



PUBLIC NOTICE

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

CC Docket No. 02-6

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 release of this Public Notice.²

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismissed³

AAA Academy, IL, Application No. 161039092, Request for Review, CC Docket No. 02-6 (filed Dec. 9, 2016)

Crenshaw Arts/Tech Charter High School, CA, Application No. 1049882, Request for Review, CC Docket No. 02-6 (filed Dec. 13, 2016)

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). Section 54.719(b) of the Commission's rules provides 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. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those 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 those appeals seeking a waiver of the Commission's rules but are actually 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., *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Crenshaw Arts/Tech Charter High School, CA, Application No. 1050366, Request for Review, CC Docket No. 02-6 (filed Dec. 13, 2016)

Crenshaw Arts/Tech Charter High School, CA, Application No. 1050607, Request for Review, CC Docket No. 02-6 (filed Dec. 13, 2016)

Douglas Unified School District, AZ, Application No. 161040889, Request for Review, CC Docket No. 02-6 (filed Dec. 21, 2016)

Dismissed as Moot⁴

Calhoun School, NY, Application No. 965333, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2016)

Capital Area Intermediate Unit 15, PA, Application No. 977768, Request for Waiver, CC Docket No. 02-6 (filed May 4, 2016)

City of Boston – Department of Innovation & Technology, MA, Application Nos. 1030831, 1039173, 1039101, 1031634, Request for Waiver, CC Docket No. 02-6 (filed Nov. 10, 2016)

Cornelia Connelly High School, CA, Application No. 967025, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2016)

Essex County Vocational Technical Schools, NJ, Application No. 889796, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2016)

Garfield County School District 16, CO, Application No. 1036853, Request for Waiver, CC Docket No. 02-6 (filed Nov. 3, 2016)

Indianola Community School District, IA, Application No. 964645, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2016)

Kemper County School District, MS, Application No. 864951, Request for Review, CC Docket No. 02-6 (filed Jan. 2, 2014)

Middleton-Cross Plains Area School District, WI, Application No. 1021882, Request for Waiver, CC Docket No. 02-6 (filed Nov. 3, 2016)

Pottawatomie Wabaunsee Regional Library, KS, Application No. 1030788, Request for Waiver, CC Docket No. 02-6 (filed Nov. 10, 2016)

West Iron County School District, MI, Application No. 1033023, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2016)

⁴ See, e.g., *Requests for Review of Decision of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices funded).

Dismissed on Reconsideration⁵

Hancock County Library System, MS, Application Nos. 354032, 393974, 479566, 483775, 534582, 581931, 635497, Petition for Reconsideration, CC Docket No. 02-6 (filed June 9, 2015)

Leland Community Unit School District No. 1, IL, Application No. 1004381, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 8, 2016)

Plano Community Unit School District No. 88, IL, Application Nos. 161055957, 161056010, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 27, 2016)

Skyline R-II School District, MO, Application No. 161061801, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 7, 2016)

Torah Institute of Baltimore, MD, Application Nos. 813281, 869063, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 14, 2015)

Tse ii'Ahi Community School, NM, Application No. 812604, Petition for Reconsideration, CC Docket No. 02-6 (filed June 29, 2016)

Williamsburg County School District, SC, Application No. 449180, Petition for Reconsideration, CC Docket No. 02-6 (filed May 24, 2012)

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

⁵ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (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). The appeals filed by Hancock County Library System, Leland Community Unit School District No. 1, Plano Community Unit School District No. 88, Skyline R-II School District, Torah Institute of Baltimore and Tse ii'Ahi Community School were previously dismissed for failing to comply with the Commission's basic filing requirements. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60 and 13-184, Public Notice, DA 16-1448 (WCB Dec. 29, 2016), 2016 WL 7492455 (*December 2016 USF Streamlined Resolution PN*). The Bureau now correctly categorizes these appeals as being dismissed on reconsideration.

David Rein and Cynthia Gutierrez, CO, No Application Number Given, CC Docket No. 02-6 (filed Nov. 2, 2016)

Granted⁷

*Granted on Reconsideration – Late-Filed FCC Form 471 Due to Actions Beyond Its Control*⁸

Discovery Charter School, NJ, Application No. 1052091, Petition for Reconsideration, CC Docket No. 02-6 (filed July 27, 2015)

*Cost-Effectiveness and Legally Binding Agreement*⁹

Shelby County Schools, TN, Application Nos. 909203, 909564, 909724, 950332, 998054, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 30, 2016)¹⁰

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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).

⁷ We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial 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).

⁸ *See, e.g., Petition for Reconsideration by Fall River Public School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 14650, 14652, para. 4 (WCB 2013) (waiving the Commission’s rules where evidence on reconsideration does not support the previous determination).

⁹ *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Sweetwater City Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 16-1465 (WCB Dec. 30, 2016), 2016 WL 7492486 (granting the requests for review and/or waiver filed on behalf of members of the Sweetwater Consortium).

¹⁰ The appeal filed October 24, 2016 by Education Networks of America is also granted through this action.

