



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

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 on Reconsideration³

Union Independent School District 9, Application No. 900569, Petition for Reconsideration, CC Docket No. 02-6 (filed May 15, 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 Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10356, 10357, para. 2 (Wireline Comp. Bur. 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

Granted⁴

*Late-Filed FCC Form 471 Applications Filed within 14 days of the close of the Window*⁵

Aurora Public Library, Application No. 1051622, Request for Waiver, CC Docket No. 02-6 (filed May 1, 2015)

Breakthrough Charter Schools, Application No. 1051772, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2015)

Cranston Public Library, Application No. 1019567, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2015)

Dakota Library, Application No. 1051838, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2015)

Detroit Service Learning Academy, Application No. 1051826, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Franklin City School District, Application No. 1002517, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2015)

Gila Crossing Community School, Application Nos. 1052236, 1052237, 1052238, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2015)

Harrisburg Catholic Elementary School, Application No. 1005048, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2015)

Metro Catholic Stephen Building, Application Nos. 1046585, 1050243, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Miraj Academy, Application Nos. 1037964, 1032216, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2015)

New Braunfels Public Library, Application No. 1051711, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2015)

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 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) (*Academy of Math and Science Order*) (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).

Rondout Valley School District, Application No. 1051609, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2015)

St. John's Elementary School, Application No. 1036028, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

St. Paul Lutheran School, Application No. 1051629, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2015)

St. Therese School, Application No. 1051657, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

Stetson School, Application No. 1051830, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Stinson Memorial Public Library District, Application No. 1040261, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Talmudical Academy of Baltimore, Application No. 1038093, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2015)

The Frances Xavier Warde School, Application No. 1051660, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2015)

Trinity Catholic School, Application No. 1051851, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

Union School District, Application No. 1051844, Request for Waiver, CC Docket No. 02-6 (filed May 21, 2015)

Wilson Preparatory Academy, Application No. 1048530, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Yeshiva Ktana of Passaic, Application No. 1051802, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2015)

Yeshiva & Mesivta Toras Chaim, Application No. 1051655, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2015)

*Late-Filed FCC Form 471 Applications – Circumstances Beyond Applicant's Control*⁶

Joeten-Kiyu Public Library, Application Nos. 1052072, 1052073, 1052075, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2015)

⁶ Applicant filed application after the window closed because the employee who handled E-rate matters for the library deliberately prevented the FCC Form 471 from being filed in an act of sabotage. *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (Wireline Comp. Bur. 2012) (granting waiver where the applicant filed within a reasonable period after the close of the filing window despite delays beyond its control).

*Violation of the Competitive Bidding 28-Day Rule*⁷

NATIVE Vocational District, Application No. 871949, FRN Nos. 2379821, 2379969, 2380048, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 21, 2014)⁸

*Providing Applicants 15 Days to Submit Supporting Discount Calculation Documentation*⁹

NATIVE Vocational District, Application No. 871949, FRN Nos. 2378471, 2378637, 2378984, 2379549, 2379635, 2379894, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 21, 2014)

Beabove Bright Beginning, Application No. 905288, Request for Review, CC Docket No. 02-6 (filed Aug. 7, 2014)

Denied

*Failure to Consider Price as the Primary Factor in Vendor Selection Process*¹⁰

Decatur City School District, Application No. 864333, Request for Review, CC Docket No. 02-6 (filed Mar. 4, 2014)

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, 8763, para. 9 (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).

⁸ The Native Vocational District Request for Review addresses funding request numbers (FRNs) that were denied for two issues: violation of the competitive bidding 28-day rule, and the discount calculation. The competitive bidding violations are granted in part and denied in part herein, based upon the contract documentation; whereas the discount calculation FRNs are granted herein to provide the applicant additional time to provide supporting documentation.

⁹ See, e.g., *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 Bright Star Schools Consortium et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 11204, 11204, para. 1 (Wireline Comp. Bur. 2013) (granting applicants a limited 15-day opportunity to file additional documentation to support their calculation of the correct discount rate).

¹⁰ See, e.g., *Application for Review of a Decision of the Wireline Competition Bureau by Henrico County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10837, 10841-42, paras. 8-10 (2014) (denying appeal where applicant failed to demonstrate that price was the primary factor in its vendor evaluation process and also rejecting applicant's "attempts to adjust its bid evaluation after the fact to reach the same result as it reached without using price as the primary factor in its bid evaluation").

