



# PUBLIC NOTICE

**Federal Communications Commission**  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>  
TTY: 1-888-835-5322

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DA 17-712

Released: July 31, 2017

## 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.<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 release of this Public Notice.<sup>2</sup>

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#### Schools and Libraries (E-rate)

##### CC Docket No. 02-6

#### Dismissed as Moot<sup>3</sup>

Ashwaubenon School District, WI, Application No. 1030484, Request for Waiver, CC Docket No. 02-6 (filed Dec. 16, 2016)

City of Holyoke Gas and Electric Department (Holyoke School District), MA, Application No. 937000, Petition for Reconsideration, CC Docket No. 02-6 (filed May 17, 2016)

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<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). 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.

<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 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).

Contact Network LLC (Homewood City Schools), AL, Application No. 973478, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2016)

Contact Network LLC (Lawrence County School District), AL, Application No. 947478, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2016)

Contact Network LLC (North Bolivar Consolidated School District), AL, Application No. 982311, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2016)

Contact Network LLC (Shelby County School District), AL, Application No. 964515, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2016)

Contact Network LLC (Walthall County School District), AL, Application No. 955007, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2016)

Manchester School District, NH, Application No. 940513, Request for Waiver, CC Docket No. 02-6 (filed Oct. 3, 2016)

#### Dismissed for Failure to Comply with the Commission's Basic Filing Requirements<sup>4</sup>

Success School, AZ, Application No. 1032426, Request for Waiver, CC Docket No. 02-6 (filed Feb. 21, 2017)

#### Dismissed on Reconsideration<sup>5</sup>

Sun Wireless (Lemon Grove Elementary School District), CA, Application No. 884447, Petition for Reconsideration, CC Docket No. 02-6 (filed June 30, 2017)

#### Granted<sup>6</sup>

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<sup>4</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>5</sup> *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).

<sup>6</sup> 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

(continued....)

*Discount Calculation*<sup>7</sup>

EAGLE College Prep II, Inc., AZ, Application No. 998267, Request for Review, CC Docket No. 02-6 (filed Dec. 3, 2015)

EAGLE College Prep II, Inc., AZ, Application No. 998270, Request for Review, CC Docket No. 02-6 (filed Dec. 4, 2015)

*Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window*<sup>8</sup>

Academia Bautista Sotera Sanchez, PR, Application No. 171049067, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Bartonville School District 66, IL, Application No. 171038735, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2017)

Bensalem Township School District, PA, Application No. 171048830, Request for Waiver, CC Docket No. 02-6 (filed May 16, 2017)

Beverly Hills Unified School District, CA, Application No. 171040712, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Brooklyn-Guernsey-Malcom School, IA, Application No. 171048733, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)

Cambridge Montessori School, MA, Application No. 171048950, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2017)

Cambridge Montessori School, MA, Application No. 171048951, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2017)

Camden's Promise Charter School, et al., NJ and NY, Application Nos. 171049140, 171049147, 171048855, 171048819, 171049146, 171049094, 171048844, 171049124, 171049142,

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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>7</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District 5 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2152, 2152, para. 1 (WCB 2012) (finding that petitioners demonstrated that they are eligible for the discount level requested); 47 CFR § 54.505.

<sup>8</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the FCC Form 471 filing window deadline).

171049081, 171049121, 171049132, 171048800, 171048851, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2017)

Carroll County School District, MS, Application Nos. 171049123, 171049126, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017, supplemented June 30, 2017)

Cedar Grove School District, NJ, Application No. 171023621, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

Center School, NJ, Application No. 171049031, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Charles E. Smith Jewish Day School, MD, Application No. 171028435, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2017)

Cheder Bnei Torah, NJ, Application No. 171024426, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Community Independent School District, Greenville School District 3, Indianola Independent School District, OK and TX, Application Nos. 171049069, 171049064, 171049062, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2017)

Delaware County Christian School, PA, Application No. 171049077, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2017)

Dracut Public Schools, MA, Application No. 171049165, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Dublin Christian Academy, NH, Application No. 171049020, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2017)

Eagle's Landing Christian Academy, GA, Application No. 171028448, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2017)

Educational Alliance, NY, Application No. 171049149, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Falmouth Academy, MA, Application No. 171049071, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2017)

First Coast Christian School, FL, Application No. 171048787, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2017)

