



PUBLIC NOTICE

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News Media Information 202 / 418-0500
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DA 15-875
Released: July 30, 2015

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 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

Las Vegas-Clark County Library District, Application No. 832699, Petition for Reconsideration, CC Docket No. 02-6 (filed June 22, 2015)

Lauderdale County School District, Application No. 872652, Petition for Reconsideration, CC Docket No. 02-6 (filed June 22, 2015)

Liberty Union High School District, Application No. 844432, Petition for Reconsideration, CC Docket No. 02-6 (filed June 24, 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).

Northside Center for Child Development, Inc., Application Nos. 856689, 856761, 860418, Petition for Reconsideration, CC Docket No. 02-6 (filed June 22, 2015)

Dismiss as Moot⁴

Nancy Fawcett Memorial Library, Application No. 916032, Request for Review, CC Docket No. 02-6 (filed June 19, 2014)

St. Patrick School, Application No. 892705, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 30, 2014)

Dismiss⁵

Morrison Community Unit School District 6, Application No. 910403, Request for Review, CC Docket No. 02-6 (filed Feb. 24, 2015)

Granted⁶

*Invoice Deadline Extension Requests Less Than 12 Months Late*⁷

Child Care Resource Center, Application No. 785244, Request for Review, CC Docket No. 02-6 (filed Oct. 10, 2014)

Child, Inc., Application No. 843812, Request for Waiver, CC Docket No. 02-6 (filed Mar. 9, 2015)

⁴ 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).

⁵ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, para. 2 (Wireline Comp. Bur. 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

⁶ 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).

⁷ See, e.g., *See Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd at 15555, 15558, para. 6 (Wireline Comp. Bur. 2008) (granting relief to petitioners demonstrating good faith in complying with the invoicing deadline); *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, 8967, para. 242 (2014) (directing the Bureau and USAC to consider whether late invoice requests were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension).

Southeast Region Career and Technology Center, Application No. 892722, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2015)

Springfield City School District, Application No. 776975, Request for Waiver, CC Docket No. 02-6 (filed Feb. 4, 2015)

*Late-Filed FCC Form 471 Applications Filed Within 14 days of the Close of the Window*⁸

Christ-St. Peter Lutheran School, Application No. 1051620, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2015)

Cristo Rey Jesuit High School, Application No. 1045648, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

Dickinson Catholic Schools, Application No. 1051713, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2015)

Holy Cross High School, Application No. 1020379, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

Imagine Charter School at Firestone, Application No. 1051419, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2015)

Noble Local School District, Application Nos. 1051628, 1032161, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2015)

Red Bank School District, Application No. 1009200, Request for Waiver, CC Docket No. 02-6 (filed June 11, 2015)

Renaissance Arts Academy, Application No. 1051824, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2015)

Scio School District 95 C, Application No. 1051735, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2015)

St. Edward School, Application No. 1042057, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

St. Gregory the Great School, Application No. 1048687, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

St. James School, Application No. 1051619, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

⁸ 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).

St. Patrick School, Application No. 1040160, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

Trinity Classical Academy, Application No. 1051635, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

Victory Christian School, Application No. 1041733, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

*Late-Filed FCC Form 471 Applications – Circumstances Beyond Applicant’s Control*⁹

Pinellas County Schools, Application No. 993211, Request for Waiver, CC Docket No. 02-6 (filed Oct. 16, 2014)

Zion Lutheran School, Application Nos. 1052052, 1052504, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2015)

Denied

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

Mott Haven Academy Charter School, Application No. 842517, Request for Review, CC Docket No. 02-6 (filed Aug. 7, 2014)¹¹

*Ineligible Entities*¹²

Goal Academy, Application Nos. 834513, 834515, 834522, 834526, 868305, 870317, Request for Review, CC Docket No. 02-6 (filed June 16, 2014)

⁹ 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).

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”).

¹¹ The appeal filed by Mott Haven Academy Charter School with USAC was three days late. See 47 C.F.R. § 54.720(b) (requiring that petitioners file their appeals within 60 days of an adverse USAC decision). Consistent with precedent, we find good cause to waive this procedural rule to allow the appeal to be considered by the Commission. See, e.g., *Request for Waiver by Marconi Communications, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 6197, 6197, para. 2 (Wireline Comp. Bur. 2012) (granting waiver of appeal filing deadline because petitioner submitted appeal to USAC within a reasonable period of time after receiving actual notice of USAC's adverse decision). As noted above, however, we deny the appeal on the merits.

¹² See, e.g., *Request for Review of the Decisions of the Universal Service Administrator by Eagle Hill School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 12714, 12715, 12718, paras. 2 & 8 (Wireline Comp. Bur. 2009) (holding that if a location does not meet its state’s definition of elementary or secondary school, the location is not eligible for E-rate support).

