



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. 02-6
WC Docket No. 02-60
WC Docket No. 96-45
WC Docket No. 08-71

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

Dismiss as Moot³

Shaw School District, MS, Application No. 916413, Request for Waiver, CC Docket No. 02-6 (filed Feb. 18, 2015)

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(f), 1.115(d); 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., *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, 8224, para. 2 (Wireline Comp. Bur. 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

Dismiss on Reconsideration – Untimely⁴

Babove JIQ, NY, Application No. 911791, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 29, 2015)

Crystal City School District 47, MO, Application Nos. 1052431, 1052435, 1052436, 1052437, 1052438, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 15, 2015)

Palm Beach Seventh-Day Bilingual School, FL, Application No. 907224, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 21, 2015)

Granted⁵

Granted on Reconsideration – Late-Filed FCC Form 471 Applications Filed within 14 days of the Close of the Window⁶

Naa Tisis’aan Community School, AZ, Application Nos. 1051854, 1051855, Petition for Reconsideration, CC Docket No. 02-6 (Oct. 30, 2015)

Ministerial and/or Clerical Errors – 28-Day Competitive Bidding Requirement⁷

⁴ 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, 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).

⁵ 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).

⁶ 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, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10709, para. 14 (Wireline Comp. Bur. 2006); *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) (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).

Vista Charter Middle School, CA, Application No. 896236, Request for Waiver, CC Docket No. 96-45 (filed Mar. 7, 2014)

*Ministerial and/or Clerical Errors – FCC Form 471*⁸

Cloquet School District 94, MN, Application No. 1044893, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2015)

*Ministerial and/or Clerical Errors – Signed Contract Requirement*⁹

International Studies Charter School, FL, Application No. 849329, Request for Review, CC Docket No. 02-6 (filed Oct. 14, 2015)

Mater Academy Gardens Elementary School, FL, Application No. 849707, Request for Review, CC Docket No. 02-6 (filed Oct. 14, 2015)

Somerset Pines, FL, Application No. 851123, Request for Review, CC Docket No. 02-6 (filed Oct. 14, 2015)

Denied

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⁷ 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, 8761, para. 6 (2007) (granting a waiver of the Commission's competitive bidding rules for applicants that made clerical errors making it incorrectly appear as though they violated the requirement that they wait at least 28 days from the posting of their FCC Form 470 before selecting a service provider).

⁸ See, e.g., *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, para. 2 (Wireline Comp. Bur. 2010) (permitting an applicant to correct its error of entering the discounted price where it should have entered the pre-discounted price on its FCC Form 471).

⁹ See, e.g., *Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6019, 6022-23, paras. 8-9 (2007) (granting a waiver of the Commission's contract rules for applicants where clerical errors made it incorrectly appear as though they signed their contracts after submitting their FCC Form 471). 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 International Studies Charter School, Mater Academy Gardens Elementary School, and Somerset Pines. 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, 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); 47 C.F.R. § 54.720(a),(b).

*Service Implementation Delay*¹⁰

Jemez Valley Public School, NM, Application No. 763080, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2015)

To'Hajiilee Community School, NM, Application No. 820017, Request for Review, CC Docket No. 02-6 (filed June 15, 2015)

*Untimely Filed Request for Review*¹¹

Chesterfield County Library, SC, Application No. 1012694, Request for Review, CC Docket No. 02-6 (filed Oct. 5, 2015)

Compass Charter School, NY, Application No. 968948, Request for Review, CC Docket No. 02-6 (filed Oct. 8, 2015)

Williamsburg County School District, SC, Application No. 807195, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2015)

¹⁰ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13653, para. 3 (Wireline Comp. Bur. 2014) (denying late-filed requests for extension of the deadline for service implementation when applicants failed to demonstrate they were unable to complete implementation on time for reasons beyond the service providers' control and failed to make significant efforts to secure the necessary extensions in a timely manner).

¹¹ 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) (*Agra Public Schools Order*); *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 (Wireline Comp. Bur. 2014) (*Bound Brook School District Order*) (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).

Rural Health Care
WC Docket No. 02-60

Denied

*Untimely Filed Request for Review and/or Waiver*¹²

Annette Island Service Unit, HCP No. 13063, Request for Review and Request for Waiver, WC Docket No. 02-60 (filed July 23, 2015)

Connect America Fund
WC Docket No. 96-45
WC Docket No. 08-71

Denied

*Section 54.307(c) and Section 54.903 Line Count Data Filing Deadlines*¹³

MTA Communications, LLC d/b/a MTA Wireless/Matanuska-Kenai, Inc., Request for Waiver, WC Docket Nos. 96-45 and 08-71 (filed Oct. 6, 2015)

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

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¹² See, e.g., *Agra Public Schools Order*; *Bound Brook School District Order* (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).

¹³ MTA Communications, LLC d/b/a MTA Wireless/Matanuska-Kenai, Inc. (MTAW) did not provide Interstate Common Line Support line counts in its Form 525 filing due March 30, 2015. MTAW has previously received a waiver of high-cost filing deadlines based in part on a commitment to put procedures in place to avoid missing future deadlines. See *Universal Service High-Cost Filing Deadlines*; *Federal-State Joint Board on Universal Service*, WC Docket No. 08-71, CC Docket No. 96-45, Order, 29 FCC Rcd 3198, 3202, para 10 (Wireline Comp. Bur. 2014) (“We rely on . . . MTAW to fulfill their commitments to adhere to their revised filing procedures, and do not anticipate [MTAW] . . . will seek similar waivers again.”); see also *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 waiver petitions in instances where petitioners missed high-cost filing deadlines previously and “should have put in place sufficient procedures to avoid missing subsequent high-cost filing deadlines”).