Four Square Community Action, NC, Application No. 171049033, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Frenship Independent School District, Lake Worth Independent School District, Legacy Preparatory Charter Academy, TX, Application Nos. 171049116, 171049115, 171049035, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2017)

Grant County Library, AR, Application No. 171048052, Request for Waiver, CC Docket No. 02-

6 (filed June 12, 2017)

Guadalupe Center Educational Programs, Inc., UT, Application No. 171038734, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2017)

Ivymount School, MD, Application No. 171049167, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Joseph Kushner Hebrew Academy, NJ, Application No. 171024928, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2017)

Kings Kids Academy of Health Sciences, FL, Application No. 171049135, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

La Salle Catholic School, IA, Application No. 171012502, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2017)

Lawrence County Library, AR, Application No. 171045195, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

Lima School District #12, MT, Application Nos. 171036138, 171049053, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

Madera Unified School District, CA, Application No. 171048657, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2017)

Manchester Essex Public School District, MA, Application No. 171049019, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Monson School District, MA, Application No. 171048971, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Monson School District, MA, Application No. 171048973, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Nauset Regional School District, MA, Application No. 171048957, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Notre Dame High School, MO, Application No. 171049005, Request for Waiver, CC Docket No. 02-6 (filed May 18, 2017)

Pittsburgh Central Catholic High School, PA, Application No. 171049061, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Rockport School District, MA, Application No. 171037328, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

St Joseph School, MA, Application No. 171049164, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2017)

St Joseph School, MA, Application No. 171048968, Request for Waiver, CC Docket No. 02-6

(filed July 12, 2017)

St. Rose of Lima (Archdiocese of Miami Schools), FL, Application No. 171049027, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2017)

Stevenson School, CA, Application No. 171049163, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

United South Central School District 2134, MN, Application No. 171015080, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

University Preparatory School, CO, Application No. 171048824, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2017)

Wapakoneta City School District, OH, Application No. 171027702, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2017)

Washington Central Supervisory Union, VT, Application No. 171048817, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Washington Central Supervisory Union, VT, Application No. 171048818, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

*FCC Form 486 – Late-Filed<sup>9</sup>*

Bell County School District, KY, Application Nos. 161923, 258334, 537311, 537391, Request for Review, CC Docket No. 02-6 (filed July 3, 2017 and supplemented July 13, 2017)

Cudahy School District, WI, Application Nos. 247677, 248085, 322899, 323815, 324020, 584003, 620131, 620682, 622648, 624209, 626345, 629186, 629539, 629727, 629803, 629932, 630035, 630164, 687345, 687400, 687432, 687447, 687458, 689464, 689596, 689684, 689791, 692557, 754949, 754977, 754985, 754989, 754993, 754997, 758234, 758240, 868050, 871495, 871942, Request for Review, CC Docket No. 02-6 (filed July 3, 2017 and supplemented July 12, 2017)

Floyd Municipal School District, NM, Application Nos. 388909, 532642, 579663, 636465, 763752, 923617, 928128, Request for Review, CC Docket No. 02-6 (filed July 3, 2017 and supplemented July 12, 2017)

Madera County Office of Education, CA, Application Nos. 429930, 486589, 757651, 991281,

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<sup>9</sup> See, e.g., *Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10182, 10185, para. 6 (WCB 2006) (*Alaska Gateway Order*) (granting appeals where applicants filed their FCC Forms 486 late as the result of immaterial clerical, ministerial or procedural errors, or filed late due to circumstances beyond their control); *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, para. 11 (WCB 2016) (*Archdiocese of New Orleans Order*) (establishing a more rigid standard for late-filed FCC Forms 486 but continuing to apply the current *Alaska Gateway Order*-based standard to appeals filed with USAC or the Commission before January 30, 2017).



