

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Petitions for Reconsideration by
Blessed Sacrament School et al.
New York, New York
School and Libraries Universal Service
Support Mechanism
File Nos. SLD-831551, 863006 et al.
CC Docket No. 02-6

ORDER ON RECONSIDERATION

Adopted: December 17, 2015

Released: December 17, 2015

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

I. INTRODUCTION

1. Consistent with precedent, we dismiss and deny nine petitions for reconsideration seeking review of certain decisions in the Wireline Competition Bureau’s (Bureau) March 2015 Streamlined Request Resolution PN that denied Petitioners’ appeals of decisions by the Universal Service Administrative Company (USAC) concerning applications for discounts under the E-rate program (more formally known as the schools and libraries universal service support program) for funding year 2012. In so doing, we reaffirm our findings in the March 2015 Streamlined Request Resolution PN, that USAC

1 See, e.g., Petitions for Reconsideration by Callisburg Independent School District; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9460-61, para. 3 (WCB 2013) (Callisburg Order); Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan for Our Future, CC Docket No. 02-6, GN Docket No. 09-51, Sixth Report and Order, 25 FCC Rcd 18762, 18799, para. 86 (2010) (Schools and Libraries Sixth Report and Order) (both explaining that “all potential bidders and service providers must have access to the same information and be treated in the same manner throughout the procurement process”); Requests for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 26 FCC Rcd 8630, 8635-36, paras. 11-12 (WCB 2011) (Central Islip Order); Request for Review of Decisions of the Universal Service Administrator by Gila Bend Unified School District; School and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 26 FCC Rcd 6870, 6873-74, para. 8 (WCB 2011) (Gila Bend Order) (both denying appeals where the applicant failed to produce documentation regarding its vendor selection process and, thus, could not demonstrate compliance with the E-rate program’s competitive bidding rules).

2 A list of the petitions for reconsideration (Petitions for Reconsideration), the relevant associated application and funding request numbers, and the bases for their denial is attached in Appendix A. In this Order, we use the term “appeals” to refer to the appeals and/or waiver requests initially filed by the Petitioners with the FCC which were denied in the Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company, CC Docket No. 02-6, Public Notice, 30 FCC Rcd 2745, 2749-50, nn.17 & 18 (WCB 2015) (March 2015 Streamlined Request Resolution PN) (finding that Petitioners violated the Commission’s competitive bidding requirements by failing to treat potential vendors in the same manner and/or by failing to maintain and provide copies of bids or other documentation in support of the bid evaluation process). The 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).

properly rescinded Petitioners' E-rate funding on the basis that the underlying applications violated the Commission's competitive bidding rules by either failing to provide the same information to all potential bidders, failing to retain bids and bid evaluation documents that demonstrate compliance with the competitive bidding rules, or both.³ In the Petitions for Reconsideration, Petitioners restate the same facts and arguments they made in their underlying appeals and also argue that the denial of their appeals was defective because the streamlined notice we use to resolve routine appeals is a change in process that was made without notice and comment rulemaking. We find Petitioners' arguments unavailing and dismiss the Petitions for Reconsideration as procedurally defective to the extent Petitioners raise the same substantive arguments asserted in their previously filed appeals. In addition, as an alternative and independent basis for the decision, we deny the Petitions for Reconsideration on the merits.

II. BACKGROUND

A. The E-rate Program

2. The E-rate program allows eligible schools, libraries, and consortia that include eligible schools and libraries to apply for universal service support for eligible services.⁴ E-rate program rules generally require that eligible entities seek competitive bids for services eligible for support.⁵ In accordance with the Commission's competitive bidding rules, applicants must submit for posting on USAC's website an FCC Form 470 to initiate the competitive bidding process.⁶ The applicant must describe the requested services with sufficient specificity to enable potential service providers to submit bids for such services.⁷ After submitting an FCC Form 470, the applicant must wait at least 28 days before making commitments with its selected service providers.⁸

3. The Commission's rules require applicants to carefully consider all submitted bids prior to selecting a service provider, and the price of eligible products and services must be the primary factor in selecting the winning bid.⁹ The competitive bidding process must be fair and open, and must not have been compromised because of improper conduct by the applicant, service provider, or both parties.¹⁰ All potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process.¹¹ Furthermore, E-rate applicants must retain documentation regarding their vendor selection process to demonstrate their compliance with the E-rate program's competitive bidding rules.¹²

³ *March 2015 Streamlined Request Resolution PN* at 2749-50 nn.17 & 18 (finding that petitioners violated the Commission's competitive bidding requirements by failing to treat potential vendors in the same manner and/or by failing to maintain and provide copies of bids or other documentation in support of the bid evaluation process).

⁴ *See* 47 C.F.R. §§ 54.501-54.502.

⁵ *See* 47 C.F.R. § 54.503.

⁶ *See* 47 C.F.R. § 54.503(c).

⁷ *See id.*

⁸ *See* 47 C.F.R. § 54.503(c)(4).

⁹ *See* 47 C.F.R. § 54.511(a).

¹⁰ *See* 47 C.F.R. § 54.503(a) ("All entities participating in the schools and libraries universal service support program must conduct a fair and open competitive bidding process[.]").

¹¹ *See Callisburg Order*, 28 FCC Rcd at 9460-61, para. 3; *Schools and Libraries Sixth Report and Order*, 25 FCC Rcd at 18799, para. 86 (both explaining that "all potential bidders and service providers must have access to the same information and be treated in the same manner throughout the procurement process").

