



PUBLIC NOTICE

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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. 06-122

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

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismissed as Moot³

Colusa County Library, CA, Application No. 161060976, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2017)

Education for Change in Public Schools, CA, Application No. 1031727, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2017)

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., *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 Reconsideration⁴

Sarah A. Reed Children's Center, PA, Application No. 957402, Petition for Reconsideration, CC Docket No. 02-6 (filed June 15, 2016)

Suring Public School District, WI, Application Nos. 171012169, 171012193, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 30, 2017)

Dismissed on Reconsideration – Untimely⁵

Billerica Public Schools, MA, Application No. 996376, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 6, 2017)

Dismissed on Second Reconsideration⁶

South Harrison Community School Corporation, IN, Application No. 958961, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 31, 2016)

Granted⁷

*Grant on Reconsideration – Late-Filed FCC Form 471 Applications – Unexpected Serious Illness*⁸

⁴ 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).

⁵ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

⁶ See, e.g., *Petition for Reconsideration by Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 10868 (WCB 2012) (dismissing a second petition for reconsideration, where the first petition for reconsideration was untimely filed, 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 Commission within the same proceeding).

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., *Petitions for Reconsideration by Callisburg Independent School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *Requests for Waiver of Decisions of the Universal Service Administrator by Academy for Academic Excellence et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4748-50, paras. 4-5 (WCB 2007) (granting waiver where the employee filling out the forms had serious medical illness).

Ms. Manners Childcare Inc dba Manatee Learning Academy, FL, Application No. 171049422, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 29, 2017)

*Invoice Deadline Extension Request*⁹

Klamath-Trinity Joint Unified School District, CA, Application No. 1018935, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2017)

*Ministerial and/or Clerical Errors*¹⁰

Harvey Public Library District, IL, Application No. 161061037, Request for Waiver, CC Docket No. 02-6 (filed Oct. 2, 2017)

Menominee Independent School District, MI, Application Nos. 161048773, 161048870, Request for Waiver, CC Docket No. 02-6 (filed Nov. 3, 2017)

St. Ann School, NY, Application No. 1050274, Request for Waiver, CC Docket No. 02-6 (filed Feb. 20, 2017)

Warwick School District, PA, Application No. 349955, Request for Waiver, CC Docket No. 02-6 (filed Apr. 26, 2004)

*Improper Service Provider Involvement*¹¹

St. Therese of Lisieux School, NY, Application No. 303916, Request for Review, CC Docket No.

⁹ See, e.g., *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909, 1911-12, paras. 7-10 (WCB 2017) (*Ada Public Library Order*) (granting a waiver when the invoice deadline extension granted by USAC did not provide any opportunity to timely submit an invoice).

¹⁰ 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, 15520-21, nn.19, 21 (WCB 2008) (permitting correction when applicant requested the wrong discount that it was eligible for or failed to reference all of the entities on which it based its funding request and granting a waiver when USAC incorrectly interpreted information provided in their FCC Form 471 applications); *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, paras. 1-2, nn.2&6 (WCB 2010) (granting a waiver where the applicant failed to timely notify USAC of a clerical error when it treated a monthly bill as an annual total, but appealed once applicant received actual notice of the decision).

¹¹ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 2784, 2789, para. 13 (WCB 2008) (granting appeal and finding that applicant provided evidence that there was no improper service provider involvement where applicant asserted by sworn statement and under penalty of perjury that the service provider did not participate in the competitive bidding process). Consistent with precedent, we also find good cause to waive section 54.720(a) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision for St. Therese of Lisieux School. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision).

02-6 (filed Nov. 4, 2010)

*Unable to Timely File Awaiting USAC Action*¹²

Franciscan School, NC, Application No. 1028312, Request for Waiver, CC Docket No. 02-6 (filed Mar. 13, 2017)

Pope John Paul II School, NC, Application No. 1017718, Request for Waiver, CC Docket No. 02-6 (filed Mar. 20, 2017)

*Violation of Competitive Bidding 28-Day Rule*¹³

Quentin Burdick Job Corps Center, ND, Application No. 171029233, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2017)

Denied

*Improper Service Provider Involvement in the FCC Form 470*¹⁴

¹² See, e.g., *Ada Public Library Order*, 32 FCC Rcd at 1911, para. 6 (granting a waiver for applicants who were unable to file a BEAR form because they were waiting for USAC to provide an FCC Form 498 ID or personal identification number (PIN) at the time of the deadline).

