3.

2. Consistent with precedent,⁵ we also dismiss two petitions for reconsideration filed by petitioners seeking review of Wireline Competition Bureau (Bureau) orders that denied as untimely their initial requests for review.⁶ We dismiss the petition for reconsideration filed by Monsignor Donovan High School because it was untimely filed.⁷ We dismiss the petition for reconsideration filed by Sampson County School District because it relies on arguments that fail to identify any material error, omission, or reason warranting reconsideration and relies on arguments that have been fully considered and rejected by the Bureau within the same proceeding.⁸

3. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the requests for review and/or waiver filed by the petitioners listed in Appendix A ARE DENIED.

4. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, 1.106, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.106, and 54.722(a), that the petitions for reconsideration listed in Appendix B ARE DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ *Requests for Waiver and/or Review of Decisions of the Universal Service Administrator by Chadbad Outreach Center, Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-703513, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 11079 (Wireline Comp. Bur. 2012) (dismissing petitions for reconsideration seeking review of decisions that denied as untimely petitioners' initial requests for review).

⁶ The petitions for reconsideration are identified in Appendix B. Petitioners' initial requests for review were denied in *Requests for Waiver and/or Review of Decisions of the Universal Service Administrator by Churchill County School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-664502, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 7103 (Wireline Comp. Bur. 2012) (denying, *inter alia*, Monsignor Donovan High School request for review), and *Requests for Waiver and/or Review of Decisions of the Universal Service Administrator by Baltimore County Public Schools, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-703513, *et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 9043 (Wireline Comp. Bur. 2012) (denying, *inter alia*, Sampson County School District request for waiver). The Bureau has the authority to act on petitions requesting reconsideration of final actions taken pursuant to delegated authority. 47 C.F.R. § 1.106(a)(l).

⁷ See 47 C.F.R. § 1.106(p)(9) (petitions for reconsideration that are untimely do not warrant consideration and may be denied by the Bureau). Petitions for reconsideration must be filed within 30 days of public notice of the action. 47 C.F.R. § 1.106(f).

⁸ See 47 C.F.R. § 1.106(p)(1), (3).

APPENDIX A

Requests for Review and/or Waiver

| Petitioner | Application Numbers | Funding Year | Date Request for Review/Waiver Filed |
|---|----------------------------|---------------------|---|
| Bloom High School District 206 Chicago Heights, Illinois | 779911 | 2011 | Sept. 10, 2012 |
| Cook County School District 130 Blue Island, Illinois | 630552 | 2008 | Sept. 12, 2012 |
| Coosa County School District Rockford, Alabama | 674444 | 2009 | Oct. 24, 2012 |
| Fredonia Unified School District 484 Girard, Kansas | 850595 | 2012 | Oct. 31, 2012 |
| Le Jardin Academy Kailua, Hawaii | 790174 | 2011 | Sept. 20, 2012 |
| Mildred Independent School District Corsicana, Texas | 827017 | 2012 | Oct. 25, 2012 |
| Scott County Schools District 1 Austin, Indiana | 778388 | 2011 | Oct. 18, 2012 |
| Texas Serenity Academy Houston, Texas | 581786 | 2007 | Sept. 10, 2012 |

APPENDIX B

Petitions for Reconsideration

| Petitioner | Application Numbers | Funding Year | Date Petition for Reconsideration Filed |
|--|-----------------------------------|------------------------|--|
| Monsignor Donovan High School Toms River, New Jersey | 510516, 550234, 620016, 678078 | 2006, 2007, 2008, 2009 | Oct. 11, 2012 |
| Sampson County School District Clinton, North Carolina | 561507 | 2007 | Aug. 30, 2012 |