¹² *See* 47 C.F.R. §§ 54.504(a)(1)(x), 54.516(a) (2012) (requiring E-rate applicants to retain for five years any and all worksheets and other records relied upon to fill out its application); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15823-26, paras. 47-50 (2004) (*Schools and Libraries Fifth Report and Order*) (concluding that program participants must retain all

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B. Petitioners' Competitive Bidding Processes

4. The facts are not in dispute. Petitioners consist of nine schools that are (or were) a part of the Catholic Archdiocese of New York school system.¹³ In 2011 and 2012, Petitioners submitted their FCC Forms 470 to USAC to initiate the competitive bidding process for E-rate eligible services for funding year 2012.¹⁴ In their FCC Forms 470, each of the Petitioners sought bids on Telecommunications Service, Internet Access, Internal Connections, and/or Basic Maintenance of Internal Connections (BMIC).¹⁵ During Petitioners' bidding windows, a potential bidder from SaaS Networks LLC (SaaS) contacted eight of the Petitioners to seek information about their Internal Connections and BMIC requirements.¹⁶ Each of the eight Petitioners "conceded that it was unable to produce an email response to [SaaS]" during the 28-day bidding window.¹⁷ SaaS never submitted a bid.¹⁸ Subsequently, Petitioners selected their respective service providers and filed their FCC Form 471 applications for funding year 2012.¹⁹

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documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt, and delivery of services receiving schools and libraries discounts); *Central Islip Order*, 26 FCC Rcd at 8635-36, paras. 11-12; *Gila Bend Order*, 26 FCC Rcd at 6873-74, para. 8 (both denying appeals where the applicant failed to produce documentation regarding its vendor selection process and, thus, could not demonstrate compliance with the E-rate program's competitive bidding rules). In 2014, the Commission expanded the recordkeeping requirement to ten years. See *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, 8974-75, para. 262 (2014) (*E-rate Modernization Order*).

¹³ Blessed Sacrament School ("Blessed Sacrament") Petition for Reconsideration at 1; Mount Carmel-Holy Rosary School ("Mt. Carmel") Petition for Reconsideration at 1; St. Aloysius School ("St. Aloysius") Petition for Reconsideration at 1; St. Ann School ("St. Ann") Petition for Reconsideration at 1; St. Anthony School ("St. Anthony") Petition for Reconsideration at 1; St. Brigid School ("St. Brigid") Petition for Reconsideration at 1; St. Jude School ("St. Jude") Petition for Reconsideration at 1; St. Mark the Evangelist School ("St. Mark") Petition for Reconsideration at 1; St. Nicholas Tolentine School ("St. Nicholas") Petition for Reconsideration at 1.

¹⁴ FCC Form 470, Blessed Sacrament School (posted July 11, 2011); FCC Form 470, Blessed Sacrament School (posted Jan. 15, 2012); FCC Form 470, Mount Carmel-Holy Rosary School (posted Jan. 16, 2012); FCC Form 470, St. Aloysius School (posted July 13, 2011); FCC Form 470, St. Aloysius School (posted Jan. 15, 2012); FCC Form 470, St. Ann School (posted Jan. 16, 2012); FCC Form 470, St. Anthony School (posted July 11, 2011); FCC Form 470, St. Anthony School (posted Jan. 15, 2012); FCC Form 470, St. Brigid School (posted July 14, 2011); FCC Form 470, St. Brigid School (posted Jan. 5, 2012); FCC Form 470, St. Jude School (posted July 15, 2011); FCC Form 470, St. Mark the Evangelist School (posted Jan. 15, 2012); FCC Form 470, St. Nicholas Tolentine School (posted July 18, 2011); FCC Form 470, St. Nicholas (posted Jan. 15, 2012). Petitioner's FCC Form 470 applications are attached as exhibits to their underlying appeal briefs.

¹⁵ *Id.*

¹⁶ Blessed Sacrament Petition for Reconsideration at 11; Mt. Carmel Petition for Reconsideration at 8; St. Aloysius Petition for Reconsideration at 10; St. Ann Petition for Reconsideration at 8; St. Anthony Petition for Reconsideration at 5; St. Brigid Petition for Reconsideration at 5; St. Mark Petition for Reconsideration at 8; St. Nicholas Petition for Reconsideration at 5.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ FCC Form 471, Blessed Sacrament School (filed Mar. 3, 2012); FCC Form 471, Blessed Sacrament School (filed Mar. 19, 2012); FCC Form 471, Mount Carmel-Holy Rosary School (filed Mar. 13, 2012); FCC Form 471, St. Aloysius School (filed Mar. 13, 2012); FCC Form 471, St. Aloysius School (filed Mar. 19, 2012); FCC Form 471, St. Ann School (filed Mar. 13, 2012); FCC Form 471, St. Ann School (filed Mar. 15, 2012); FCC Form 471, St. Anthony School (filed Mar. 3, 2012); FCC Form 471, St. Anthony School (filed Mar. 19, 2012); FCC Form 471, St. Brigid School (filed Mar. 14, 2012); FCC Form 471, St. Brigid School (filed Mar. 19, 2012); FCC Form 471, St. Jude School (filed Feb. 8, 2012); FCC Form 471, St. Mark the Evangelist School (filed Mar. 13, 2012); FCC Form

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5. Initially, USAC issued Funding Commitment Decision Letters approving Petitioners' funding requests.²⁰ However, in May 2014, following a Special Compliance Investigative Review conducted by USAC to investigate alleged competitive bidding violations of various schools in the Archdiocese of New York, USAC issued Commitment Adjustment Letters, rescinding Petitioners' funding commitments in full for funding year 2012.²¹

C. USAC's Funding Rescission Decisions

1. USAC Rescission Decisions for Eight Petitioners for Inhibiting a Fair and Open Competitive Bidding Process

6. During its Special Compliance Investigative Review, USAC determined that eight Petitioners failed to respond to inquiries from SaaS during the bidding window.²² Two of these Petitioners, Mt. Carmel and St. Ann, responded to other service providers that contacted them with an invitation to their schools' E-rate open house, but did not invite SaaS to the open houses, nor did they otherwise respond to SaaS' inquiry.²³ Thus, USAC rescinded Mt. Carmel and St. Ann's funding on the basis that these schools gave an unfair competitive advantage to certain service providers over SaaS, thereby failing to treat all potential bidders fairly and equally, and inhibiting a fair and open competitive bidding process.²⁴

