



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. 96-45
CC Docket No. 97-21
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

Dismiss³

Little Falls Township Public School, Application Nos. 985116, 991002, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2015)

Mound City Public Library, Application No. 886740, Request for Review, CC Docket No. 02-6 (filed Jan. 20, 2015)

Dismiss as Moot⁴

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 (Wireline Comp. Bur. 2014). 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).

² See 47 C.F.R. §§ 1.106, 1.115; see also 47 C.F.R. § 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, para. 2 (Wireline Comp. Bur. 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Las Vegas-Clark County Library District, Application No. 832699, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2015)

Dismiss on Reconsideration⁵

Calhoun School, Application No. 859258, Petition for Reconsideration, CC Docket No. 02-6 (filed July 28, 2015)

Cornerstone Preparatory Academy, Application No. 1051911, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 28, 2015)

Imagine Schools - Chancellor Campus, Application No. 1049655, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 31, 2015)

Torah Umesorah, Application Nos. 841008, 858516, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 27, 2015)

Dismiss on Reconsideration – Untimely⁶

Thlopthlocco Tribal Town Public Library, No Application Number, Petition for Reconsideration, CC Docket No. 02-6 (filed Jun. 30, 2015)

Granted⁷

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⁴ 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 (Wireline Comp. Bur. 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

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, 29 FCC Rcd 10356, 10357, para. 2 (Wireline Comp. Bur. 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).

⁶ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 26 FCC Rcd 13004 (Wireline Comp. Bur. 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions); *Petitions for Reconsideration by Lincoln Parish School Board et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 7992, para. 1 n.1 (Wireline Comp. Bur. 2011) (stating that the Bureau has the authority under 47 C.F.R § 1.106(p) to dismiss petitions for reconsideration of a Commission action that plainly do not warrant consideration by the Commission, such as petitions that are late-filed).

*Allowing Installation of Internal Connections from Separate Vendor*⁸

Florence County School District 3, Application Nos. 814647, 815495, Request for Review, CC Docket No. 02-6 (filed May 24, 2012)

P.A.C.E. High School, Application No. 550862, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 17, 2014)

*Failure to Consider Price as the Primary Factor in Vendor Selection Process*⁹

Dr. Joseph F. Pollack Academic Center of Excellence, Application No. 929709, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 22, 2014)

*Granted on Reconsideration – Ministerial and Clerical Error*¹⁰

NATIVE Vocational School District, Application No. 871949, Petition for Reconsideration, CC Docket No. 02-6 (filed July 30, 2015)

*Invoice Deadline Extension Requests Less Than 12 Months Late*¹¹

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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 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 C.F.R. § 54.514(a) (codifying the invoice filing deadline).

⁸ See *Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan for Our Future; Modernizing the E-rate Program for Schools and Libraries*; CC Docket No. 02-6, GN Docket No. 09-51, WC Docket No. 13-184, Order, 29 FCC Rcd 13404, 13411, para. 18 (Wireline Comp. Bur. 2014) (clarifying that the eligible services list does not bar applicants from purchasing equipment and securing installation of that equipment from separate vendors). Because we find that there was no rule violation, we need not address the other arguments that P.A.C.E. High School made in its appeal.

⁹ 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, 6115-17, paras. 10-12 (Wireline Comp. Bur. 2011) (granting waiver of requirement that price of E-rate supported services be the primary factor in bid evaluation where petitioner selected the least expensive responsive bid for E-rate eligible services).

¹⁰ See, e.g., *Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (Wireline Comp. Bur. 2013) (granting petition for reconsideration where, "[u]pon reconsideration of the record, we do not find that the evidence supports our previous determination that [the petitioner] violated the Commission's competitive bidding requirements"); *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, 22 FCC Rcd 8757, 8761, para. 6 (2007) (*Aberdeen School District Order*) (granting waiver of section 54.504(c) of the Commission's rules in order for applicants to make a correction after the deadline where appeals involved clerical errors on the part of the applicants (e.g., they inserted the wrong contract date, the wrong classification of service, or the wrong FCC Form 470 application number on the FCC Form 471), thus making it appear that the applicants violated the 28-day rule).

