



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

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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. 02-60
WC Docket No. 06-122
WC Docket No. 08-71

Pursuant to our revised 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 grants and 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

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket No. 96-45, CC 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, Public Notice, DA 14-1330 (Wireline Comp. Bur. rel. Sept. 15, 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). The Wireline Competition Bureau (Bureau) has the authority to act on petitions requesting reconsideration of final actions taken pursuant to delegated authority. 47 C.F.R. § 1.106(a)(1).

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).

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

Grants³

*Failure to Timely Respond to USAC with Information*⁴

Andalusia School, Application No. 813220, Request for Waiver, CC Docket No. 02-6 (filed Oct. 21, 2013)

Cascade School District 5, Application No. 930934, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2014)

Elite High School, Application No. 857270, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2014)

Longwood Central School District, Application No. 937501, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2014)

*Late-Filed FCC Form 471 Applications*⁵

Clarinda Lutheran School, Application No. 991934, Request for Waiver, CC Docket No. 02-6 (filed Aug. 14, 2014)

Congregation Yeshiva Bais Chaya Mushka Inc., Application No. 991852, Request for Waiver, CC Docket 02-6 (filed Oct. 27, 2014)

³ We remand the underlying applications to USAC. In remanding these applications to USAC, we make no other findings as to the ultimate eligibility of the underlying services or the petitioners' applications.

⁴ *Requests for Review of the Decisions of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (Wireline Comp. Bur. 2014) (granting requests for review or waiver for applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame). Consistent with precedent, we also find good cause exists 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 Andalusia School, Cascade School District 5, and Elite High School. 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*, Order, 26 FCC Rcd 11019, 11019, para. 2 (Wireline Comp. Bur. 2011) (waiving the filing deadline for petitioners who submitted their appeals to the Commission or USAC only a few days late).

⁵ 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, 9259-60, 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, and denying waivers where petitioners failed to present special circumstances justifying waivers of our rules); *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).

Leepertown Township Public Library, Application No. 983451, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2014)

The Lowell School of Bayside, Application No. 992148, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2014)

Miracle City Academy, Application No. 992673, Request for Waiver, CC Docket No. 02-6 (filed Sept. 24, 2014)

Odem-Edroy Independent School District, Application No. 992218, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2014)

Real County Public Library, Application No. 992276, Request for Waiver, CC Docket No. 02-6 (filed Oct. 1, 2014)

Rocky Bayou Christian School, Application No. 992410, Request for Waiver, CC Docket No. 02-6 (filed Oct. 24, 2014)

Whiteside Area Vocational Center, Application Nos. 992100 and 992125, Requests for Waiver, CC Docket 02-6 (filed Sept. 30, 2014)

*Ministerial and/or Clerical Errors*⁶

East Noble School Corp., Application No. 943560, Request for Waiver, CC Docket 02-6 (filed Oct. 20, 2014)

⁶ 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 (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 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).

*Signed Contract Requirement*⁷

Evesham Township School District, Application No. 971240, Request for Waiver, CC Docket No. 02-6 (filed Sept. 29, 2014)

Hillside School District 93, Application No. 936174, Request for Waiver, CC Docket No. 02-6 (filed Oct. 3, 2014)

Markesan School District, Application No. 946575, Request for Waiver, CC Docket No. 02-6 (filed Oct. 21, 2014)

Rhode Island Department of Elementary and Secondary Education, Application No. 936734, Request for Waiver, CC Docket No. 02-6 (filed Oct. 10, 2014)

Denials

*Late-Filed FCC Form 471 Applications*⁸

Ace Tech Charter High School, Application No. 994609, Request for Waiver, CC Docket No. 02-6 (filed Sept. 11, 2014)

Geneseo Community Unit School District 228, Application No. 995268, Request for Waiver, CC Docket No 02-6 (filed Aug. 21, 2014)

Los Angeles International Charter High School, Application No. 995448, Request for Waiver, CC Docket No. 02-6 (filed Sept. 30, 2014)

⁷ See, e.g., *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 (Wireline Comp. Bur. 2008) (granting appeals on the merits in instances where applicants demonstrated they were in compliance with the Commission's rule to have a signed contract in place prior to filing their applications and granting waivers of that rule in circumstances where applicants signed their contracts a few days after filing their FCC Forms 471 because their employees erred or they misunderstood the rules.); *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 (Wireline Comp. Bur. 2013) (granting a waiver of the Commission's rule that E-rate applicants have a signed contract in place before filing an FCC Form 471 in circumstances where applicants had some form of an agreement in place for the relevant funding year prior to the filing of their 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 5.