¹³ See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 9 (2007) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time).

¹⁴ See, e.g., *Requests for Waiver and Review of Decision of the Universal Service Administrator by Networks and More! Inc. et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2564, 2565, para. 2 (WCB 2012) (denying an appeal when the service provider assisted the applicant with the preparation of its FCC Form 470 and emphasizing that “even clerical or data entry assistance, is a violation of the Commission’s competitive bidding rules”); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, para. 480 (1997) (subsequent history omitted) (requiring competitive bidding processes to be fair and open such that no bidders receive an unfair advantage); *Request for Review by Mastermind Internet Services, Inc., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket No. 96-45, Order, 16 FCC Rcd 4028, 4033 (2000) (stating that a service provider participating in the competitive bidding process cannot be involved in the preparation of the entity’s technology plan, FCC Form 470 or RFP). We also affirm USAC’s determination to seek recovery from KCG Enterprises, Inc. See, e.g., *Request for Review by Achieve Telecom Network; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 3653, 3671-72, paras. 29-30 (WCB 2015) (directing recovery against the service provider when the service provider was in a better position to prevent the rule violations). Further, we reject the argument by KCG that USAC was seeking recovery beyond an administrative time limitation. See *Application for Review of a Decision of the Wireline Competition Bureau by Net 56, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Memorandum Opinion and Order, 32 FCC Rcd 963, 966-67, paras. 9-11 (2017) (stating that the Commission’s recommendation that investigations be completed within five years of the final delivery of service for a specific funding year is a policy preference and not an absolute bar to recovery). Consistent with precedent, we considered this appeal on the merits even though KCG’s appeal was filed more than 60 days after USAC issued its decision, 47 CFR § 54.720, because KCG filed within a reasonable period of time after receiving actual notice of the adverse decision. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC’s adverse decision).

KCG Enterprises, Inc. (multiple applicants), CA, Applications Nos. 382443, 382757, 383397, 383436, 382548, 383798, 390799, 423416, 472588, 479619, 479917, 482169, 482621, 482797, 482890, 482964, Request for Review and Waiver, CC Docket No. 02-6 (filed Sept. 25, 2009)

*Invoice Deadline Extension Requests*¹⁵

AAA Solar Electric, Inc. (Archdiocese of Los Angeles SCHS – St. Anthony HS), CA, Application No. 1031623 (FRN 2806064), Request for Waiver, CC Docket No. 02-6 (filed May 1, 2017)

AAA Solar Electric, Inc. (Archdiocese of Los Angeles SCHS – St. Anne Mission School), CA, Application No. 1031623 (FRN 2806112), Request for Waiver, CC Docket No. 02-6 (filed May 1, 2017)

Breckenridge School District 846, MN, Application No. 161034360, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2017)

ComSouth Telecommunications, Inc. (M E Roden Memorial Library), GA, Application No. 1045090, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2017)

Consolidated Communications (Pittsburgh School District), PA, Application No. 953250, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2016)

Consolidated Communications (Twin Rivers Unified School District), CA, Application No. 955640, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2016)

East Coloma Grade School, IL, Application No. 161052556, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2017)

Eau Claire Area School District, WI, Application Nos. 799504, 799521, Request for Waiver, CC Docket No. 02-6 (filed May 3, 2016)

Grand Rapids Child Discovery Center, MI, Application No. 161024345, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2017)

Kirby School District 140, IL, Application No. 1046460, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2017)

Lapwai School District No. 341, ID, Application No. 986317, Request for Waiver, CC Docket No. 02-6 (filed Mar. 22, 2016)

¹⁵ 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.