Kaibeto Boarding School, Application No. 855516, Request for Review, CC Docket No. 02-6 (filed Aug. 17, 2015)

Lakewood City School District, Application No. 831514, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 2, 2015)

Poth Independent School District, Application No. 824302, Request for Waiver, CC Docket No. 02-6 (filed Aug. 10, 2015)

RH Atlantic-Pacific, Application Nos. 695108, 695165, 695195, Request for Review, CC Docket No. 02-6 (filed Sept. 30, 2013)

Stinson Memorial Public Library District, Application No. 859824, Request for Review, CC Docket No. 02-6 (filed Aug. 26, 2015)

*Late-Filed FCC Form 471 Applications Filed within 14 days of the Close of the Window*¹²

ACE Tech Charter High School, Application No. 105799, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2015)

ACE Tech Charter High School, Application No. 1051803, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2015)

ACE Tech Charter High School, Application No. 1051661, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2015)

ACE Tech Charter High School, Application No. 1051804, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2015)

Annapolis Area Christian School, Application No. 1018895, Request for Waiver, CC Docket No. 02-6 (filed Aug. 27, 2015)

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¹¹ See, e.g., *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 97-21, 02-6, WC Docket No. 06-122, Public Notice, DA 15-983 (Wireline Comp. Bur. rel. Aug. 31, 2015) (granting invoice deadline extension requests less than 12 months late that were made in good faith and within a reasonable period of time after services were provided); *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, 8967, para. 242 (2014) (directing the Bureau and USAC to consider whether late invoice requests from funding years prior to 2014 were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension). Consistent with precedent, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision, for RH Atlantic-Pacific and Stinson Memorial Public Library District. See *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, para. 2 (Wireline Comp. Bur. 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

¹² 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 after the FCC Form 471 filing window deadline).

Calvary Chapel Christian School, Application No. 1018943, Request for Waiver, CC Docket 02-6 (Aug. 27, 2015)

Immanuel Christian School, Application No. 1020632, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

Niangua School District R5, Application No. 1018924, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

Poquoson City School, Application No. 1012480, Request for Waiver, CC Docket No. 02-6 (filed April 28, 2015)

Providence Christian Academy, Application No. 1020643, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

Sonrise Christian School, Application No. 1016212, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

Southwest Florida Christian Academy, Application No. 1020109, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

Westlake Christian School, Application No. 1048660, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

Westminster Academy, Application No. 101622, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

Westminster Christian Academy, Application No. 1018854, Request for Waiver, CC Docket 02-6 (filed Aug. 27, 2015)

*Late-Filed FCC Form 471 Applications – Unexpected Serious Illness or Death*¹³

St. Jerome Elementary School, Application No. 1036078, Request for Waiver, CC Docket 02-6 (filed Aug. 10, 2015)

*Ministerial and/or Clerical Errors*¹⁴

¹³ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by A Special Place; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 5827, 5828, para. 1 (Wireline Comp. Bur. 2014) (granting a waiver because applicant filed within 30 days of the close of the filing window despite an unexpected serious illness or death of the person responsible for submitting the form or a close family member of that person).

¹⁴ *See, e.g., Aberdeen School District Order*, 22 FCC Rcd at 8761, para. 6 (granting waiver of section 54.504(c) of the Commission's rules in order for applicants to make a correction after the deadline where appeals involved clerical errors on the part of the applicants (e.g., they inserted the wrong contract date, the wrong classification of

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Dzilh-Na-O-Dith-Hle School, Application No. 1035361, Request for Review, CC Docket No. 02-6 (filed Sept. 1, 2015)

Harrisburg City School District, Application No. 1008597, Request for Waiver, CC Docket No. 02-6 (filed Sept. 8, 2015)

Jefferson County Library, District 80, Application No. 1023010, Request for Review, CC Docket No. 02-6 (filed Aug. 24, 2015)