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*¹¹

Mansfield Independent School District, Application Nos. 788976, 794118, 815691, 845493, 871961, 902395, 906722, Request for Review or Waiver, CC Docket No. 02-6 (filed Oct. 29, 2014)

*Invoice Deadline Extension Requests*¹²

Accelerated Learning Solutions, Application No. 717512, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2014)

Christian Academy of Knoxville, Application No. 720292, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2013)

Colman-Egan School District 50-5, Application No. 773919, Request for Waiver, CC Docket No. 02-6 (filed Feb. 18, 2015)

Colman-Egan School District 50-5, Application No. 704944, Request for Waiver, CC Docket No. 02-6 (filed Feb. 26, 2015)

Community Education Partners, Application No. 715209, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2014)

Fanshawe School District 39, Application Nos. 610561, 684724, 768010, 813298, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2014)

Fort Zumwalt School District, Application Nos. 464995, 521403, 578039, Request for Review, CC Docket No. 02-6 (filed Oct. 17, 2013)

¹¹ See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.; 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, 18 FCC Rcd 26406, 26410, para. 7 (2003) (clarifying that the requirement for a bona fide request for services means that “applicants must submit a list of specified services for which they anticipate they are likely to seek discounts consistent with their technology plans, in order to provide potential bidders with sufficient information on the FCC Form 470, or on an RFP cited in the FCC Form 470, to enable bidders to reasonably determine the needs of the applicant”); *Request for Review of the Decision of the Universal Service Administrator by Washington Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13746, 13748, paras. 3-5 (Wireline Comp. Bur. 2013) (finding that the applicant violated the Commission’s competitive bidding requirements by failing to include sufficient information on its FCC Form 470 to enable prospective service providers to identify and formulate bids). See also *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 29 FCC Rcd 9289, 9291-92, paras. 7-8 (Wireline Comp. Bur. 2014) (finding that petitioner did not demonstrate the existence of special circumstances to warrant a waiver of the Commission’s competitive bidding requirements).

¹² See, e.g., *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 15-570, para. 9 (Wireline Comp. Bur. rel. May 11, 2015) (denying requests for invoice extensions that failed to demonstrate “extraordinary circumstances” that would justify filing invoice extension requests more than 12 months after the time the petitioners first sought invoice deadline extensions).

Hennessey Independent School District 16, Application No. 735640, Request for Review, CC Docket No. 02-6 (filed June 26, 2014)

Monroe #1 Board of Cooperative Educational Services, Application No. 441315, Request for Review, CC Docket No. 02-6 (filed Mar. 25, 2014)

Regional School District 10, Application No. 762674, Request for Review, CC Docket No. 02-6 (filed Aug. 14, 2014)

St. Raymond High School for Boys, Application Nos. 572072, 613074, 749777, 813455, Request for Review, CC Docket No. 02-6 (filed Aug. 1, 2013)

Seneca R-7 School District, Application No. 751726, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2014)

Seymour School District R2, Application No. 751452, Request for Review, CC Docket No. 02-6 (filed July 9, 2013)

Southwest Barry County School District R5, Application Nos. 479796, 598165, 651709, Request for Review, CC Docket No. 02-6 (filed Apr. 3, 2013)

Southwestern Community School District 9, Application No. 526020, Request for Review, CC Docket No. 02-6 (filed Aug. 3, 2013)

Westchester Community Opportunity Program, Inc., Application No. 669341, Request for Review, CC Docket No. 02-6 (filed Aug. 17, 2014)

Wethersfield School District 230, Application No. 719565, Request for Review, CC Docket No. 02-6 (filed Aug. 25, 2014)

*Late-Filed FCC Form 471 Applications*¹³

Archdiocese of Chicago, Application Nos. 1007351, 1007390, 1007117, 1020617, 1019318, 1021469, 1017669, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

Badger Public School District 676, Application No. 1052311, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Discovery Charter School, Application No. 1052091, Request for Waiver, CC Docket 02-6 (filed June 1, 2015)

New Mexico State Library, Application No. 1051953, Request for Waiver, CC Docket 02-6 (filed May 8, 2015)

¹³ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying waivers of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

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

Calhoun School, Application No. 859258, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 4, 2013)

NATIVE Vocational District, Application No. 871949, FRN Nos. 2378910, 2379166, 2379168, 2379724, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 21, 2014)

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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¹⁴ 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). See also *Request for Review Brunswick County Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 20 FCC Rcd 8152, 8153-54, paras. 3-4 (Wireline Comp. Bur. 2005) (denying appeal where applicant's Contract Award Date predated the Allowable Contract Date; also rejecting applicant's argument that its funding request was for the continuation of a multi-year contract, noting that "[i]n light of the thousands of applications that SLD must review and process each year, we find that it is administratively necessary to require applicants to provide accurate information on their applications and comply with program rules and procedures"); *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Public Schools; 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 on Reconsideration, 17 FCC Rcd 22154, 22157, para. 7 (Wireline Comp. Bur. 2002) ("Although applicants who, after a bidding process, choose to continue service under an existing contract need not formally enter into a new contract, we believe it would facilitate application processing for applicants to memorialize their decision to continue the service and enter the date of this memorialization as the contract award date of the renewed contract in their FCC Form 471.").