7. With respect to the other six Petitioners that failed to respond to SaaS's inquiry (Blessed Sacrament, St. Aloysius, St. Anthony, St. Brigid, St. Mark, and St. Nicholas), USAC determined that the BMIC service description listed on each of their FCC Forms 470 was insufficiently detailed to allow prospective bidders to provide a responsive bid.²⁵ USAC therefore rescinded funding for those six schools on the basis that their failure to provide sufficient information to provide a responsive bid inhibited a fair and open competitive bidding process.²⁶

2. USAC Rescission Decisions for Eight Petitioners for Failing to Produce Competitive Bidding Documentation

8. Finally, USAC sought documents from all nine Petitioners pertaining to their vendor selection process for funding year 2012, and determined that eight of these Petitioners (Blessed Sacrament, St. Aloysius, St. Ann, St. Anthony, St. Brigid, St. Jude, St. Mark, and St. Nicholas) failed to produce documentation pertaining to their competitive bidding processes, including copies of bids received and documentation to support the vendor evaluation and selection process.²⁷ As a result of those

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471, St. Nicholas Tolentine School (filed Jan. 25, 2012); FCC Form 471, St. Nicholas Tolentine School (filed Mar. 13, 2012). Petitioner's FCC Form 471 applications are attached as exhibits to their underlying appeal briefs.

²⁰ See Appendix B, USAC's Funding Commitment Decision Letters (FCDLs) to Petitioners, which were attached as exhibits to Petitioner's underlying appeal briefs.

²¹ See Appendix B, USAC's Notification of Commitment Adjustment Letters (COMADs) Petitioners, which were attached as exhibits to Petitioner's underlying appeal briefs.

²² See Appendix B, USAC's COMADs to Blessed Sacrament, Mt. Carmel, St. Aloysius, St. Ann, St. Anthony, St. Brigid, St. Mark, and St. Nicholas.

²³ See Appendix B, USAC's COMADs to Mt. Carmel and St. Ann.

²⁴ *Id.*

²⁵ See Appendix B, USAC's COMADs to Blessed Sacrament, St. Aloysius, St. Anthony, St. Brigid, St. Mark, and St. Nicholas.

²⁶ *Id.*

²⁷ See Appendix B, USAC's COMADs to Blessed Sacrament, St. Aloysius, St. Ann, St. Anthony, St. Brigid, St. Jude, St. Mark, and St. Nicholas.

eight Petitioners' failure to document their competitive bidding process, USAC could not determine these Petitioners' compliance with competitive bidding requirements. USAC therefore rescinded in full the funding commitments of those eight Petitioners.²⁸

D. Arguments and Decisions on Appeal

1. Bureau Decision On Inhibiting Fair and Open Competitive Bidding Process

9. Each Petitioner sought a review and/or waiver of USAC's decision from the Commission.²⁹ Regarding USAC's determination that eight Petitioners failed to respond to SaaS, Petitioners conceded that they were unable to produce an e-mail response to SaaS's e-mail and each blamed the failure to respond on the "apparent inadvertent failure of a busy elementary school Principal."³⁰ Five of the Petitioners admitted communicating with other potential bidders by e-mail or telephone.³¹ Mt. Carmel and St. Ann also conceded that they responded to certain interested parties and expressly invited them to the schools' E-rate open house, but that they did not invite SaaS.³² However, Petitioners argued that the BMIC service description on each of their FCC Forms 470, which indicated that each school was seeking an "hourly pricing" quote, was sufficiently complete to allow bidders to specify their hourly rates for the categories of maintenance services specified.³³ Accordingly, Petitioners argued that SaaS should have been able to compose a bid, despite never receiving a response from the schools.³⁴ Petitioners also argued that SaaS should not be considered a potential bidder because it never filed a Service Provider Annual Certification (SPAC) Form, had never been selected to receive any E-rate program support before or since funding year 2012, and did not submit a bid to any of the schools.³⁵

10. Based upon our review of the record, on appeal, we upheld USAC's determination that five of the Petitioners (Blessed Sacrament, Mt. Carmel, St. Aloysius, St. Ann, and St. Mark) failed to treat all potential bidders equally and inhibited a fair and open competitive bidding process because these Petitioners failed to respond to SaaS's inquiry but communicated with other potential bidders by e-mail, by telephone, or by inviting them to an E-rate open house.³⁶

²⁸ *Id.*

²⁹ See Appendix C, Petitioners' Requests for Review or Waiver and Supplements to Request for Review or Waiver (Supplemental Briefs).

³⁰ See Blessed Sacrament Supplemental Brief at 9; Mt. Carmel Supplemental Brief at 7; St. Aloysius Supplemental Brief at 8; St. Ann Supplemental Brief at 8; St. Anthony Supplemental Brief at 8; St. Brigid Supplemental Brief at 8; St. Mark Supplemental Brief at 7; St. Nicholas Supplemental Brief at 7.

³¹ See Blessed Sacrament Supplemental Brief at 4; Mt. Carmel Supplemental Brief at 4; St. Aloysius Supplemental Brief at 4; St. Ann Supplemental Brief at 4; St. Mark Supplemental Brief at 4.

³² See Mt. Carmel Supplemental Brief at 2, 4; St. Ann Supplemental Brief at 6, 8. The agenda for one of the open houses indicated that attendees would learn more about the school's network infrastructure and requested services, as well as participate in a Question and Answer session. See St. Ann Supplemental Brief, Ex. 3 (St. Ann School E-rate Open House Agenda).

³³ See Blessed Sacrament Supplemental Brief at 8; St. Aloysius Supplemental Brief at 7-8; St. Anthony Supplemental Brief at 7-8; St. Brigid Supplemental Brief at 7; St. Mark Supplemental Brief at 6-7; St. Nicholas Supplemental Brief at 7 n.14.