*Untimely Filed Request for Review*⁹

Central City Public Schools, Application No. 888042, and Schuyler Community Schools, Application No. 899756, Requests for Waiver, CC Docket No. 02-6 (filed Sept. 18, 2014)

Prologue School, Application No. 768943, Request for Waiver, CC Docket No. 02-6 (filed Sept. 30, 2014)

Sullivan County Public Library, Application No. 956133, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2014)

*Untimely Filed Petition for Reconsideration*¹⁰

NS Community Improvement Council Head Start, Application Nos. 685013, 756208, 805150, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 2, 2014)

Rural Health Care (RHC)

WC Docket No. 02-60, CC Docket Nos. 96-45, 97-21

Denials

*Failure to Comply with Commission's Competitive Bidding Requirements*¹¹

Copper River Native Association, RHC Nos. 13015, 13016, 13017, 13019, CC Docket Nos. 96-45, 97-21, WC Docket No. 02-60 (filed June 4, 2010, Aug. 23, 2010)

⁹ 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 Review or Waiver 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 (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).

¹⁰ 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 (Wireline Comp. Bur. 2010) (denying both petitions for reconsideration because they were untimely filed with the Commission).

¹¹ See 47 C.F.R. § 54.603 (providing that the health care provider shall wait at least 28 days from the date on which its FCC Form 465 is posted on the Universal Service Administrative Company's website before making commitments with the selected telecommunications carrier(s)); 47 C.F.R. § 54.623(b) (providing that the funding year is the period from July 1- June 30); 47 C.F.R. § 54.623(d) (requiring health care providers to submit new funding requests for each funding year); *Request for Review of the Decision of the Universal Service Administrator by Raymond-Knowles Elementary School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 19 FCC Rcd 24024, para. 3 (2004) (finding that (1) the petitioner's assertion that major staff changes contributed to the late submission of its Funding Year 2002 FCC Form 470 [comparable to the FCC Form 465 in the Rural Health Care Program] is not a special circumstance warranting a waiver of the Commission's competitive bidding rules; (2) the fact that there is only one provider in the petitioner's service area does not relieve the petitioner of the responsibility to comply with program rules; and (3) the applicant ultimately has the responsibility for the timely submission of its application).

Contribution Methodology
WC Docket No. 06-122

Grant

*Ministerial and/or Clerical Errors*¹²

VIP Communications, Inc., Request for Review, WC Docket No. 06-122 (filed Sept. 29, 2014)

Connect America Fund
WC Docket No. 08-71

Denial

*Section 54.307(c) and Section 54.802(a) Line Count Data Filing Deadlines*¹³

Windy City Cellular Company, Petition for Waiver of Sections 54.307 and 54.802 Submission Date for FCC Form 525 Line Count Data, WC Docket No. 08-71 (filed Jan. 22, 2013)

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

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¹² See *Universal Service Contribution Methodology; Petition for Reconsideration by Ascent Media Group, Inc.*, WC Docket No. 06-122, Order, 28 FCC Rcd 6150 (Wireline Comp. Bur. 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, 28 FCC Rcd 10358 (Wireline Comp. Bur. 2013) (finding good case 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). In remanding this matter to USAC, we direct USAC to accept the contributor's revised August 2009 FCC Form 499-Q as if timely filed and reverse any associated interest, fees, and penalties.

¹³ See, e.g., *Federal-State Joint Board on Universal Service et al.*, CC Docket No. 96-45 et al., Order, 26 FCC Rcd 6178 (Wireline Comp. Bur. 2011) (denying Windy City Cellular Company's previous petition requesting waiver of the section 54.307(d) high-cost filing deadline and denying other parties' waiver petitions in instances where they missed high-cost filing deadlines previously and "should have put in place sufficient procedures to avoid missing subsequent high-cost filing deadlines"). We direct USAC to withhold the high-cost support associated with the December 30, 2012 FCC Form 525 filing.