990971, 1050453, Request for Review, CC Docket No. 02-6 (filed June 26, 2017)

Sno-Isle Rural Libraries, WA, Application Nos. 148960 (FRNs 288580, 288582), 266305, 382691, 434583, Request for Review and Waiver, CC Docket No. 02-6 (filed Oct. 18, 2013)<sup>10</sup>

*Ministerial and/or Clerical Error*<sup>11</sup>

Erie 1 BOCES, NY, Application No. 1012609, Request for Review, CC Docket No. 02-6 (filed Mar. 16, 2017)

Meridian Joint School District, ID, Application No. 1028609, Request for Waiver, CC Docket No. 02-6 (filed Apr. 13, 2017)

North Penn School District, PA, Application No. 161026788, Request for Waiver, CC Docket No. 02-6 (filed July 11, 2017)

*Payment of Applicant's Share of the Purchase Price*<sup>12</sup>

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<sup>10</sup> For FCC Form 471 application numbers 489285, 821891, and 875656, we deny the requests to review of the FY2005 Funding Commitment Decision Letter (FCDL) (dated Feb. 15, 2006), the FY2011 FCDL (dated Feb. 21, 2012), and the FY2012 FCDL (dated Oct. 2, 2012) as untimely. In addition, we deny the requests to modify the service start dates for the FCC Forms 486 for application numbers 691322, 769113, and 821891 as the requests were filed more than 60 days after the dates of the FCC Form 486 Notification Letters (dated Dec. 27, 2012 and Oct. 2, 2012) and are untimely. *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, 5685, para. 3 (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*) (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). For the requests for waiver for FYs 1998 (application numbers 30571, 64254, 85219, 31423), 1999 (application number 148960, FRNs 288563, 288565, 288567, 288584, 288575), 2000 (application number 190290), 2006 (application number 538951), 2007 (application number 586757), and 2008 (application number 637629), we find that the request for an invoice deadline extension is more than 12 months late and does not present extraordinary circumstances. *See, e.g., Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4723, 4726, para. 9 (denying requests for invoice extensions from funding years prior to 2014 that failed to demonstrate "extraordinary circumstances" that would justify filing invoice extension requests more than 12 months late). We also deny the request for a second invoice deadline extension for application number 821891 that was filed seven months after its latest deadline because Sno-Isle offers no basis on which to find that the delay in invoicing or seeking an extension was reasonable. *See, e.g., id.* at para. 10 (finding that employee misunderstanding of the E-rate invoicing procedures does not present extraordinary circumstances, nor offer a reasonable basis for a substantial delay in submitting invoices). We make no finding as the ultimate eligibility of the four applications for which we allow a late-filed FCC Form 486. *See supra* note 6.

<sup>11</sup> *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, 15521-22, nn.19 & 21 (WCB 2008) (permitting correction of error concerning copying wrong price from a contract and mislabeling eligible services on an Item 21); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, para. 2, nn.5 & 21 (WCB 2010) (permitting applicants to add items from a source list omitted from FCC Form 471 and correct typographical errors).

Unified Networking Solutions, Inc. (Acushnet Public Schools), MA, Application No. 1029685, Request for Review, CC Docket No. 02-6 (filed Mar. 1, 2017 and Mar. 16, 2017)

*Unable to Timely Invoice Awaiting USAC Action*<sup>13</sup>

Barberton City Schools, OH, Application No. 1034332, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)<sup>14</sup>

Lafayette Township School District, NJ, Application No. 1029028, Request for Waiver, CC Docket No. 02-6 (filed Mar. 24, 2017)

Northern Humboldt Consortium of Schools, CA, Application No. 1037347, Request for Waiver, CC Docket No. 02-6 (filed May 9, 2017)

*Waiver of Competitive Bidding Requirement to Comply with State and Local Procurement Rules*<sup>15</sup>

Encinitas Union School District, CA, Application Nos. 602626, 653949, 704220, 800921, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 10, 2013 and supplemented Sept. 19, 2013)

Encinitas Union School District, CA, Application Nos. 560067, 602626, 653949, 704220, 800921, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 10, 2013)

Denied

*Failure to Adhere to Bid Evaluation Criteria*<sup>16</sup>

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<sup>12</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1927, para. 1 (WCB 2012) (granting an appeal from a petitioner that demonstrated it paid the required portion of the E-rate purchase price).

<sup>13</sup> See, e.g., *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library*; *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909, 1911-12, paras. 6, 9 (WCB 2017) (granting a waiver for applicants who were unable to file a BEAR form because they were either waiting for USAC to provide an FCC Form 498 ID or personal identification number at the time of the deadline due to one-time influx of requests in the fall of 2016 or they were waiting for USAC approval of a timely-filed request).