³⁴ *Id.*

³⁵ See Blessed Sacrament Supplemental Brief at 9 n.21; Mt. Carmel Supplemental Brief at 4-5 n.7; St. Aloysius Supplemental Brief at 8 n.19; St. Ann Supplemental Brief at 8 n.17; St. Anthony Supplemental Brief at 8 n.19; St. Brigid Supplemental Brief at 8 n.16; St. Mark Supplemental Brief at 7 n.15; St. Nicholas Supplemental Brief at 6-7.

³⁶ *March 2015 Streamlined Request Resolution PN* at 2749 n.17. We did not find that Petitioners' failure to respond to SaaS's request for information, alone, constituted a violation of the Commission's competitive bidding rules. Rather, Petitioners' failure to respond to SaaS's request for information, while also sharing information with other

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2. Bureau Decision On Failing to Produce Competitive Bidding Documentation

11. Regarding USAC's determination that eight Petitioners failed to produce their competitive bidding records to USAC, five of the Petitioners (St. Aloysius, St. Ann, St. Brigid, St. Mark, and St. Nicholas) offered no explanation or excuse for this violation.³⁷ The remaining three Petitioners (Blessed Sacrament, St. Anthony, and St. Jude) indicated that the school has closed, and claimed that this "affected the School's ability to provide all documentation."³⁸

12. Based on a review of the record, we determined that seven of the Petitioners (Blessed Sacrament, St. Aloysius, St. Anthony, St. Brigid, St. Jude, St. Mark, and St. Nicholas) violated the E-rate rules by failing to maintain and provide copies of bids or other documentation in support of their bid evaluation process and therefore could not demonstrate their compliance with the Commission's competitive bidding rules.³⁹

3. Bureau Decision On Requests For Waiver

13. Finally, in their appeals, all of the Petitioners requested a waiver of the Commission's competitive bidding rules on the basis that the schools had committed mere "staff mistakes," that there was no evidence of any waste, fraud, or abuse, or misuse of funds, and that seeking reimbursement of disbursed funds would cause undue hardship to the schools.⁴⁰

14. Because we determined that no special circumstances existed to justify a waiver of the Commission's competitive bidding rules, we denied all nine appeals in their entirety.⁴¹

E. Petitions for Reconsideration

15. In the Petitions for Reconsideration, Petitioners seek reconsideration of their requests for a review and/or waiver and restate facts and arguments they previously asserted in their appeals.⁴²

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potential bidders, inhibited a fair and open competitive bidding process. Thus, we denied the appeals of the five Petitioners who admitted to communicating with potential bidders other than SaaS (either by e-mail or by telephone), including the two Petitioners (Mt. Carmel and St. Ann) who expressly invited other potential bidders to the E-rate open house.

³⁷ See St. Aloysius Supplemental Brief; St. Ann. Supplemental Brief; St. Brigid Supplemental Brief; St. Mark Supplemental Brief; St. Nicholas Supplemental Brief.

³⁸ See Blessed Sacrament Supplemental Brief at 2; St. Anthony Supplemental Brief at 2; St. Jude Supplemental Brief at 2.

³⁹ *March 2015 Streamlined Request Resolution PN* at 2750 n.18. Upon review of the documents St. Ann produced to USAC, we found that St. Ann provided the only two bids it received, and ultimately selected the lowest costing bid. Thus, we did not deny St. Ann's appeal on this basis.

⁴⁰ See Blessed Sacrament Supplemental Brief at 10-14; Mt. Carmel Supplemental Brief at 8-12; St. Aloysius Supplemental Brief at 9-13; St. Ann Supplemental Brief at 9-12; St. Anthony Supplemental Brief at 10-13; St. Brigid Supplemental Brief at 9-12; St. Jude Supplemental Brief at 6-10; St. Mark Supplemental Brief at 8-12; St. Nicholas Supplemental Brief at 8-12.

⁴¹ *March 2015 Streamlined Request Resolution PN* at 2749-50 nn.17 & 18. See also *Requests for Waiver & Review of Decisions of the Universal Service Administrator by Charlton County School System; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2010, 2010-11, para.1 (WCB 2012) (finding that petitioners did not demonstrate that good cause exists to justify a waiver of the Commission's competitive bidding requirements).

⁴² See, e.g., St. Aloysius Supplemental Brief at 8 ("The apparent inadvertent failure of a busy elementary school Principal to respond to Mr. Gilani via e-mail, if that is in fact what occurred here, should not be turned into a 'gotcha' violation that requires a 90% school to return needed E-Rate support money . . . [T]here is no indication that [SaaS] has ever filed a SPAC form. . . Further, based on consultation using SaaS's SPIN with a database maintained by E-Rate Central, SaaS has never been selected to receive any E-Rate Program support, before or since

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Petitioners also argue that the denial of their appeals was defective because the Bureau's streamlined procedure for resolving appeals and requests for waiver was a fundamental change to the process of handling appeals that was made without notice and comment rulemaking.⁴³

III. DISCUSSION

16. *Dismissal.* Our rules provide that a petition for reconsideration will only be entertained if it relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed its appeal.⁴⁴ We have already fully considered and rejected the facts and arguments offered by the Petitioners in support of their Petitions for Reconsideration.⁴⁵ Therefore, to the extent Petitioners reiterate their previously asserted arguments, we dismiss the Petitions for Reconsideration pursuant to section 1.106(p)(3) of the Commission's rules.⁴⁶

17. *Denial.* In addition, independently and in the alternative, we deny the Petitions for Reconsideration on the merits. In denying five of the Petitioners' appeals in the *March 2015 Streamlined Request Resolution PN*, we relied on the Commission's rules and precedent that requires that all potential bidders have access to the same information and be treated in the same manner throughout the procurement process.⁴⁷ The record shows that those Petitioners could not produce evidence demonstrating that they responded to SaaS's request for additional information despite communicating with other potential bidders, either by e-mail, telephone, or through open houses to share information about the requested services.⁴⁸ By giving some, but not all, potential bidders additional information about the schools' requested services and bidding process, these five Petitioners gave certain potential bidders

