



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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

DA 14-1330

Released: September 15, 2014

STREAMLINED PROCESS FOR RESOLVING REQUESTS FOR REVIEW OF DECISIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 96-45
WC Docket No. 02-6
WC Docket No. 02-60
WC Docket No. 06-122
WC Docket No. 08-71
WC Docket No. 10-90
WC Docket No. 11-42
WC Docket No. 14-58

Consistent with the Federal Communications Commission (Commission)'s goal of streamlining our internal review processes,¹ and pursuant to our delegated authority,² we revise our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of Wireline Competition Bureau (Bureau) decisions related to actions (collectively, Requests) taken by the Universal Service Administrative Company (USAC) that are consistent with precedent.³ Currently, we resolve such matters in either a stand-alone order addressing a specific Request or as part of an order addressing a number of Requests involving the same underlying issue. For those matters that are consistent with Commission or Bureau precedent, we typically issue shorter orders to accelerate their disposition.

The Bureau receives numerous Requests on a monthly basis. We therefore take an additional step to further speed the disposition of these matters while, at the same time, fulfilling our obligation to thoroughly review the record before us.⁴ Specifically, effective immediately, we will issue a Public Notice periodically, as necessary, disposing of pending matters that do not involve complicated and/or controversial issues, in a manner consistent with Commission and/or Bureau precedent. The Public Notice will address these Requests, categorized by the applicable universal service program. To identify

¹ See *Report on FCC Process Reform*, GN Docket No. 14-25 (Staff Working Group, Feb.14, 2014) (*Process Reform Report*).

² See 47 C.F.R. §§ 0.91, 0.291, 1.3, 54.722.

³ 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).

⁴ See, e.g., 47 C.F.R. § 54.723 (requiring the Wireline Competition Bureau to conduct a *de novo* review of requests for review of decisions made by USAC).

a Request, the Public Notice will also include the petitioner's name, the date the Request was filed with the Secretary's office, and the application number for such Requests, as applicable. Where a Request involves a more complicated fact pattern where it would be beneficial to the public to issue a decision describing the Request in more detail, we will continue to resolve those Requests separately.

Thus, concurrent with release of this Public Notice, we grant and deny the following Requests, consistent with precedent. Petitions for reconsideration or applications for review concerning the disposition of any of these Requests may be filed within 30 days of this Public Notice.⁵

Schools and Libraries (E-rate)
WC Docket No. 02-6

Grants

*Late-Filed FCC Form 471 Applications*⁶

Breckenridge R-I School District, Application No. 991952, Request for Waiver, WC Docket No. 02-6 (filed Sept. 3, 2014)

Holy Rosary Academy, Application No 986072, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

Mesilla Valley Christian School, Application No. 959933, Request for Waiver, WC Docket No. 02-6 (filed Sept. 4, 2014)

Our Lady Mercy School, Application No. 993089, Request for Waiver, WC Docket No. 02-6 (filed Jun. 16, 2014)

Our Lady of Assumption, Application No 986062, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

Our Lady of Perpetual Help School, Application No. 985691, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

Sacred Heart Academy – Redlands, Application No. 992124, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

⁵ See 47 C.F.R. § 1.106; 47 C.F.R. § 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).

⁶ See *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, 9259-60, paras. 8 & 9 (2010) (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; or filed their FCC Forms 471 on time, but failed to timely file their certifications); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Anderson Elementary School et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5319, 5319-20, para. 2 (Wireline Comp. Bur. 2012) (treating late-filed item 21 attachments like late-filed certifications). We therefore remand the underlying applications to USAC. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications.

Sacred Heart School – Palm Desert, Application No. 992128, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

St. Adelaide School, Application No. 985658, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

St. Eugene School, Application No. 983356, Request for Waiver, WC Docket No. 02-6 (filed Sept. 5, 2014)

St. Francis de Sale School, Application No. 985942, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

St. James School, Application, No. 992126, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

St. Jeanne de Lestonnac School, Application No. 986545, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

St. Johnsubury Athenaeum, Application No. 992367, Request for Waiver, WC Docket No. 02-6 (filed Aug. 9, 2014)

St. Joseph School, Application No. 986196, Request for Waiver, WC Docket No. 02-6 (filed Aug. 29, 2014)

St. Margaret Mary School , Application No. 985575, Request for Waiver, WC Docket 02-6 (filed Aug. 29, 2014)

St. Philip School, Application No. 992152, Request for Waiver, WC Docket No. 02-6 (filed Jun. 19, 2014)

*Ministerial and/or Clerical Errors*⁷

Bound Brook School District, Application No. 892413, Petition for Reconsideration, WC Docket No. 02-6 (filed Jun. 5, 2014)

Marshall County School District, Application No. 919733, Request for Review, WC Docket No. 02-6 (filed Jun. 5, 2014)