Goal Academy, Application Nos. 884974, 884992, 885004, Request for Review, CC Docket No. 02-6 (filed Mar. 11, 2015)

*Invoice Deadline Extension Requests Less Than 12 Months Late*¹³

Bloomfield School District, Application No. 775450, Request for Review, CC Docket No. 02-6 (filed Sept. 17, 2014)

Broadview Networks, Inc. (Babove Central), Application No. 773348, Request for Review, CC Docket No. 02-6 (filed May 12, 2014)

Broadview Networks, Inc. (Lakewood Cedar School), Application No. 798738, Request for Review, CC Docket No. 02-6 (filed May 12, 2014)

Douglas County School District RE 1, Application No. 807467, Request for Review, CC Docket No. 02-6 (filed Sept. 12, 2014)

Farmington Municipal School District 5, Application No. 764437, Request for Review, CC Docket No. 02-6 (filed Sept. 17, 2014)

Macks Creek School District R5, Application No. 725779, Request for Review, CC Docket No. 02-6 (filed July 10, 2013)

Northside Center for Child Development, Inc., Application No. 778008, Request for Review, CC Docket No. 02-6 (filed Nov. 3, 2014)

Syracuse City School District, Application No. 738688, Request for Review, CC Docket No. 02-6 (filed Jan. 20, 2015)

Torah Institute of Baltimore, Application No. 869063, Request for Review. CC Docket No. 02-6 (filed May 26, 2015)

*Invoice Deadline Extension Requests More Than 12 Months Late*¹⁴

Country Club Hills School District 160, Application No. 765571, Request for Review, CC Docket No. 02-6 (filed Jun. 25, 2014)

East Alton-Wood River District 14, Application No. 633358, Request for Review, CC Docket No. 02-6 (filed Aug. 2, 2013)

¹³ 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, 30 FCC Rcd 4723, 4726-27, para. 10 (Wireline Comp. Bur. 2015) (*Hancock County Library Order*) (denying requests for invoice deadline extensions less than 12 months late that failed to provide a "reasonable basis" for a substantial delay).

¹⁴ See, e.g., *Hancock County Library Order*, 30 FCC Rcd at 4726, para. 9 (denying requests for invoice extensions that failed to demonstrate "extraordinary circumstances" that would justify filing invoice extension requests more than 12 months late).

Hayti School District R2, Application No. 684471, Request for Review, CC Docket No. 02-6 (filed Apr. 8, 2013)

Northside Center for Child Development, Inc., Application No. 744185, Request for Review, CC Docket No. 02-6 (filed Nov. 3, 2014)

Saluda County School District 1, Application No. 692168, Request for Waiver, CC Docket No. 02-6 (filed Jul. 9, 2013)

St. Peter School, Application No. 523233, Request for Review, CC Docket No. 02-6 (filed Apr. 8, 2013)

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

Summit Academy, Application No. 747354, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2014)

Torah Institute of Baltimore, Application No. 869063, Request for Review. CC Docket No. 02-6 (filed May 26, 2015)

Waelder Independent School District, Application No. 728737, Request for Waiver, CC Docket No. 02-6 (filed Jul. 17, 2013)

Webster Groves School District, Application No. 634312, Request for Review, CC Docket No. 02-6 (filed May 15, 2013)

*Late-Filed FCC Form 471 Applications*¹⁵

Cornerstone Preparatory Academy, Application No. 1051911, Request for Review, CC Docket No. 02-6 (filed June 25, 2015)

Coushatta Tribe of Louisiana Library, Application No. 1051875, Request for Review, CC Docket No. 02-6 (filed June 11, 2015)

Fenton Area Public School District, Application No. 1052751, Request for Review, CC Docket No. 02-6 (filed June 23, 2015)

Huntsville Public Library, Application No. 1052132, Request for Review, CC Docket No. 02-6 (filed June 17, 2015)

Imagine Schools-Chancellor Campus, Application No. 1049655, Request for Review, CC Docket No. 02-6 (filed June 22, 2015)

*Ministerial and/or Clerical Errors*¹⁶

¹⁵ 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).

¹⁶ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6,

(continued...)

Mary Star of the Sea High School, Application No. 925051, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 17, 2013)

*Untimely Filed Request for Review*¹⁷

Jacksonville School District 117, Application No. 938920, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2015)

Southern Regional Education Service Agency, Application No. 635591, Request for Waiver, CC Docket No. 02-6 (filed Oct. 25, 2010)

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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Order, 27 FCC Rcd 1924, 1925, para. 1 (Wireline Comp. Bur. 2012) (finding some petitioners had not demonstrated that good cause existed to justify waivers to permit changes to applicants' E-rate applications).

¹⁷ 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).