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FY 2012."); St. Aloysius Petition for Reconsideration at 10 ("A busy school principal inadvertently neglected to answer an e-mail and the sender never followed up. Moreover, the sender had not complied with USAC certification requirements. How much of a real bidder was SaaS?"); *id.* ("[T]here was no indication that [SaaS] had ever filed a [SPAC] form. . . Moreover, based on consultation using SaaS's SPIN with a database maintained by E-Rate Central . . . SaaS had never been selected to receive any E-Rate Program support, before or since FY 2012."); St. Aloysius Supplemental Brief at 12 ("There is absolutely no evidence here of any activity by the School intended to defraud or abuse the E-Rate Program. Nor is there any evidence of any waste, fraud, or abuse, or misuse of funds. The inability of the School to produce evidence of a response to Mr. Gilani does not reflect an effort to affirmatively discourage bidders.") and St. Aloysius Petition for Reconsideration at 15 ("There is absolutely no evidence here of any activity by the School intended to defraud or abuse the E-Rate Program. Nor is there any evidence of any waste, fraud, or abuse, or misuse of funds. The inability of the School to produce evidence of a response to Mr. Gilani does not reflect an effort to affirmatively discourage bidders.").

⁴³ Blessed Sacrament Petition for Reconsideration at 12-13; Mt. Carmel Petition for Reconsideration at 9-10; St. Aloysius Petition for Reconsideration at 11-12; St. Ann Petition for Reconsideration at 9-10; St. Anthony Petition for Reconsideration at 9-10; St. Brigid Petition for Reconsideration at 8-9; St. Jude Petition at 8-9; St. Mark Petition for Reconsideration at 9-10; St. Nicholas Petition for Reconsideration at 7-8.

⁴⁴ See 47 C.F.R. § 1.106(b)(2).

⁴⁵ See *supra* note 42.

⁴⁶ 47 C.F.R. § 1.106(p)(3) (allowing the Commission to dismiss petitions for reconsideration that rely on arguments that have been fully considered and rejected by the Commission within the same proceeding).

⁴⁷ *March 2015 Streamlined Request Resolution PN* at 2749 n.17 (denying appeals of Blessed Sacrament, Mt. Carmel, St. Aloysius, St. Ann, and St. Mark). See 47 C.F.R. § 54.503(a) (2013) ("All entities participating in the schools and libraries universal service support program must conduct a fair and open competitive bidding process[.]"); *Callisburg Order*, 28 FCC Rcd at 9460-61, para. 3; *Schools and Libraries Sixth Report and Order*, 25 FCC Rcd at 18799, para. 86 (both explaining that "all potential bidders and service providers must have access to the same information and be treated in the same manner throughout the procurement process.").

⁴⁸ See *supra*. paras. 9, 11.

an unfair advantage over others and inhibited a fair and open competitive bidding process.⁴⁹

18. These five Petitioners' argument that their failure to respond to the potential bidder, SaaS, did not taint the competitive bidding process because the Bureau should not consider SaaS a "real potential bidder" is inconsistent with the very concept of potential bidders. To support this argument, Petitioners once again argue that SaaS has never filed a SPAC Form, has never been selected to receive any E-rate program support before or since funding year 2012, and did not submit a bid to any of the schools.⁵⁰ However, submission of a SPAC Form is not required for a service provider to submit a bid for E-rate services.⁵¹ Thus, SaaS not having a SPAC Form on file at the time it contacted the schools did not justify or excuse Petitioners' failure to respond to SaaS's inquiry or invite SaaS to their schools' E-rate open house event. Furthermore, the fact that SaaS has never been selected to receive E-rate support is not a reason to disqualify a service provider as a "real potential bidder." Indeed, the Commission welcomes new or small service providers with little to no E-rate experience to participate in the E-rate program and contribute to the competitive bidding process. Finally, the fact that SaaS did not submit a bid to Petitioners only hurts, rather than helps, Petitioners' argument. Had Petitioners responded to SaaS's inquiry or invited SaaS to any of the E-rate open houses, perhaps SaaS might have submitted a competitive bid. But Petitioners failed to treat every potential bidder equally and did not provide every potential bidder with access to the same information, thus inhibiting the competitive bidding process. Therefore, consistent with precedent, we correctly found in the *March 2015 Streamlined Request Resolution PN* that these Petitioners violated the Commission's competitive bidding rules by providing information to potential bidders that was not available to SaaS, thereby inhibiting a fair and open competitive bidding process.⁵²

19. Additionally, we affirm our decision to deny seven of the Petitioners' appeals in the *March 2015 Streamlined Request Resolution PN*, because they violated the Commission's rules and precedent that requires all E-rate program participants to retain and produce upon request documentation regarding their vendor selection process to demonstrate compliance with the E-rate program's competitive bidding rules.⁵³ The record shows that seven Petitioners failed to maintain and provide copies of bids or other documentation in support of their bid evaluation process in violation of the Commission's rules.⁵⁴

20. Regarding Petitioners' waiver requests, we affirm our decision that Petitioners have not demonstrated the existence of any special circumstances warranting a waiver of the Commission's competitive bidding rules. The Commission may exercise its discretion to waive a rule where the

⁴⁹ See *Petitions for Reconsideration by Lake Pend Oreille School District and Trillion Partners, Inc.*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 1103, 1107, para. 5 (WCB 2013) (*Lake Pend Order*) (finding that petitioner "provided [a potential bidder] with access to information and selective treatment that was not provided to other bidders, thereby violating the Commission's competitive bidding requirements.").

⁵⁰ See *Blessed Sacrament Petition for Reconsideration* at 11-12; *Mt. Carmel Petition for Reconsideration* at 8-9; *St. Aloysius Petition for Reconsideration* at 10-11; *St. Ann Petition for Reconsideration* at 8-9; *St. Mark Petition for Reconsideration* at 8-9.