St. Augustine School, Application No. 932616, Request for Review, WC Docket No. 02-6 (filed Jul. 3, 2014)

St. Vincent Ferrer High School, Application No. 917048, Request for Review, WC Docket No. 02-6 (filed Jul. 23, 2014)

TEACH Wisconsin, Application No. 902390, Request for Review, WC Docket No. 02-6 (filed Jul. 23, 2014)

Denials

*Late-Filed FCC Form 471 Applications*⁸

Anna Porter Public Library, Application No. 994768, Request for Waiver, WC Docket No. 02-6 (filed Sept. 2, 2014)

Guffey Community Charter School, Application No. 994649, Request for Waiver, WC Docket No. 02-6 (filed Aug. 27, 2014)

*Ministerial and/or Clerical Errors*⁹

Anthony Independent School District, Application No. 925534, Request for Review, WC Docket No. 02-6 (filed Aug. 11, 2014)

⁷ See *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 (Wireline Comp. Bur. 2008); *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 (Wireline Comp. Bur. 2010); *Request for Waiver and Review of Decisions of the Universal Service Administrator by Erie I BOCES et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13381 (Wireline Comp. Bur. 2013) (addressing appeals and petitions for reconsideration seeking waivers of the Commission's E-rate rules in order to correct ministerial or clerical errors on petitioners' E-rate applications or associated forms). We therefore remand these applications to USAC and direct USAC to complete its review of each application 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 *supra* note 6.

⁹ See *supra* note 7.

Connect America Fund
WC Docket Nos. 08-71, 10-90, 11-42, 14-58

Grants

*Section 54.313 Form 481 Filing Deadline*¹⁰

Atlantic Telephone Membership Corporation, Request for Limited Waiver of FCC Rule Sections 54.313 and 54.422 Regarding Filing Deadline for FCC Form 481, WC Docket Nos. 10-90, 11-42 (filed Jul. 25, 2014)

Rural Telephone Service Company, Inc. D/B/A Nex-Tech, Petition for Waiver of 47 C.F.R. § 54.313(j), WC Docket No. 08-71 (filed Jul. 25, 2014)

*Section 54.307(c) and Section 54.802(a) High Cost Model Support and Interstate Access Support Line Count Filing Deadlines*¹¹

Long Lines Wireless, LLC, Petition for Waiver of FCC Rules Section 54.307(c) and Section 54.802(a), WC Docket No. 08-71 (filed Apr. 22, 2009)

*Section 54.903(a)(3) Interstate Common Line Support Projected Data Filing Deadline*¹²

United Utilities, Inc., Petition for Waiver of Section 54.903(a)(3), WC Docket No. 08-71 (filed Jun. 11, 2014)

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

¹⁰ See, e.g., *Petitions for Waiver of Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, CC Docket No. 96-45, Order, 25 FCC Rcd 843 (Wireline Comp. Bur. 2010) (granting requests to waive various high-cost filing deadline rules for entities that filed between one and 11 business days after the deadline and in several situations where the entities mailed the submission before the deadline in such a manner that it should have arrived on time); *Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, CC Docket No. 96-45, Order, 23 FCC Rcd 15325 (Wireline Comp. Bur. 2008) (granting requests to waive various high-cost filing rules for entities that filed between two and 13 business days after the deadline and in a situation where an entity attempted to submit a filing before the deadline electronically, but the submission failed). We therefore direct USAC to accept these filings as timely.

¹¹ See, e.g., *Petitions for Waiver of Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, CC Docket No. 96-45, Order, 26 FCC Rcd 4908 (Wireline Comp. Bur. 2011) (granting a request to waive the section 54.802(a) line count filing deadline for an entity whose employee responsible for the filing was unavailable around the time of the deadline and that filed eight business days after the deadline); *Federal-State Joint Board on Universal Service, Fibernet, LCC, Petition for Waiver of FCC Rule Section 54.307(c)(4)*, CC Docket No. 96-45, Order, 20 FCC Rcd 20316 (Wireline Comp. Bur. 2005) (granting a request to waive the section 54.307(c) line count data filing deadline for an entity whose employee responsible for the filing had resigned around the time of the deadline and that filed five business days after the deadline). We therefore direct USAC to accept this filing as timely.

¹² See, e.g., *Federal-State Joint Board on Universal Service, Westgate Communications LLC d/b/a Weavtel, Petition of Waiver of the Section 54.903 Interstate Common Line Support Reporting Date*, CC Docket No. 96-45, Order, 23 FCC Rcd 12797 (Wireline Comp. Bur. 2008) (granting the request to waive the section 54.903(a) projected data reporting deadline for an entity that filed its projected data within the window to adjust or correct projected data). We therefore direct USAC to accept this filing as timely.

- FCC -