



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 16-1320

Released: November 30, 2016

## STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket Nos. 96-45 and 02-6  
WC Docket No. 06-122

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, dismisses, or denies the following Requests.<sup>1</sup> 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.<sup>2</sup>

### Schools and Libraries (E-rate) CC Docket Nos. 96-45 and 02-6:

#### Dismissed<sup>3</sup>

Graves Elementary School District, CA, Application No. 1025834, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2016)

Herrin Community Unit School District 4, IL, Application No. 1006474, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2016)

<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 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).

<sup>3</sup> 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 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Jewell School, OR, Application No. 1011322, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2016)

Sarah A. Reed Children's Center, PA, Application No. 1023621, Request for Review, CC Docket No. 02-6 (filed Nov. 2, 2016)

#### Dismissed as Moot

Chimacum School District 49, WA, Application No. 1047921, Request for Waiver, CC Docket No. 02-6 (filed Oct. 28, 2016)<sup>4</sup>

OneNet (Achille Independent School District 3), OK, Application No. 946037, Request for Waiver, CC Docket No. 02-6 (filed Feb. 24, 2016)<sup>5</sup>

#### Dismissed for Failure to Comply with the Commission's Basic Filing Requirements<sup>6</sup>

Debra McNutt, CO, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2016)

Immaculate Conception School, IL, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2016)

Madera County Office of Education, CA, Application No. 869370, CC Docket No. 02-6 (filed July 11, 2016)

Our Lady of the Lake School, WI, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2016)

St. Francis de Sales School, WI, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2016)

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<sup>4</sup> See, e.g., *Requests for Waiver of Decision of the Universal Service Administrator by Galena Park Independent School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 18 FCC Rcd 16181, para. 1 (WCB 2003) (dismissing appeal as moot when evidence demonstrates that a waiver of our rules is not necessary because the petitioner met the necessary deadline).

<sup>5</sup> See, e.g., *Requests for Review of Decision of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices funded).

<sup>6</sup> 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

St. Joseph School, WI, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2016)

St. Mary's School, WI, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2016)

St. Patrick Elementary School, WI, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Nov. 1, 2016)

Dismissed on Second Reconsideration<sup>7</sup>

Community Consolidated School District 180, IL, Application No. 964164, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 28, 2016))

Dismissed on Reconsideration<sup>8</sup>

Livingston Parish Public Schools, LA, Application No. 742144, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 30, 2015)

Tse ii'Ahi Community School, NM, Application No. 812604, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 4, 2016)

Dismissed on Reconsideration – Untimely<sup>9</sup>

Evansville Community School District, WI, Application No. 1013540, Request for Waiver, CC Docket No. 02-6 (filed Oct. 17, 2016)

St. Paul School, NY, Application No. 1014550, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 8, 2016)

Granted<sup>10</sup>

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<sup>7</sup> See, e.g., *Petition for Reconsideration by Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order on Reconsideration, 27 FCC Rcd 10868, 10868-69, para. 1 (WCB 2012) (dismissing a second petition for reconsideration, where the first petition for reconsideration was untimely filed, because it relies on arguments that fail to identify any material error, omission, or reason warranting reconsideration and relies on arguments that have been fully considered and rejected by the Commission within the same proceeding).

<sup>8</sup> 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 and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 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).

<sup>9</sup> See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

*FCC Form 486 – Late Filed*<sup>11</sup>

Midvale School District 433, ID, Application No. 1049360, Request for Review, CC Docket No. 02-6 (filed Oct. 27, 2016)

*Granted on Reconsideration – Improper Service Provider Involvement*<sup>12</sup>

Belfonte School District 50, OK, Application No. 401177, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 28, 2016)

*Granting Additional Time to Respond to USAC’s Request for Information*<sup>13</sup>

Democracy Prep Baton Rouge School, LA, Application No. 1044311, Request for Review, CC Docket No. 02-6 (filed Apr. 12, 2016)

Vision Home & Comm. Inc. Db a Vision Charter Academy, CO, Application No. 1042677,

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<sup>10</sup> 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 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>11</sup> *See, e.g., Requests for Review and Waiver 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, 10185, para. 6 (WCB 2006) (*Alaska Gateway Order*) (granting appeals where applicants filed their FCC Forms 486 late as the result of immaterial clerical, ministerial or procedural errors, or filed late due to circumstances beyond their control); *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 16-1205, para. 11 (WCB Oct. 20, 2016), 2016 WL 6138181 (establishing a more rigid standard for late-filed FCC Forms 486 but continuing to apply the current *Alaska Gateway Order*-based standard to appeals filed with USAC or the Commission before January 30, 2017).