⁵¹ See USAC, School and Libraries Program, Service Providers, Step 3: Winning the Bid, FCC Form 473 Filing, <http://www.usac.org/sl/service-providers/step03/473-filing.aspx> (last visited Dec. 15, 2015); USAC, Schools and Libraries Program, Forms, FCC Form 473 Instructions, <http://www.usac.org/res/documents/sl/pdf/forms/473i.pdf> (last visited Dec. 15, 2015) (All explaining that submission of a SPAC form certifies that the service provider will comply with program rules and allows the service provider to be paid on invoices submitted to USAC once it wins the bid for E-rate services. Service providers can file SPAC Forms on or shortly after the application filing window opens for the upcoming funding year, and the only deadline related to SPAC Forms is that they must be on file with USAC before USAC will pay invoices for the funding year).

⁵² See *March 2015 Streamlined Request Resolution PN* at 2749 n.17.

⁵³ See *supra* note 12.

⁵⁴ See *supra* para. 10.

particular facts demonstrate that (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.⁵⁵ Here, Petitioners can meet neither of the elements necessary to support a successful waiver request. Instead, they merely repeat their argument that their failure to respond to SaaS and/or retain their competitive bidding records were comparable to mere “staff mistakes” that constitute special circumstances that the Commission has previously found to warrant a waiver.⁵⁶ To support this argument, Petitioners rely on the *Bishop Perry Order* in which the Commission found that “clerical or ministerial errors” in E-rate applications did not justify denials of funding.⁵⁷ In the *Bishop Perry Order*, the violations at issue were “procedural, not substantive,” and involved errors such as a failure to timely file an FCC Form 471, a failure to timely file a certification related to an FCC Form 470, and a failure to comply with minimum processing standards.⁵⁸ By contrast, Petitioners’ “errors” were not isolated, clerical mistakes, but rather substantive violations of fundamental competitive bidding requirements of the E-rate program. The Commission has long held that a fair and open competitive bidding process is fundamental to the integrity of the E-rate program.⁵⁹ Thus, the Commission has consistently required applicants to treat all potential bidders equally throughout the procurement process, give them access to the same information, and ensure that no bidders receive an unfair advantage.⁶⁰ Selecting the most cost-effective bid and ensuring that price is the primary factor is another fundamental requirement of the competitive bidding process.⁶¹ Therefore, it is essential that applicants retain their competitive bidding records to demonstrate their compliance with this rule.⁶² Petitioners’ failure to treat SaaS equally to the other potential bidders, as well as Petitioners’ failure to retain their competitive bidding records, undermined the framework of the competitive bidding process.

⁵⁵ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁵⁶ See Blessed Sacrament Petition for Reconsideration at 14-16; Mt. Carmel Petition for Reconsideration at 11-14; St. Aloysius Petition for Reconsideration at 12-15; St. Ann Petition for Reconsideration at 11-14; St. Anthony Petition for Reconsideration at 10-13; St. Brigid Petition for Reconsideration at 9-12; St. Jude Petition for Reconsideration at 9-12; St. Mark Petition for Reconsideration at 11-13; St. Nicholas Petition for Reconsideration at 9-12.

⁵⁷ See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School et al.*, CC Docket 02-6, Order, 21 FCC Rcd 5316, 5316, para. 1 (2006) (*Bishop Perry Order*).

⁵⁸ *Bishop Perry Order*, 21 FCC Rcd at 5323, 5324, 5325, paras. 14, 16, 20. See also *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6487, 6489, para. 5 (2011) (“[Clerical and ministerial] errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error.”).

⁵⁹ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076-80, paras. 570-80 (1997) (*Universal Service First Report and Order*) (subsequent history omitted) (requiring applicants to conduct a fair and open competitive bidding process when seeking support for eligible products and services); *Federal-State Joint Board on Universal Service; Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers; Transport Rate Structure and Pricing; End User Common Line Charge*, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, and 95-72, Report and Order and Fourth Order on Reconsideration, 13 FCC Rcd 5318, 5425-26, para. 185 (1997) (*Schools and Libraries Fourth Order on Reconsideration*) (stating that competitive bidding is a key component of the Commission’s effort to ensure that universal service funds support services that satisfy the precise needs of an institution, and that the services are provided at the lowest possible rates).

⁶⁰ *Id.*; see also *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26939, para. 66 (2003) (stating that a fair and open competitive bidding process is critical to preventing waste, fraud, and abuse of program resources).

⁶¹ *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District*, CC Docket 02-6, Order, 18 FCC Rcd 26407, 26428, para. 47 (2003).

⁶² See *supra* note 54.

21. Additionally, Petitioners argue that a waiver is appropriate because “the outcome of [their] vendor selection process . . . was consistent with the policy goals underlying the Commission’s competitive bidding rules.”⁶³ But as discussed above, five of the Petitioners failed to provide a level playing field for all potential bidders, and seven of the Petitioners failed to maintain and provide copies of bids or other documentation in support of their bid evaluation process. Thus, we cannot find that Petitioners acted in a way that was consistent with the policy goals underlying the Commission’s competitive bidding rules.