<sup>14</sup> Barberton City Schools' invoice was rejected because USAC's system did not recognize a previously approved contract expiration date change, making it appear as though the services were delivered after the contract lapsed.

<sup>15</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.*; *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1941, 1942, para. 1 (WCB 2012) (granting waiver for a technical violation of the competitive bidding rules, and where there was no evidence of waste, fraud, and abuse); cf. *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, 6111, para. 4 (WCB 2011) (granting waiver where the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse).

<sup>16</sup> 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

(continued....)



Brooklyn Public Library, NY, Application No. 954303, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

*FCC Form 486 – Late-Filed*<sup>17</sup>

New Glarus School District, WI, Application Nos. 553171, 863619, 925993, 998781, 1049661, Request for Review, CC Docket No. 02-6 (filed July 3, 2017 and supplemented July 12, 2017)

*Ineligible Services*<sup>18</sup>

Cooperative Education Service Agency (CESA) #10, WI, No Application Number Given, Request for Limited Exception, CC Docket No. 02-6 (filed May 12, 2016)

*Invoice Deadline Extension Requests*<sup>19</sup>

Frontier Communications Corporation (Elk Grove Unified School District), CA, Application No. 997989, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2017)

Whittier Union High School District, CA, Application No. 1004672, Request for Waiver, CC Docket No. 02-6 (filed Nov. 22, 2016 and supplemented Jan. 11, 2017)<sup>20</sup>

*Late-Filed FCC Form 471 Applications*<sup>21</sup>

The Academy at Ocean Reef, FL, Application No. 171017921, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2017)

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FCC Rcd 8630, 8634-35, 8638, paras. 9, 17 (WCB 2011) (denying funding requests where the evidence demonstrated that applicant “failed to adhere to its own evaluation criteria in the vendor selection process”).

<sup>17</sup> See *Archdiocese of New Orleans Order*, 31 FCC Rcd at 11751, para. 11 (establishing a more rigid standard for late-filed FCC Forms 486 filed at USAC or the Commission after January 30, 2017).

<sup>18</sup> See *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 30 FCC Rcd 9923, 9936 (WCB 2015) (releasing the eligible services list for funding year 2016 and stating that “[o]ff campus use, even if used for an educational purpose, is ineligible for support and must be cost allocated out of any funding request”). We find no special circumstances to justify this request for waiver.

<sup>19</sup> 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.

<sup>20</sup> There is no record of a request for an invoice deadline extension with USAC, nor does Whittier Union High School District provide any evidence of an extension request for FRN 2740556 before its funding year 2015 invoice filing deadline of October 31, 2016.

<sup>21</sup> See, e.g., *Academy of Math and Sciences 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).

Bellingham Public School District, MA, Application No. 171049343, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2017)

Boston Public Library, MA, Application No. 171049218, 17049219, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2017)

Caribou Public Library, ME, Application No. 171049199, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2017)

Catholic Charities – Division of Developmental Disabilities District of Columbia, DC, Application Nos. 171049231, 171049413, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2017)

Centro de Consejeria y Recreación Kairos, PR, Application No. 171049255, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2017)

Child Care Resource Center, CA, Application No. 171040818, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2017)

Cobden Unit School District 17, IL, Application No. 171049251, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2017)

Colegio San Jose, PR, Application No. 171049210, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Columbia Community Unit School District 4, IL, Application No. 171049316, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2017)

Commerce Public Library, TX, Application No. 171049221, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Da Vinci Academy, PR, Application No. 171049321, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2017)

Dayton SMART Bilingual Academy, OH, Application No. 171047250, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2017)

Elmwood Park Public Library, IL, Application No. 171049242, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2017)

Gackle-Streeter School District 56, ND, Application No. 171049288, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2017)

Gardner-South Wilmington High School, IL, Application No. 171048958, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2017)

Harding Charter Preparatory High School, OK, Application No. 171041281, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2017)

Independence USD 446, KS, Application No. 171049170, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

Isleta Pueblo Library, NM, Application No. 171049268, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2017)

Kingsville R-I School District, MO, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2017)

Kokomo Howard County Public Library, IN, Application Nos. 171045449, 171049291, 171046119, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2017)

Lubbock Public Library, TX, Application No. 171038537, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)

Madisonville SMART Elementary, OH, Application No. 171049396, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2017)