<sup>12</sup> *See, e.g., Petition for Reconsideration by Fall River Public School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 14650, 14652, para. 4 (WCB 2013) (reversing a previous Bureau decision where evidence on reconsideration does not support the previous determination); *Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 2784, 2788-89, para. 12-13 (WCB 2008) (granting appeal when service provider mailed FCC Form 470 on behalf of applicants, but applicants provided sworn statements that the service provider did not assist with the preparation of the FCC Form 470).

<sup>13</sup> *See, e.g., Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC’s request for information within the USAC-specified time frame). Consistent with precedent, for Vision Home & Comm. Inc. Db a Vision Charter Academy, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission’s rules, which require that petitioners file their appeals within 60 days of an adverse USAC decision. *See ABC Unified School District Order, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

Request for Waiver, CC Docket No. 02-6 (filed Jan. 28, 2016)

*Late-Filed FCC Form 471 Certifications*<sup>14</sup>

Perry Street Preparatory Charter School, DC, Application No. 1051590, Request for Waiver, CC Docket 02-6 (filed Mar. 18, 2016)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>15</sup>

Chautauqua Cattaraugus Library System, NY, Application No. 161061036, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2016)

East Pennsboro Elementary Center, PA, Application No. 161057637, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2016)

Mercymount Country Day School, RI, Application No. 161061680, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2016)

Our Lady of the Assumption School, WI, Application No. 161049273, Request for Waiver, CC Docket No. 02-6 (filed Oct. 19, 2016)

Tigerton School District, WI, Application Nos. 161056292, 161057695, Request for Waiver, CC Docket 02-6 (filed Nov. 1, 2016)

*Legally Binding Agreement*<sup>16</sup>

Escambia County School District, FL, Application No. 1017783, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 16, 2016)

*Ministerial and/or Clerical Error – FCC Form 471*<sup>17</sup>

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<sup>14</sup> 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 and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 1 & n.7 (WCB 2014) (granting waivers to petitioners failing to certify an FCC Form 471 where the form itself was filed within 14 days of the close of the filing window).

<sup>15</sup> 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 existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the filing window deadline); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Accelerated Learning, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 6947, 6948, para. 2 (WCB 2013) (granting waivers to two applicants that it viewed as being filed within the filing window).

<sup>16</sup> See, e.g., *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*, 23 FCC Rcd 15526, 15529-30, paras. 7-8 (WCB 2008) (*Barberton City School Order*) (granting a waiver when petitioners demonstrated that their contracts had minor errors, but that they had some form of legally binding agreement in place during the relevant funding year).

<sup>17</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25

(continued....)

Congregation Derech Emes, NY, Application No. 872481, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2013)<sup>18</sup>

Greater Clarks Hill Regional Library System, GA, Application Nos. 1046119, 1046697, Request for Waiver, CC Docket No. 02-6 (filed Mar. 3, 2016, supplemented May 16, 2016)<sup>19</sup>

Lumin Education, TX, Application No. 1047907, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2016)

Preston County School District, WV, Application No. 1000406, Request for Waiver, CC Docket No. 02-6 (filed Feb. 17, 2016)

*Ministerial and/or Clerical Error – Eligible Services (Local Telephone Service)*<sup>20</sup>

Bristol Tennessee City Schools, TN, Application No. 345379, Request for Review, CC Docket Nos. 02-6 and 96-45 (filed May 25, 2006)

*Service Implementation Delay*<sup>21</sup>

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FCC Rcd 17319, 17319-20, para. 2, n.5, n.11, n.19, n.20 (WCB 2010) (permitting applicants to correct clerical errors like indicating the wrong service category or term of service or making a calculation error on FCC Form 471).