22. Petitioners also argue that they are entitled to a waiver of the Commission’s competitive bidding rules because there is no evidence of waste, fraud, abuse, or misuse of funds, and the schools would suffer economic hardship.⁶⁴ We disagree. While the Commission “appreciate[s] that it may impose some hardship to make repayment in some situations, a statutory or rule violation cannot be absolved merely because the nature of the violation does not implicate waste, fraud or abuse.”⁶⁵

23. Even assuming arguendo that there is no evidence of waste, fraud or abuse here, limiting recovery to situations involving waste, fraud or abuse would place the Commission in the position of condoning violation of the program’s rules.⁶⁶ Moreover, one of the goals of the document retention requirements is to provide the evidence sufficient to demonstrate whether there has been any waste, fraud or abuse. At the very least, violating those rules creates an unacceptable risk that applicants will pay more for E-rate supported services than they would if they had followed the rules. Thus, because Petitioners cannot demonstrate any special circumstances that warrant deviation from the Commission’s competitive bidding rule, their requests for a waiver are denied.⁶⁷

24. Finally, Petitioners’ argument that the *March 2015 Streamlined Request Resolution PN* was procedurally defective is also unavailing.⁶⁸ The Commission’s rules do not require any specific format for disposing of appeals.⁶⁹ Our revision to the format for issuing routine appeals decisions that are consistent with precedent did not cause any substantive change in our review of the underlying appeals that would require notice and comment rulemaking, nor did the *March 2015 Streamlined Request Resolution PN* deprive the Petitioners from a full understanding of the Commission’s reasoning in denying their appeals. The *March 2015 Streamlined Request Resolution PN* clearly and succinctly

⁶³ See Blessed Sacrament Petition for Reconsideration at 15; Mt. Carmel Petition for Reconsideration at 12; St. Aloysius Petition for Reconsideration at 13; St. Ann Petition for Reconsideration at 12; St. Anthony Petition for Reconsideration at 11; St. Brigid Petition for Reconsideration at 10; St. Jude Petition for Reconsideration at 10; St. Mark Petition for Reconsideration at 12; St. Nicholas Petition for Reconsideration at 10.

⁶⁴ See Blessed Sacrament Petition for Reconsideration at 16-17; Mt. Carmel Petition for Reconsideration at 14-15; St. Aloysius Petition for Reconsideration at 15-16; St. Ann Petition for Reconsideration at 13-14; St. Anthony Petition for Reconsideration at 12-13; St. Brigid Petition for Reconsideration at 11-12; St. Jude Petition for Reconsideration at 12-13; St. Mark Petition for Reconsideration at 13-14; St. Nicholas Petition for Reconsideration at 11-12.

⁶⁵ *Schools and Libraries Fifth Report and Order*, 19 FCC Rcd at 15817-18, para. 29.

⁶⁶ *Id.*

⁶⁷ See *Petition for Reconsideration by Chicago Public Schools*, CC Docket No. 02-6, Order on Reconsideration, 29 FCC Rcd 9289 (2014) (denying petition for reconsideration where petitioner failed to present special circumstances that warranted deviation from the general rule).

⁶⁸ See Blessed Sacrament Petition for Reconsideration at 12-13; Mt. Carmel Petition for Reconsideration at 9-10; St. Aloysius Petition for Reconsideration at 11-12; St. Ann Petition for Reconsideration at 9-10; St. Anthony Petition for Reconsideration at 9-10; St. Brigid Petition for Reconsideration at 8-9; St. Jude Petition for Reconsideration at 8-9; St. Mark Petition for Reconsideration at 9-10; St. Nicholas Petition for Reconsideration at 7-8.

⁶⁹ The Commission’s rules require only that (1) any person aggrieved by an action taken by USAC may request review from the Commission, and (2) these requests for review shall be considered and acted upon by the Bureau. See 47 C.F.R. §§ 54.722, 54.719(c).

notified Petitioners of the denial of their appeals, the basis for the denials, and the precedent supporting the denial of their appeals.⁷⁰ The Commission has found that short-form orders are permissible since the denial of the appeal is fully supported by cited precedent clearly prohibiting the actions taken by petitioners.⁷¹ Thus, because Petitioners' appeals fit squarely within Commission and Bureau precedent, they were properly disposed in the *March 2015 Streamlined Request Resolution PN*.

25. For these reasons, we affirm our decisions in the *March 2015 Streamlined Request Resolution PN*⁷² and direct USAC to seek recovery against Petitioners, to the extent that feasible to do so.

IV. ORDERING CLAUSES

26. 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 sections 0.91, 0.291, 1.3, 1.106, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.106 and 54.722(a), that the Petitions for Reconsideration filed by Petitioners, as identified in the Appendix, ARE DISMISSED to the extent Petitioners have raised the same arguments, and as an independent and alternative basis for the decision, the Petitions for Reconsideration are also DENIED on the merits.

27. IT IS FURTHER 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 sections 0.91, 0.291, and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.106, that USAC SHALL CONTINUE its recovery actions against Petitioners to the extent provided herein and to the extent feasible to do so.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁷⁰ *March 2015 Streamlined Request Resolution PN* at 2749-50 nn.17 & 18.

⁷¹ *See Lake Pend Order*, 28 FCC Rcd at 1106, para. 3 (rejecting petitioner's argument that the underlying short form order failed to provide a reasoned analysis and holding that the Bureau's denial was fully supported by cited precedent which clearly prohibited the actions taken by petitioner).

⁷² *See March 2015 Streamlined Request Resolution PN* at 2749-50 nn.17 & 18.

**APPENDIX A:
Petitions for Reconsideration**

Petitioner	Application Number(s)	Funding Request Number(s)	Funding Year	Petition for Reconsideration Filing Date	Bureau's Basis for Denial
Blessed Sacrament School New York, NY	831551 863006	2258193 2258197 2350065	2012	4/24/2015	Failing to retain bids and bid evaluation documents Failing to provide the same information to all potential bidders
Mount Carmel-Holy Rosary School New York, NY	858216	2335266 2335314	2012	4/24/2015	Failing to provide the same information to all potential bidders
St. Aloysius School New York, NY	837162 858274	2271656 2271652 2271658 2335462	2012	4/24/2015	Failing to retain bids and bid evaluation documents Failing to provide the same information to all potential bidders
St. Ann School New York, NY	858098 860715	2334842 2343175	2012	4/24/2015	Failing to provide the same information to all potential bidders
St. Anthony School New York, NY	837212 868057	2271725 2271727 2365989	2012	4/24/2015	Failing to retain bids and bid evaluation documents
St. Brigid School New York, NY	828062 859000 868933	2263987 2263989 2337783 2368636	2012	4/24/2015	Failing to retain bids and bid evaluation documents
St. Jude School New York, NY	828179	2262629 2262626	2012	4/24/2015	Failing to retain bids and bid evaluation documents
St. Mark the Evangelist School New York, NY	858291	2335508	2012	4/24/2015	Failing to retain bids and bid evaluation documents Failing to provide the same information to all potential bidders
St. Nicholas Tolentine School New York, NY	858249 829699	2335367 2335376 2254214 2254206	2012	4/24/2015	Failing to retain bids and bid evaluation documents