Montgomery County Public Schools, NC, Application No. 161043917, Request for Waiver, CC Docket No. 02-6 (filed Nov. 22, 2016)

Mount Olive Public Library, IL, Application No. 171049197, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Mt. Olivet SDA Junior Academy, FL, Application No. 171049172, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

Ms. Manners Childcare Inc dba Manatee Learning Academy, FL, Application No. 171049422, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Newport School District 56-415, WA, Application No. 171049366, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2017)

North Olympic Library System, WA, Application Nos. 171049277, 171049278, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2017)

Pelican Rapids School District #548, MN, Application No. 171049153, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2017)

Prospect Ridge Academy, CO, Application No. 171049240, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

Red Rock Central ISD 2884, MN, Application No. 171038738, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

Rock County Christian School, WI, Application No. 171049402, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2017)

Sacred Heart School, CA, Application No. 171049280, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2017)

St. Catherine of Siena School, KY, Application No. 171049226, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2017)

St. Joseph Catholic School, OK, Application No. 171049294, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2017)

St. Leo the Great School, CA, Application No. 171049311, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2017)

St. Pius X Elementary School, VA, Application No. 171049272, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2017)

San Diego County Library, CA, Application No. 171049295, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)

Science Technology Engineering and Math (STEM) School, CO, Application No. 171008441, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2017)

Shawano School District, WI, Application No. 171029293, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2017)

Shiloh Christian School, ND, Application No. 171049329, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2017)

Suring Public School District, WI, Application No. 171012169, 171012193, Request for Waiver, CC Docket No. 02-6 (filed June 21, 2017)

Tarkington Community Library, TX, Application No. 171041943, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2017)

Tucumcari Public Library, NM, Application No. 161062411, Request for Waiver, CC Docket No. 02-6 (filed Jan. 27, 2017)

Vanderheyden Hall School, NY, Application Not Filed, Request for Waiver, CC Docket No. 02-6 (filed May 9, 2017)

Westville School District 2, IL, Application No. 171048985, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2017)

*Untimely Filed Requests for Review*<sup>22</sup>

Escuela Superior Acreditada P.E.C.E.S., Inc, PR, Application No. 161057968, Request for Waiver, CC Docket No. 02-6 (filed Jan. 23, 2017)<sup>23</sup>

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<sup>22</sup> See, e.g., *Agra Public School Order*, 25 FCC Rcd at 5685, para. 3 (WCB 2010); *Bound Brook School District*, 29 FCC Rcd at 5823, para. 1 (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).

<sup>23</sup> In addition to submitting its appeal late, Escuela Superior Acreditada P.E.C.E.S., Inc. filed its FCC Form 470 on May 24, 2016 and submitted its FCC Form 471 eight days later on June 1, 2016, violating section 54.503(c)(4) of the Commission's rules, which states that E-rate applicants must wait 28 days after their FCC Forms 470 are posted (continued....)

Gallup-McKinley County Public Schools, NM, Application No. 248147, Request for Review, CC Docket No. 02-6 (filed July 11, 2011)<sup>24</sup>

North Central Education Service District, OR, Application No. 161061621, Request for Waiver, CC Docket No. 02-6 (filed Feb. 8, 2017)

Oconto Falls Public Schools, WI, Application No. 161058188, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2017)

Perseus House, Inc., PA, Application No. 1040269, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2017)

Schoolcraft Learning Community, MN, Application Nos. 161061883, 161061893, Request for Waiver, WC Docket No. 13-184 (filed Mar. 28, 2017)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at [kate.dumouchel@fcc.gov](mailto:kate.dumouchel@fcc.gov) or at (202) 418-7400.

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to USAC's website before entering into an agreement with a service provider for the requested services. 47 CFR § 54.503(c)(4).

<sup>24</sup> To be able to grant the changes it requests, Gallup-McKinley County Public Schools should have appealed either of the following USAC decisions within 60 days of the issuance of the decision in question: 1) the February 23, 2005 USAC Administrator's Decision on Appeal reducing the funding from \$1,537,125.00 to \$1,136,072.10 (a reduction of \$401,052.90 in E-rate funding) to reflect the removal of illegible services from the funding request; or 2) the December 30, 2005 Supplemental Form 471 Application Approval Letter reducing the funding \$96,697.80 to reflect a service substitution. We also find no special circumstances to merit a waiver.