<sup>18</sup> See, e.g., *Review of the Decision of the Universal Service Administrator by Aberdeen School District; Schools and Libraries Universal Service Support Mechanism*, 22 FCC Rcd 8757, 8761, para. 6 (2007) (granting a waiver of section 54.504(c) of the Commission's rules in order for applicants to make a correction after the deadline where appeals involved clerical errors on the part of the applicants (e.g. they inserted the wrong contract date, the wrong classification of service, or the wrong FCC Form 470 application number on the FCC Form 471), thus making it appear that the applicants violated the 28-day rule).

<sup>19</sup> 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. 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, Order, 27 FCC Rcd 1924, 1924, para. 1 & n.4 (WCB 2012) (waiving the filing deadline for petitioner that filed its appeal within a reasonable period of time after actual notice of a clerical error).

<sup>20</sup> See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Archer Public Library, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15522, paras. 7-8 (WCB 2008) (granting waivers permitting petitioners to correct clerical or ministerial errors in their FCC Forms 471 or associated item 21 attachments); *Requests for Review or Waiver of the Decisions of the Universal Service Administrator by Brownsville Independent School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6045, 6047-49, paras. 7-8 (2007) (waiving technology plan rules for petitioners that, among other things, did not develop a technology plan because they believed that a technology plan was not required for what they understood to be basic voice service).

<sup>21</sup> 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 (WCB 2014) (allowing extensions of the deadline for service implementation when

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Greyhills Academy High School, AZ, Application No. 729399, Request for Waiver, CC Docket No. 02-6 (filed Sept. 2, 2016)

*Signed Contract Requirement*<sup>22</sup>

Wilmington School District 209U, IL, Application No. 664725, Request for Review, CC Docket No. 02-6 (filed Sept. 9, 2009)

*Waiver of Appeal Filing Deadline*<sup>23</sup>

Detroit Service Learning Academy, MI, Application No. 1051826, Request for Waiver, CC Docket No. 02-6 (filed Oct. 7, 2016)

Twin Ridges Elementary School District, CA, Application No. 571136, Request for Waiver, CC Docket No. 02-6 (filed Feb. 9, 2011)

*Waiver of Price as Primary Factor Requirement: Applicant Selected Lowest-Price Solution*<sup>24</sup>

Lakeland Joint School District #272, ID, Application Nos. 808158, 869419, 907493, 976430, 1038266, Request for Waiver, CC Docket No. 02-6 (filed Aug. 22, 2016)

Methuen Public Schools, MA, Application Nos. 646354, 715333, 782102, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 20, 2013)

Methuen Public Schools, MA, Application No. 843668, Request for Review and/or Waiver, CC

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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).

<sup>22</sup> See, e.g., *Barberton City School Order*, 23 FCC Rcd at 15529-30, para. 7; *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Amphitheater Unified School District 10 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 7536, 7536-37, para. 2 (WCB 2013) (granting waivers of the signed contract requirement in instances where applicants misunderstood the program rules and submitted their FCC Form 471 applications before signing a contract).

<sup>23</sup> See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or because they submitted their appeals within a reasonably period of time after receiving actual notice of USAC's adverse decision). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 10.

<sup>24</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115-17, paras. 10-12 (WCB 2011) (waiving the requirement that an applicant be able to demonstrate that it used price as the primary factor in vendor selection when the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse). Consistent with precedent, we also find good cause exists to waive section 54.720(a) of the Commission's rules for Lakeland Joint School District #272, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

Docket No. 02-6 (filed Feb. 3, 2014)<sup>25</sup>

Partially Granted

*Service Implementation Delay*<sup>26</sup>

Synertec Solutions, Inc. (Linden Seventh-Day Adventist School), NY, Application No. 866163, Funding Request Numbers (FRNs) 2374564, 23746204, 2374645, 2374700, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2016)

Denied

*Eligible Services*<sup>27</sup>

Facility Solutions Group, Inc. (Mesquite Independent School District), TX, Application No. 760022, Request for Review, CC Docket No. 02-6 (filed Apr. 28, 2016)

*Invoice Deadline Extension Requests*<sup>28</sup>

<sup>25</sup> In addition, we grant an appeal for Application No. 843668 on the basis that the applicant's FCC Form 486 was filed late due to circumstances beyond the applicant's control. *See supra* note 11.