**APPENDIX B:
Funding Commitment Decision Letters and Notice of Commitment Adjustment Letters**

Petitioner	Application Number(s)	Funding Request Number(s)	Funding Commitment Decision Letters	Notice of Commitment Adjustment Letter
Blessed Sacrament School New York, NY	831551 863006	2258193 2258197 2350065	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of Blessed Sacrament School (dated July 10, 2012) (regarding FCC Form 471 application number 831551) Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of Blessed Sacrament School (dated Dec. 4, 2012) (regarding FCC Form 471 application number 863006)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of Blessed Sacrament School (dated May 13, 2014) (regarding FCC Form 471 application number 831551) Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of Blessed Sacrament School (dated May 13, 2014) (regarding FCC Form 471 application number 863006)
Mount Carmel-Holy Rosary School New York, NY	858216	2335266 2335314	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of Mount Carmel-Holy Rosary School (dated Oct. 16, 2012) (regarding FCC Form 471 application number 858216)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of Mount Carmel-Holy Rosary School (dated May 13, 2014) (regarding FCC Form 471 application number 858216)
St. Aloysius School New York, NY	837162 858274	2271656 2271652 2271658 2335462	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Aloysius School (dated Sept. 18, 2012) (regarding FCC Form 471 application number 837162) Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Aloysius School (dated Dec. 4, 2012) (regarding FCC Form 471 application number 858274)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Aloysius School (dated May 13, 2014) (regarding FCC Form 471 application number 837162) Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Aloysius School (dated May 13, 2014) (regarding FCC Form 471 application number 858274)

St. Ann School New York, NY	858098	2334842	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Ann School (dated Dec. 4, 2012) (regarding FCC Form 471 application number 858098)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Ann School (dated May 13, 2014) (regarding FCC Form 471 application number 858098)
	860715	2343175	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Ann School (dated Dec. 4, 2012) (regarding FCC Form 471 application number 860715)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Ann School (dated May 13, 2014) (regarding FCC Form 471 application number 860715)
St. Anthony School New York, NY	837212	2271725 2271727	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Anthony School (dated July 10, 2012) (regarding FCC Form 471 application number 837212)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Anthony School (dated May 13, 2014) (regarding FCC Form 471 application number 837212)
	868057	2365989	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Anthony School (dated Jan. 29, 2013) (regarding FCC Form 471 application number 868057)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Anthony School (dated May 13, 2014) (regarding FCC Form 471 application number 868057)
St. Brigid School New York, NY	828062	2263987 2263989	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated July 10, 2012) (regarding FCC Form 471 application number 828062)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated May 13, 2014) (regarding FCC Form 471 application number 828062)
	859000	2337783	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated Nov. 13, 2012) (regarding FCC Form 471 application number 859000)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated May 13, 2014) (regarding FCC Form 471 application number 859000)
	868933	2368636	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated Nov. 13, 2012) (regarding FCC Form 471 application number 859000)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated May 13, 2014) (regarding FCC Form 471 application number 859000)

			Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated July 10, 2012) (regarding FCC Form 471 application number 868933)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Brigid School (dated May 13, 2014) (regarding FCC Form 471 application number 868933)
St. Jude School New York, NY	828179	2262629 2262626	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Jude School (dated July 10, 2012) (regarding FCC Form 471 application number 828179)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Jude School (dated May 13, 2014) (regarding FCC Form 471 application number 828179)
St. Mark the Evangelist School New York, NY	858291	2335508	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Mark the Evangelist School (dated Jan. 29, 2013) (regarding FCC Form 471 application number 858291)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Mark the Evangelist School (dated May 13, 2014) (regarding FCC Form 471 application number 858291)
St. Nicholas Tolentine School New York, NY	858249 829699	2335367 2335376 2254214 2254206	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Nicholas Tolentine School (dated Oct. 23, 2012) (regarding FCC Form 471 application number 858249) Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Nicholas Tolentine School (dated July 10, 2012) (regarding FCC Form 471 application number 829699)	Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Nicholas Tolentine School (dated May 13, 2014) (regarding FCC Form 471 application number 829699) Letter from USAC, Schools and Libraries Division, to Richard Senturia, eRateProgram, LLC, on behalf of St. Nicholas Tolentine School (dated May 13, 2014) (regarding FCC Form 471 application number 858249)

**APPENDIX C:
Petitioners' Requests for Review or Waiver and Supplements to Request for Review or Waiver**

Petitioner	Application Number(s)	Funding Request Number(s)	Funding Year	Appeal Filing Date
Blessed Sacrament School New York, NY	831551 863006	2258193 2258197 2350065	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)
Mount Carmel-Holy Rosary School New York, NY	858216	2335266 2335314	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)
St. Aloysius School New York, NY	837162 858274	2271656 2271652 2271658 2335462	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)
St. Ann School New York, NY	858098 860715	2334842 2343175	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)
St. Anthony School New York, NY	837212 868057	2271725 2271727 2365989	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)
St. Brigid School New York, NY	828062 859000 868933	2263987 2263989 2337783 2368636	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)
St. Jude School New York, NY	828179	2262629 2262626	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)

St. Mark the Evangelist School New York, NY	858291	2335508	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)
St. Nicholas Tolentine School New York, NY	858249 829699	2335367 2335376 2254214 2254206	2012	7/11/2014 (Request for Review or Waiver) 10/21/2014 (Supplement to Request for Review or Waiver)