

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

In the Matter of)	
)	
Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by)	
)	
Boston Renaissance School Boston, Massachusetts, <i>et al.</i>)	File Nos. SLD-735147, <i>et al.</i>
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	

ORDER

Adopted: July 27, 2011

Released: July 27, 2011

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

1. In this order, we deny 50 appeals of decisions made by the Universal Service Administrative Company (USAC) that reduce or deny funding from the schools and libraries universal service support mechanism (also known as the E-rate program) for various funding years 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.¹ Consistent with the Commission's *Agra Public Schools Order*,² and based on our review of the record; we deny the 50 appeals because the petitioners have failed to show special circumstances necessary for the Commission to waive the deadline.

2. Section 54.720 of the Commission's rules establishes deadlines for affected parties to seek review of decisions issued by USAC.³ The appeal must have been filed with the Commission or USAC within 60 days of the issuance of the decision that the party seeks to have reviewed.⁴ Petitioners assert that they failed to timely file their appeals due to employee inattention, personnel changes, or

¹ See Appendices A-C. In this order, the term "appeals" refers generally to both requests for review of decisions issued by USAC and requests for waiver of the Commission's rules. 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) (2011). Additionally, the Commission may waive any provision of its rules for good cause shown. 47 C.F.R. § 1.3 (2011). A list of the appeals is attached as Appendices A, B, and C. Specifically, appeals filed late with USAC are listed in Appendix A. Appeals filed late with the Commission are listed in Appendix B. Appeals filed late with both USAC and the Commission are listed in Appendix C.

² *Request for Review of the Decision of the Universal Service Administrator by Agra Public Schools I-134, Agra, OK, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-363747, *et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (Wireline Comp. Bur. 2010) (*Agra Public Schools Order*) (denying appeals on the grounds that petitioners failed to submit their appeals either to the Commission or to USAC within 60 days as required by the Commission's rules).

³ See 47 C.F.R. § 54.720 (2011).

⁴ 47 C.F.R. § 54.720(a), (b) (2011).

illness.⁵ Other petitioners attribute their late filings to a lack of awareness of the Commission's rules.⁶ Other petitioners argue that they did not file appeals earlier because, at the time USAC denied their applications, they did not think an appeal to the Commission would be successful.⁷ These petitioners then filed untimely appeals after the release of Commission decisions containing precedent that, in their view, could affect previously denied applications. Several petitioners fail to provide an explanation for the untimely filing of their appeals.⁸

3. We find that these petitioners failed to comply with the filing deadline set forth in section 54.720 of the Commission's rules, and that, consistent with precedent, the petitioners have not demonstrated that waivers of the filing deadline are warranted in these cases. As a result, we deny the petitioners' appeals listed in the attached appendices.

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

⁵ See Request for Waiver by Boston Renaissance School; Request for Waiver by Browns Valley School; Request for Review by Caddo-Kiowa Area Voc Tech District; Request for Review by Chilhowee School District IV; Request for Waiver by Coahoma County School District; Request for Review by Delphic Elementary School; Request for Review by Department of Information Systems State of Arkansas; Request for Review by Franklin County School District; Request for Review by Holy Family Catholic School; Request for Waiver by LaSalle Ed Network; Request for Review by Maine School Admin District 60; Request for Review by Mercedes Independent School District; Request for Review by Middlesex County Public Library; Request for Waiver by Middleton School District 134; Request for Review by Pilgrim Lutheran School; Request for Review by Shawnee Elementary North School; Request for Review by Shore Regional High School; and Request for Waiver by Snohomish School District 201.

⁶ See Request for Review by Gilmore Memorial Christian Academy; Request for Review by Leominster School District; and Request for Review by Takini School.

⁷ Request for Waiver by Capac Community School; Request for Review by Dawson-Bryant School District; Request for Review by Howard University Public Charter Middle School of Mathematics and Science; and Request for Review by Lindenworld Borough School District.

⁸ See Request for Review by Chatham County Public District; Request for Waiver by Circle of Nations School; Request for Review by DeltaNet, Inc.; Request for Review by Dreamland Academy; Request for Review by Epstein Hebrew Academy; Request for Waiver by Gallup-McKinley County School; Request for Review by Greenville County School District; Request for Review by Hardin County Schools; Request for Waiver by Harmony School District 21; Request for Waiver by Henry Ford Academy: Power House High; Request for Review by Hooks Independent School District; Request for Review by Jackson Park Elementary; Request for Review by Keshet; Request for Review by King Middle School; Request for Review by Malta Independent School District; Request for Review by Mill Creek Valley Schools; Request for Review by Mora Independent School District; Request for Review by Osceola School District 1; Request for Review by River Road Lutheran School; Request for Review by Spokane School District 81; Request for Review by Spring Cove School District; Request for Review by Trinity Lutheran School; Request for Review by Virtual Schoolhouse Inc.; and Request for Waiver by Western Line School District.

5. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. §1.102(b)(1), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

APPENDIX A

Appeals Filed Untimely With USAC

Petitioner	Application Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Chatham County Public District Savannah, Georgia	430033	Appeal	2004	5/27/2009
Chilhowee School District R-IV Montgomery, Alabama	469103	Appeal	2005	4/28/2011
Delphic Elementary School Montague, California	659290	Appeal	2009	1/5/2010
Department of Information Systems State of Arkansas Little Rock, Arkansas	666699	Appeal	2009	3/28/2011
Epstein Hebrew Academy Clayton, Mississippi	661342	Appeal	2009	5/11/2010
Franklin County School District Louisburg, North Carolina	459988	Appeal	2005	11/15/2010
Gilmore Memorial Christian Academy Paterson, New Jersey	361884	Appeal	2003	3/7/2005
Hardin County Schools Elizabethtown, Kentucky	468011	Appeal	2005	9/15/2006
Howard University Public Charter Middle School of Mathematics and Science Washington, DC	560694	Appeal	2007	12/11/2009
Keshet Northbrook, Illinois	663944	Appeal	2009	9/29/2010
LaSalle Education Network Chicago, Illinois	687430	Waiver	2009	3/1/2011
Leominster School District Leominster, Massachusetts	372922	Appeal	2003	5/27/2008
Lindenwold Borough School District Syracuse, New York	592282	Appeal	2008	2/3/2010
Malta Independent School District Mustang, Oklahoma	652288	Appeal	2009	12/20/2009

Petitioner	Application Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Middlesex County Public Library Urbanna, Virginia	622984	Appeal	2008	4/23/2010
Middleton School District 134 Middleton, Idaho	588615	Waiver	588615	5/24/2011
Mill Creek Valley Schools Alma, Kansas	399248	Appeal	2004	5/23/2006
Shawnee Elementary North School Grand Tower, Illinois	683187	Appeal	2009	11/18/2009
Trinity Lutheran School Clayton, Missouri	727527	Appeal	2010	6/7/2011

APPENDIX B

Appeals Filed Untimely With the Commission

Petitioner	Application Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Boston Renaissance School Dobbs Ferry, New York	735147	Waiver	2010	3/10/2011
Browns Valley School Browns Valley, Minnesota	688942, 698343	Waiver	2009	9/22/2009
Capac Community Schools Capac, Michigan	472031	Waiver	2005	2/16/2006
Circle of Nations School Wahpeton, North Dakota	771083	Waiver	2010	1/26/2011
Coahoma County School District Clarksdale, Mississippi	484707	Waiver	2005	11/23/2009
Dawson-Bryant School District Coal Grove, Ohio	766268	Appeal	2010	12/21/2010
DeltaNet, Inc. Clifton, New Jersey	183756	Appeal	2000	5/30/2007
Dreamland Academy Little Rock, Arkansas	692867	Appeal	2009	11/9/2010
Gallup-McKinley County School Gallup, New Mexico	373089	Waiver	2003	9/3/2010
Greenville County School District Greenville, South Carolina	691942	Appeal	2009	10/25/2010
Harmony School District 21 Atoka, Oklahoma	555544	Waiver	2007	4/19/2010
Holy Family Catholic School St. Petersburg, Florida	770243	Appeal	2010	1/20/2011
Hooks Independent School District Hooks, Texas	566196, 576173, 583775	Appeal	2007	7/22/2009

Petitioner	Application Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Jackson Park Elementary Silverdale, Washington	348092	Appeal	2003	8/11/2009
Maine School Admin District 60 North Berwick, Maine	679401	Appeal	2009	9/27/2010
Osceola School District 1 Osceola, Arizona	391712	Appeal	2004	5/9/2011
Presidio Network Solutions, Inc. (Caddo-Kiowa Area Voc Tech District) Fort Cobb, Oklahoma	532701	Appeal	2006	8/6/2009
Presidio Network Solutions, Inc. (Mercedes Independent School District) Mercedes, Texas	509526	Appeal	2006	8/4/2009
River Road Lutheran School Saint Louis, Missouri	656036	Appeal	2009	6/14/2010
Seguin Independent School District Seguin, Texas	375334	Waiver	2003	11/13/2009
Shore Regional High School W Long Branch, New Jersey	653499	Appeal	2009	2/8/2010
Snohomish School District 201 Snohomish, Washington	522135	Waiver	2006	10/10/2008
Spokane School District 81 Spokane, Washington	658611	Appeal	2009	5/14/2010
Spring Cove School District Roaring Spring, Pennsylvania	527372, 545881	Appeal	2006	7/30/2010
Takini School Howes, South Dakota	770463	Appeal	2010	11/4/2010
Virtual Schoolhouse Inc. Cleveland, Ohio	485019	Appeal	2005	1/7/2011

Petitioner	Application Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Western Line School District Avon, Mississippi	464336	Waiver	2005	10/13/2006

APPENDIX C

Appeals Filed Untimely With USAC and the Commission

Petitioner	Application Number	Type of Appeal	Funding Year	Appeal Filed with the Commission
Henry Ford Academy: Power House High Chicago, Illinois	694570, 695099	Waiver	2009	4/1/2010
King Middle School Monterey, California	418539	Appeal	2004	12/17/2010
Mora Independent School District Mora, New Mexico	533342	Appeal	2006	11/10/2010
Pilgrim Lutheran School Green Bay, Wisconsin	700883, 700924	Appeal	2009	11/20/2009