



PUBLIC NOTICE

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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. 06-122
WC Docket No. 10-90

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 (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

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismiss as Moot³

Marion County Library System, Application No. 899230, Request for Review, CC Docket No. 02-6 (filed Jan. 21, 2015)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, 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, 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).

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 (Wireline Comp. Bur. 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

Granted⁴

*Cost-Effectiveness*⁵

Net56, Inc. (Round Lake Area School District 116), Application No. 692375, Request for Review, CC Docket No. 02-6 (filed Mar. 23, 2011)

*Early Installation*⁶

Lisbon Exempted Village School District, Application Nos. 485337, 485557, Request for Review and Waiver, CC Docket No. 02-6 (filed Apr. 21, 2008)

*Eligible Services*⁷

Los Angeles Public Library System, Application No. 979533, Request for Review or Waiver, CC Docket No. 02-6 (filed Nov. 14, 2014)

⁴ 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).

⁵ *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 13606, 13610, 13612 paras. 9, 13 (2012) (granting an appeal when the applicant purchased cost-effective services and paid its non-discount share).

⁶ *See, e.g., Request for Review of the Decision of the Universal Service Administrator by Nassau County Board of Cooperative Educational Services; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24584, 24587-89, paras. 7-10 (Wireline Comp. Bur. 2002) (allowing applicant to install equipment just before the start of the funding year to ensure that the accompanying recurring services can be delivered when the funding year starts); *Request for Review of a Decision of the Universal Service Administrator by Coordinated Construction, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 14308, 14309, para. 4 (Wireline Comp. Bur. 2011) (waiving the Commission's rules when applicant received E-rate supported services before the start of the approved funding year).

⁷ *See, e.g., Requests for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8735 (2007) (granting appeals where USAC incorrectly determined the funding requests were for ineligible services).

*Late-Filed FCC Form 471 Item 21 Attachments*⁸

Calhoun School District R8, Application No. 964496, Request for Waiver and Review, CC Docket No. 02-6 (filed Feb. 23, 2015)

*Late-Filed FCC Form 471 Applications*⁹

Gackle-Streeter School District 56, Application No. 1051670, CC Docket No. 02-6 (filed Apr. 23, 2015)

New Mexico State Library, Application No. 1049472, CC Docket No. 02-6 (filed Apr. 23, 2015)

North Hudson Community Action Corp., Application Nos. 1051527 and 1051631, CC Docket No. 02-6 (filed Apr. 17, 2015)

Oconee Regional Library System, Application No. 1051610, CC Docket No. 02-6 (filed Apr. 17, 2015)

Oswego Public Library District, Application No. 1051658, CC Docket No. 02-6 (filed Apr. 20, 2015)

Our Lady of Fatima Catholic School, Application No. 1051633, CC Docket No. 02-6 (filed Apr. 23, 2015)

St. Mary's High School, Application No. 1046050, CC Docket No. 02-6 (filed Apr. 17, 2015)

Snyder County Libraries, Application No. 1037947, CC Docket No. 02-6 (filed Apr. 23, 2015)

⁸ See, e.g., *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); *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 on time, but failed to timely file their certifications).

⁹ 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, 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).

*Ministerial and/or Clerical Errors*¹⁰

Burns Flat-Dill City District 10, Application No. 984827, Request for Waiver, CC Docket No. 02-6 (filed Jan. 26, 2015)

*Service Substitution*¹¹

Appomattox County School District, Application No. 739766, Request for Waiver, CC Docket No. 02-6 (filed Mar. 18, 2013)

St. Mary's High School, Application No. 748102, Request for Review, CC Docket No. 02-6 (filed Apr. 9, 2013)

Siloam Springs School District, Application No. 609664, Request for Review, CC Docket No. 02-6 (filed Oct. 31, 2008)

*Signed Contract Requirement*¹²

Arkansas Department of Information Systems, Application Nos. 825296, 846536, 851598, 851631, 851644, 901293, 901856, 901903, 901906, 901935, 967497, 973505, 973531, 973548, 973555, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11, 2015)

Lawrence Public Schools, Application No. 920956, Request for Waiver, CC Docket No. 02-6 (filed Mar. 27, 2015)

¹⁰ See, e.g., *Request for Waiver and Review of the Decisions of the Universal Service Administrator by Achieve Career Preparatory Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 10254, 10255 (Wireline Comp. Bur. 2011) (granting relief for applicant that mischaracterized price of eligible services as ineligible). Consistent with precedent, we also 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 Burns Flat-Dill City District 10. See *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Animas School District 6 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16903, 16905, para. 4 (Wireline Comp. Bur. 2011) (granting petitioners waivers of the Commission's filing deadline for appeals because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decisions).

¹¹ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Beaufort County Public School District et al.; Schools and Libraries Universal Service Support Mechanism*, 29 FCC Rcd 3124, 3125, para. 3 (2014) (granting service substitution appeals when the petitioners missed USAC's deadline for service substitution requests but complied with the Commission's requirements for service substitutions under 47 C.F.R. § 54.504(d) and had a reasonable explanation for missing the deadline).

¹² See, e.g., *Requests for Waiver by Puerto Rico Department of Education; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 14453, 14455-56, para. 9 (2014) (granting waiver of signed contract requirement when applicant had negotiated an agreement by the FCC Form 471 filing deadline, but was prohibited by state policy from entering into a signed contract before the application filing deadline); *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, 15529-30, para. 7 (Wireline Comp. Bur. 2008) (granting waivers of the signed contract requirement in instances where applicants demonstrated they had legally binding agreements in place prior to filing their applications).