Denied

*Considering Price of Eligible and Ineligible Items as Primary Factor in Vendor Selection Process*¹¹

Santa Ana Unified School District, CA, Application No. 879783, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 26, 2014)

Santa Ana Unified School District, CA, Application No. 936307, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 29, 2015)

*Failure to Consider All Bids*¹²

Clover Park School District 400, WA, Application No. 949932, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2016)

*Improper Service Provider Involvement*¹³

Lake County Education Service District, OR, Application No. 522654, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 30, 2011)

*Invoice Deadline Extension Requests*¹⁴

¹¹ See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.*; *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, 97-21, Order, 18 FCC Rcd 26407, 26430, para. 52 (2003) (explaining that “[t]he prices relevant for our competitive bidding requirements are those of eligible services”); *Requests for Review of Decisions of the Universal Service Administrator by Spokane School District 81; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 6026, 6028, para. 4 (WCB 2013) (denying appeal where applicant included the price of both E-rate eligible and ineligible items in its cost criterion of its vendor evaluation process and failed to use the price of eligible services as the primary factor in selecting the winning bid). We also deny petitioner’s funding requests on the basis that petitioner did not adhere to the evaluation criteria in its original bid evaluation table during the vendor selection process. See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 8630, 8638, para. 17 (WCB 2011) (*Central Islip Free Union Order*) (denying funding requests where the evidence demonstrated that applicant “failed to adhere to its own evaluation criteria in the vendor selection process”). During USAC’s selective review of petitioner’s funding requests, petitioner provided a revised bid evaluation table to explain what it actually did during the vendor selection process. However, we do not consider bid evaluation materials that were not created at the time of the vendor selection process. See *id.* at 8634-35, para. 9 (explaining that petitioner must be able to provide evidence showing that its vendor evaluation process took place before the contract award date).

¹² See, e.g., *Central Islip Free Union Order*, 26 FCC Rcd at 8635-36, paras. 11-12 (denying the appeal of petitioners where USAC found they did not carefully consider all bids submitted in response to their FCC Form 470 postings); 47 CFR § 54.511.

¹³ See, e.g., *Request for Review by Mastermind Internet Services, Inc.*; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 16 FCC Rcd 4028, 4033, para. 10 (2000) (denying appeal and concluding that a violation of the Commission’s competitive bidding requirements has occurred where a service provider that is listed as the contact person on the Form 470 also participates in the competitive bidding process as a bidder).

8x8, Inc. (Alta Vista Public Charter), CA, Application No. 937982, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2016)

8x8, Inc. (Desert Sands Charter High School), CA, Application No. 938271, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2016)

8x8, Inc. (Mission View Public School), CA, Application No. 938323, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2016)

8x8, Inc. (Vista Real Charter High School), CA, Application No. 938354, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2016)

Coffee County Manchester Public Library, TN, Application No. 1027946, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2016)

Green Hills Area Education Agency, IA, Application No. 947624, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2016)

Greyhills Academy High School, AZ, Application No. 729399, Request for Waiver, CC Docket No. 02-6 (filed Sept. 2, 2016)¹⁵

Long Island Hebrew Academy, NY, Application No. 750633, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2016)

Moody Community Library, TX, Application No. 944591, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2016)

R.O.W.V.A. School District No. 208, IL, Application Nos. 356530, 425762, 459788, 503418, 554970, 628575, 669261, 739565, 782976, 844404, 897955, Request for Waiver, CC Docket No. 02-6 (filed May 10, 2016)

Southwest Chicago Christian School Association, IL, Application No. 997698, Request for Waiver, CC Docket No. 02-6 (filed Dec. 22, 2016)

Texas County Library, MO, Application No. 1007653, Request for Waiver, CC Docket No. 02-6 (filed Dec. 27, 2016)

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¹⁴ See, 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) (denying requests for waiver of the Commission's invoice extension 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) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

¹⁵ The appeal filed by Greyhills Academy High School on Sept. 2, 2016 for funding request number 2025136 was previously dismissed as moot. See *December 2016 USF Streamlined Resolution PN*, n.21. The Bureau now correctly categorizes this appeal as a denial for failing to demonstrate extraordinary circumstances justifying a waiver of the Commission's invoicing rules. See *supra* note 14.

White Lake School District, WI, Application Nos. 1039370 and 1039490, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2016)

Yeshivas Ohr Reuven, NY, Application No. 1045657, Request for Waiver, CC Docket No. 02-6 (filed Dec. 19, 2016)

*Late-Filed FCC Form 471 Applications*¹⁶

Manhattan School District 3, MT, Application No. 161005226, Request for Waiver, CC Docket No. 02-6 (filed Aug. 10, 2016)

Towns County School District, GA, Application No. 161059040, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2016)

*Untimely Filed Requests for Review*¹⁷

Charter Fiberlink – Missouri, LLC (Riverview Gardens School District), MO, Application No. 897155, Request for Waiver, CC Docket No. 02-6 (filed Dec. 17, 2016)

Kashunamiut School District, AK, Application Nos. 473940, 531802, Request for Waiver, CC Docket No. 02-6 (filed Nov. 15, 2010)

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 at (202) 418-7400.

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¹⁶ See, e.g., *Request 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, at 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).

¹⁷ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *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 (WCB 2014) (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 did not show special circumstances necessary for the Commission to waive the deadline).