<sup>26</sup> *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 (WCB 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). We deny Synertec Solutions, Inc.'s request for a service implementation deadline extension for its recurring services request, FRN 2374722. While the Commission's rules provide for an extension of the service delivery deadline for non-recurring services, recurring services must be delivered during the relevant funding year. We thus deny Synertec Solutions, Inc.'s appeal with regard to this one FRN seeking recurring services. *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Twiggs County School District and American Control Systems, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd. 5788, 5790, para. 6 (WCB 2011) (noting that applicants may seek extensions of time only for non-recurring services and therefore denying an extension of the implementation deadline for a recurring service funding request).

<sup>27</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by AllWays, Inc. (Prairie Hills School District 144); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1968, 1968-69, para. 1 (WCB 2012) (*AllWays Order*) (upholding denials of funding requests for services that are not eligible for E-rate support). *See also Requests for Waiver of Decisions of the Universal Service Administrator by Batesville Community School Corporation et al.; Schools and Libraries Universal Service Support Mechanism; Modernizing the E-rate Program for Schools and Libraries*; CC Docket No. 02-6, WC Docket No. 13-184, Order, 31 FCC Rcd 7731, 7733-34, paras. 6-9 and notes 21-22 (WCB 2016) (denying waivers for failure to demonstrate special circumstances, and reiterating the Commission's determination that E-rate is not required to support all services that could further public safety without taking other factors and program goals into account).

<sup>28</sup> *See, e.g., Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.;*

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Carr Telephone Company, MI, Application Nos. 870864, 926556, Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2016)

Leland Community Unit School District 1, IL, Application No. 1004381, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2016)

Rowe Elementary School Administrative Offices, IL, Application No. 943963, Request for Waiver, CC Docket No. 02-6 (filed Aug. 24, 2015)

Shiprock Alternative High School, NM, Application Nos. 857469, 857657, Request for Review, CC Docket No. 02-6 (filed Feb. 1, 2016)

Torah Institute of Baltimore, MD, Application No. 813281, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2015)

*Late-Filed FCC Form 471 Applications*<sup>29</sup>

All Saints of St John Vianney, OH, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2016)

Brooks County Public Library, GA, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2016)

Community Partnership for Child Development, CO, Application No. 161061775, Request for Waiver, CC Docket No. 02-6 (filed Oct. 13, 2016)

Huntsville Public Library, TX, Application No. 1052132, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2016)

John Paul II Catholic School, KY, Application No. 161051780, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2016)

Kohler School, WI, No Application Number Given, Request for Waiver, CC Docket No. 02-6 (filed Aug. 10, 2016)

Manara Academy, TX, Application Nos. 161060248, 161061502, 161054910, 161061498, 161060413, Request for Waiver, CC Docket 02-6 (filed Oct. 5, 2016)

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*Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); *see also 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, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

<sup>29</sup> *See, e.g., Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Ocmulgee Regional Library System, GA, Application No. 161061889, Request for Waiver, CC Docket 02-6 (filed Oct. 6, 2016)

Pleasant Ridge School District, CA, Application No. 161044203, Request for Waiver, CC Docket 02-6 (filed Oct. 12, 2016)

St. Joseph Church and School, IA, No Application Number Given, Request for Waiver, CC Docket 02-6 (filed April 12, 2016)

Sutton Public Schools, NE, Application No. 161035060, Request for Waiver, CC Docket 02-6 (filed Oct. 11, 2016)

*Ministerial and/or Clerical Errors – FCC Form 471*<sup>30</sup>

Culbertson Public Library, NE, Application No. 161027117, Request for Review, CC Docket No. 02-6 (filed Aug. 30, 2016)

*Necessary Resources*<sup>31</sup>

Houston Gateway Academy Charter Schools, Inc., TX, Application No. 848598, Request for Review, CC Docket No. 02-6 (filed Sept. 7, 2016)

*Seeking E-rate Support for Services Not Covered by the Applicant's Competitive Bidding Process*<sup>32</sup>

Anaheim Union High School District, CA, Application No. 996018, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 21, 2016)

*Services Delivered Outside Funding Year*<sup>33</sup>

Access Fiber Solutions (Multi-Cultural Academy Charter School), PA, Application No. 530479, Request for Review, CC Docket No. 02-6 (filed Feb. 28, 2011)

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<sup>30</sup> 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, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-rate applications).

<sup>31</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Academy of Excellence et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, 22 FCC Rcd 8722, 8723, para. 3 (2007) (observing that support for eligible services is conditional upon the applicant securing access to all of the necessary to effectively use the services purchased).