Mount Vernon City Schools, District 80, Application No. 911562, Request for Review, CC Docket No. 02-6 (filed Aug. 12, 2015)

*Signed Contract Requirement*¹⁵

Gateway Community Charters, Application No. 937991, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 10, 2014)

Denied

*Invoice Deadline Extension Requests Less Than 12 Months Late*¹⁶

Livingston Parish Public Schools, Application No. 742144, Request for Review, CC Docket No. 02-6 (filed Aug. 18, 2015)

*Late-Filed FCC Form 471 Applications*¹⁷

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service, or the wrong FCC Form 470 application number on the FCC Form 471), thus making it appear that the applicants violated the 28-day rule); *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 17319-20, para. 1-2 (Wireline Comp. Bur. 2010) (*Ann Arbor Public Schools Order*) (permitting an applicant to correct a typographical error).

¹⁵ *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 (Wireline Comp. Bur. 2008); *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 (Wireline Comp. Bur. 2013) (granting waivers of the signed contract requirement in instances where applicants demonstrated they had legally binding agreements in place prior to filing their FCC Form 471 applications); *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17319-20, para. 1-2 (finding that good cause existed to waive section 54.504(c) of the Commission's rules to permit applicants to correct inadvertent ministerial or clerical errors on forms and submissions to USAC).

¹⁶ *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, 4726-27, para. 10 (Wireline Comp. Bur. 2015) (denying requests for invoice deadline extensions from funding years prior to 2014 less than 12 months late that failed to provide a "reasonable basis" for a substantial delay).

¹⁷ *See, e.g., Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying waivers of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

Algoma Christian School, Application No. 1018907, Request for Waiver, CC Docket No. 02-6 (filed Aug. 27, 2015)

Carnegie Free Library of McKeesport, Application No. 1053231, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2015)

Easton Valley Community School District, Application No. 1052451, Request for Waiver, CC Docket No. 02-6 (filed Aug. 28, 2015)

Joan Macy School, Application No. 1053151, Request for Waiver, CC Docket No. 02-6 (filed Aug. 12, 2015)

Laconia Christian School, Application No. 1018931, Request for Waiver CC Docket No. 02-6 (filed Aug. 27, 2015)

Lenape Valley Regional High School District, Application No. 1052693, Request for Waiver, CC Docket No. 02-6 (filed April 16, 2015)

Mother of Our Redemer Catholic School, Application No. 1016168, Request for Waiver, CC Docket No. 02-6 (filed Aug. 27, 2015)

Naa Tisis' AAn Community School, Application Nos. 1051854, 1051855, Request for Waiver, CC Docket No. 02-6 (May 27, 2015)

Nicaea Academy Inc., Application No. 1016198, Request for Review, CC Docket No. 02-6 (Aug. 27, 2015)

Okefenokee Regional Library System, Application Nos. 1053391, 1053392, 1053393, Request for Waiver, CC Docket No. 02-6 (Aug. 4, 2015)

San Marcos Consolidated Independent School District, Application No. 1052291, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2015)

Sierra Foothill Charter School, Application No. 1052671, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2015)

The NHU Foundation, Application No. 991417, Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2015)

Warner Christian Academy, Application No. 1016217, Request for Waiver, CC Docket No. 02-6 (filed Aug. 27, 2015)

Woodford County Special Education Association School, Application No. 996939, Request for Waiver, CC Docket (filed Aug. 20, 2015)

*Untimely Filed Request for Review*¹⁸

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 (Wireline Comp. Bur. 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.

(continued...)

Black Mesa Community School, Application No. 873629, Request for Waiver, CC Docket No. 02-6 (filed May 21, 2015)

Yeshiva D'Monsey, Application No. 693241, Request for Waiver, CC Docket No. 02-6 (filed Aug. 18, 2015)

For additional information concerning this Public Notice, please contact James Bachtell at (202) 418-7400, in the Telecommunications Access Policy Division, Wireline Competition Bureau.

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02-6, Order, 29 FCC Rcd 5823 (Wireline Comp. Bur. 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).