Mater Dei Prep School, NJ, Application No. 161048902, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2017)

Medina Valley Independent School District, TX, Application No. 161006215, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2017)

Midcontinent Communications (Mandan School District 1), ND, Application No. 981516, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2016)

Midwest Central Community School District 191, IL, Application No. 161001188, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Missouri Network Alliance, LLC (Carlinville Community Unit School District), IL, Application No. 1018785, CC Docket No. 02-6 (filed Sept. 15, 2017)

Montezuma-Cortez School District, CO, Application No. 1016808, Request for Waiver, CC Docket No. 02-6 (filed July 17, 2017)

National Trail Local Schools, OH, Application No. 161024464, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2017)

Omak School District, WA, Application No. 161055811 (FRN 1699132594), Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2017)

Omak School District, WA, Application No. 161055811 (FRN 1699132694), Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2017)

Omak School District, WA, Application No. 161055811 (FRN 1699132802), Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2017)

Onamia School District 480, MN, Application No. 1048707, Request for Waiver, CC Docket No. 02-6 (filed Mar. 30, 2017)

Pateros School District, WA, Application No. 161028628, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2017)

Pearsall Independent School District, TX, Application No. 161055641, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2017)

Placerville Union School District, CA, Application No. 952657, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Rural Resources Community Action, WA, Application No. 1021569, Request for Waiver, CC Docket No. 02-6 (filed Oct. 12, 2017)

Stratton School District R-4, CO, Application No. 161049228, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2017)

Vernon Parish School Board, LA, Application No. 965308, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2016)

Waterville School District, WA, Application No. 161053739, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2017)

Weslaco Independent School District, TX, Application Nos. 161055597, 161055902, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2017)

*Late-Filed FCC Form 471 Applications*¹⁶

Arise Academy, LA, Application No. 171049235, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2017)

Central High School, WI, Application Nos. 161062089, 161062099, Request for Waiver, CC Docket No. 02-6 (filed Nov. 14, 2016)

Natalia Public Library Foundation, TX, Application No. 171049443, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2017)

*Seeking E-rate Support for Services Not Covered by the Applicant's Competitive Bidding Process*¹⁷

Underwood Public School, MN, Application Nos. 161036763, 161036781, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2017)

*Untimely Filed Requests for Review*¹⁸

Beatrice Mayes Institute Charter School, TX, Application No. 161020952, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2017)¹⁹

Eagle Academy Public Charter School, DC, Application Nos. 865203, 908971, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2017)

Socorro Consolidated School District, NM, Application No. 171048826, Request for Waiver, CC Docket No. 02-6 (filed Aug. 22, 2017)

¹⁶ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (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., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Area Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4541-42, paras. 14-15 (WCB 2009) (finding that petitioners violated the Commission's competitive bidding rules by not including the type of service on the FCC Form 470 the applicant requested on its FCC Form 471).

¹⁸ 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).

¹⁹ USAC issued a Funding Commitment Decision Letter denying funding for FRNs 1699039411 and 1699039438 on February 16, 2017.

Contribution Methodology
WC Docket No. 06-122

Granted

*Request for Waiver of FCC Form 499-Q Revision Deadline*²⁰

Sunesys, LLC, Emergency Request for Waiver, WC Docket No. 06-122 (filed Sept. 18, 2017)

Dismissed Without Prejudice

*Request for Waiver of Form 499-Q Revision Deadline*²¹

Home Town Telephone, LLC, Request for Waiver, WC Docket No. 06-122 (filed Sept. 28, 2017)

STS Media, Inc., Emergency Request for Waiver, WC Docket No. 06-122 (filed Sept. 21, 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 or (202) 418-1839.

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²⁰ See, e.g., *Universal Service Contribution Methodology; Petition for Reconsideration by Ascent Media Group, Inc.*, WC Docket No. 06-122, Order, 28 FCC Rcd 6150 (WCB 2013) (finding good cause for granting a waiver of the FCC Form 499-Q filing deadline where the company mistakenly reported its total projected company revenues instead of its assessable interstate and international end-user revenues, resulting in invoices that were significantly higher than what they would have been, but for the reporting error); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator and Request for Waiver by American Broadband & Telecommunications*, WC Docket No. 06-122, Order, 28 FCC Rcd 10358 (WCB 2013) (finding good cause for granting a waiver of the FCC Form 499-Q deadline where a typographical error resulted in invoices for the relevant quarter that were several times the company's true-up contribution obligation for the entire year).

²¹ 47 CFR § 54.721. See, e.g., *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding requests procedurally defective for failure to comply with 47 CFR § 54.721).