

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

In the Matter of )
Request for Review of a Decision of )
the Universal Service Administrator by )
La Canada Unified School District ) File No. SLD-916901
La Canada Flintridge, California )
Schools and Libraries Universal ) CC Docket No. 02-6
Service Support Mechanism )

ORDER

Adopted: May 11, 2015

Released: May 11, 2015

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

1. In this order, we dismiss without prejudice a request seeking relief from the Commission concerning a matter under the E-rate program (more formally known as the schools and libraries universal service support program) that properly belongs before the Universal Service Administrative Company (USAC). La Canada Unified School District (La Canada) is seeking reconsideration of USAC’s decision to deny funding on the basis that La Canada filed its funding year 2013 FCC Form 486 late.<sup>1</sup>

2. In 2014, the Commission amended its rules to require parties seeking review of USAC decisions to first file an appeal with USAC.<sup>2</sup> While parties seeking waivers of the Commission’s rules must seek relief directly from the Commission, the FCC Form 486 deadline is a procedural deadline without a corresponding Commission rule.<sup>3</sup> La Canada did not seek relief from USAC before filing the instant appeal. Nor is La Canada seeking a waiver of Commission rules, which it could seek from the Commission in the first instance.<sup>4</sup> We therefore dismiss La Canada’s appeal without prejudice to allow the petitioner to refile its appeal with USAC in the first instance.

3. 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

1 See Letter from Jamie Lewsadder, Director of Technology, La Canada Unified School District, to the Office of the Secretary, Federal Communications Commission (filed March 2, 2015).

2 47 C.F.R. § 54.719. See also Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8970-71, paras. 250-52 (2014) (E-rate Modernization Order) (revising sections 54.719 and 54.720 of the Commission’s rules to, among other things, require parties seeking appeal of a USAC decision to first seek review with USAC).

3 See, e.g., Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, et al., Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (noting that the FCC Form 486 deadline is procedural in nature and not a Commission rule).

4 E-rate Modernization Order, 29 FCC Rcd at 8971, para. 252. As noted above, there is no rule that La Canada can ask the Commission to waive since the FCC Form 486 deadline is procedural. Supra note 3.

0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), the Request for Review filed by La Canada Unified School District, La Canada Flintridge, California, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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