<sup>32</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Area Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4541-42, paras. 14-15 (WCB 2009) (finding that petitioners violated the Commission's competitive bidding rules by not including the type of service on the FCC Form 470 the applicant requested on its FCC Form 471).

<sup>33</sup> See, e.g., *Request for Review of Decision of the Universal Service Administrator by Nuestros Valores Charter School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 4046, 4046-47, para. 1 (WCB 2012) (denying appeal of COMAD when funds were disbursed for services that were delivered after the service implementation deadline); see also 47 CFR § 54.507(d) (providing that applicants must use recurring E-rate services within the funding year for which the discounts were sought).

Soille San Diego Hebrew Day School, CA, Application No. 305442, Request for Review, CC Docket No. 02-6 (filed July 31, 2006)

*Unjustified Service Implementation Delay*<sup>34</sup>

Tse ii'Ahi Community School, NM, Application No. 812604, Petition for Reconsideration, CC Docket No. 02-6 (filed June 11, 2015)

*Untimely-Filed Request for Review*<sup>35</sup>

Chadbad Hebrew Academy, CA, Application No. 874005, FRN 2386315, Request for Review, CC Docket No. 02-6 (filed Nov. 9, 2016)

Chadbad Hebrew Academy, CA, Application No. 874005, FRN 2386051, Request for Review, CC Docket No. 02-6 (filed Nov. 9, 2016)

Chadbad of Southern Nevada, NV, Application No. 915203, Request for Waiver, CC Docket No. 02-6 (filed Oct. 19, 2016)

Community Renewal Team Inc., CT, Application No. 972121, Request for Waiver, CC Docket No. 02-6 (filed Oct. 25, 2016)

Dorchester County Public Library, MD, Application No. 950684, Request for Waiver, CC Docket No. 02-6 (filed Sept. 15, 2016)

Education Service Center, Region 2 (Three Rivers Independent School District), TX, Application No. 953892, Request for Waiver, CC Docket No. 02-6 (filed May 3, 2016)

Erie 1 BOCES, NY, Application No. 1010082, Request for Waiver, CC Docket No. 02-6 (filed Oct. 18, 2016)

Living Faith Academy, FL, Application No. 1610566963, Request for Waiver, CC Docket No. 02-6 (filed Sept. 30, 2016)

Mountainair Public School District, NM, Application No. 466077, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2009)

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<sup>34</sup> 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 (WCB 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).

<sup>35</sup> 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 (WCB 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 (WCB 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).

NexEra FiberNet, LLC (Harlandale Independent School District), TX, Application No. 957585, Request for Waiver, CC Docket 02-6 (filed Oct. 21, 2016)

Santa Rosa Consolidated Schools, NM, Application No. 828837, Request for Review, CC Docket No. 02-6 (filed Nov. 8, 2016)

Yeshiva Achei Tmimsm, PA, Application No. 861355, Request for Review, CC Docket No. 02-6 (filed Nov. 9, 2016)

*Violation of the Competitive Bidding 28-Day Rule*<sup>36</sup>

School Administrative Unit 27, NH, Application No. 667805, Request for Review, CC Docket No. 02-6 (filed Sept. 24, 2009)

**Contribution Methodology**

**WC Docket No. 06-122**

**CC Docket No. 96-45**

**Denied**

*Request for Waiver of FCC Form 499-Q Revision Deadline*<sup>37</sup>

Nex-Tech Wireless, LLC, Request for Waiver, WC Docket 06-122, CC Docket No. 96-45 (filed May 9, 2016)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at [james.bachtell@fcc.gov](mailto:james.bachtell@fcc.gov) or at (202) 418-7400.

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<sup>36</sup> See, e.g., *Application for Review of a Decision of the Universal Service Administrator by Challis Joint School District #181; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd. 3812, 3814, para. 5 (WCB 2011) (denying request for review where applicant selected a service provider for E-rate services prior to submitting its FCC Form 470 when the rule requires the applicant to wait at least 28 days after such posting).

<sup>37</sup> See, e.g., *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861, 10864, para. 8 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh- Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399, 7400-01, para. 5-6 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology; 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, 4648-49, paras. 5, 8 (WCB 2010) (denying waiver requests where applicants simply forgot to file).