*Service Implementation Deadline Extension Request Filed Late*¹³

Crownpoint Community School, Application No. 692249, Request for Review, CC Docket No. 02-6 (filed Jul. 8, 2014)

Harlandale Independent School District, Application No. 679511, Request for Review, CC Docket No. 02-6 (filed Oct. 17, 2014)

Longview Rapid Communications d/b/a Cynergy Technology (Goodrich Independent School District), Application No. 803957, Request for Review, CC Docket No. 02-6 (filed Oct. 28, 2014)

*Violation of the Competitive Bidding 28-Day Rule*¹⁴

Ludlow Independent School District, Application No. 982827, Request for Review, CC Docket No. 02-6 (filed Nov. 13, 2014)

Rankin County School District, Application No. 978279, Request for Review, CC Docket No. 02-6 (filed Nov. 12, 2014)

Denied

*Service Implementation Deadline Extension Request Filed Late*¹⁵

Nu-Vision Technologies, Inc. d/b/a Black Box Network Services (Brooklyn Hebrew School for Special Children), Application No. 765293, Request for Waiver, CC Docket No. 02-6 (filed Sept. 19, 2014)

¹³ 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, 13652-53, para. 2 (Wireline Comp. Bur. 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions, despite the request being filed late).

¹⁴ 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 (2007) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time). 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 Rankin County School District. See, e.g., *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) (granting waivers of filing deadline for appeals because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision).

¹⁵ 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 extensions 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).

Inspired Vision Academy, Application No. 875898, Request for Waiver, CC Docket No. 02-6 (filed Sept. 23, 2014)

*Untimely Filed Request for Review*¹⁶

Canisius High School, Application No. 937603, Request for Waiver, CC Docket No. 02-6 (filed Mar. 23, 2015)

Orleans Southwest Supervisory Union 35, Application No. 766128, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2012)

Union Independent School District 9, Application No. 900569, Request for Waiver, CC Docket No. 02-6 (filed Feb. 12, 2015)

Washington Unified School District, Application No. 973606, Request for Waiver, CC Docket No. 02-6 (filed Mar. 16, 2015)

*Violation of the Competitive Bidding 28-Day Rule*¹⁷

Schaumburg Community Consolidated School District 54, Application No. 912297, Request for Review, CC Docket No. 02-6 (filed Sept. 8, 2014)

¹⁶ 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 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) (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).

¹⁷ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16418, para. 9 (Wireline Comp. Bur. 2011) (denying appeals where the applicant violated the 28-day rule by missing the deadline by more than three days, thereby preventing their requests for services to be competitively bid for a meaningful period of time).

Contribution Methodology
WC Docket No. 06-122

Denied

*Untimely Filed FCC Forms 499-A and Q Worksheets*¹⁸

Believe Wireless Broadband, LLC, Request for Waiver, WC Docket No. 06-122 (filed Mar. 27, 2013)

Connect America Fund
WC Docket No. 10-90

Denied

*Section 54.313(h)(2) Voice Rate Data Filing Deadline*¹⁹

Twin Lakes Telephone Cooperative Corporation, Petition for Waiver of Section 54.313(h)(2), WC Docket No. 10-90 et al. (filed Mar. 27, 2015)

¹⁸ See *Universal Service Contribution Methodology; BelWave Communications Request for Waiver*, WC Docket No. 06-122, Order, 27 FCC Rcd 11176 (Wireline Comp. Bur. 2012) (denying a request for waiver of late filing fees where the company claimed it was unaware of its obligation to file an FCC Form 499-A for the years at issue); *Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646 (Wireline Comp. Bur. 2012) (denying requests for reversal of late fees associated with the untimely filing of the FCC Forms 499-A and 499-Q); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator and Request for Waiver by Baltimore-Washington Telephone Company*, WC Docket No. 06-122, Order, 27 FCC Rcd 12994 (Wireline Comp. Bur. 2012) (denying request for waiver and reversal of late fees despite claim that the late fees were excessive and punitive relative to the size and revenues of the company). See also 47 C.F.R. § 54.713(a) (“A contributor that fails to file a Telecommunications Reporting Worksheet and subsequently is billed by the Administrator shall pay the amount for which it is billed”), (c) (“If a universal service fund contributor is more than 30 days delinquent in filing a Telecommunications Reporting Worksheet Form 499-A or 499-Q, the Administrator shall assess an administrative remedial collection charge equal to the greater of \$100 or an amount computed using the rate of the U.S. prime rate (in effect on the date the applicable Worksheet is due) plus 3.5 percent, of the amount due per the Administrator’s calculations.”); *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight et al.*, WC Docket No. 05-195 et al., Order, 22 FCC Rcd 16372, 16379-80, para. 14 (2007) (“[I]f a contributor is more than 30 days delinquent in filing an FCC Form 499-A or 499-Q... [t]he sanction will be the greater of \$100 per month or the amount derived from a rate of interest equal to the U.S. prime rate plus 3.5 percent assessed on the amount due”); 47 C.F.R. § 54.708 (filing obligations of *de minimis* interconnected Voice over Internet Protocol providers).

¹⁹ *Compare 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 4626, 4630-31, para. 12 (Wireline Comp. Bur. 2010) (denying petitions seeking waiver of high-cost filing deadlines where the “petitioners did not cure their failure to meet the filing deadlines by promptly filing the required information, nor did the petitioners provide evidence of any extenuating circumstances sufficient to demonstrate the good cause required for [the Bureau] to grant a rule waiver”); *Petitions for Waiver of Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, Order, 24 FCC Rcd 4806, 4810-11, para. 10 (Wireline Comp. Bur. 2009) (same), with *Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, CC Docket No. 96-45 Order, 23 FCC Rcd 15325, 15329-30, para. 11 (Wireline Comp. Bur. 2008) (waiving high-cost filing deadlines where the petitioners “promptly remedied their errors” “by filing the required data within fourteen business days after the applicable filing deadlines . . .”).

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

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