



# PUBLIC NOTICE

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

CC Docket No. 02-6  
WC Docket No. 02-60  
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 No. 02-6

#### Dismiss<sup>3</sup>

Mancelona Public Schools, MI, Application No. 1044765, Request for Waiver, CC Docket No. 02-6 (filed May 27, 2016)

Manzanita Elementary School, CA, Application No. 1016197, Request for Review, CC Docket No. 02-6 (filed July 12, 2016)

#### Dismiss as Moot<sup>4</sup>

<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).

Cheder Menachem, PA, Application No. 896931, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2015)

Dayspring Christian Academy, CO, Application No. 161008573, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2016)

Sikeston School District R6, MO, Application No. 1032140, Request for Review, CC Docket No. 02-6 (filed May 9, 2016)

Wakefield Country Day School, VA, Application No. 161055608, Request for Waiver, CC Docket No. 02-6 (filed Apr. 14, 2016)

Dismiss on Reconsideration – Untimely<sup>5</sup>

Mt. Pleasant Independent School District, TX, Application No. 948569, Petition for Reconsideration, CC Docket No. 02-6 (filed July 1, 2016)

Granted<sup>6</sup>

*Eligible Services*<sup>7</sup>

Albuquerque Public Schools, NM, Application No. 527625, Request for Review, CC Docket No,

(Continued from previous page) \_\_\_\_\_

<sup>4</sup> 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, 8224, para. 2 (WCB 2012) (dismissing appeals as moot where USAC approved the underlying funding request or took the action the petitioner requested).

<sup>5</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 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

<sup>6</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>7</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District 5 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2080 (WCB 2012) (finding that USAC erred in its eligibility determination regarding the services petitioners sought for funding). See also *Request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator; Request for Review by Integrated Systems and Internet Solutions, Inc. of the Decision of the Universal Service Administrator; Request for Review by Education Networks of America of the Decision of the Universal Service Administrator; 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, 14 FCC Rcd 13734, 13754-13755 (1999) (establishing that although facilities located on an applicant's premises should be presumed to be internal connections, an applicant may rebut that presumption by demonstrating that the facilities should be deemed part of an end-to-end service).

02-6 (filed Feb. 27, 2008)

Greene County School District, GA, Application No. 421581, Request for Review, CC Docket No. 02-6, CC Docket No. 97-21 (filed June 17, 2005)

*Granting Additional Time to Respond to USAC's Request for Information*<sup>8</sup>

Anshei Lubavipch Preschool, NJ, Application No. 1029465, Request for Review, CC Docket No. 02-6 (filed June 9, 2016)

*Granted on Reconsideration – Granting Additional Time to Respond to USAC's Request for Information*<sup>9</sup>

Stetson School, MA, Application No. 987111, Petition for Reconsideration, CC Docket No. 02-6 (filed April 29, 2016)

*Late-Filed FCC Form 471 Certifications*<sup>10</sup>

Wakefield County Day School, VA, Application No. 1047012, Request for Waiver, CC Docket 02-6 (filed June 10, 2016)

*Late-Filed FCC Form 471 Applications – Circumstances Beyond Applicant's Control*<sup>11</sup>

Santa Clara Day School a/k/a Kha'p'o Community School, NM, Application Nos. 161058343, 161058364, 161058365, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2016)

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<sup>8</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, 6036-37, paras. 4-5 (2007) (*Alpaugh Order*) (granting appeals where applicants demonstrated they submitted information within the USAC-specified time frame).

<sup>9</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ashtabula Area City Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 4051, 4052, para. 2 (WCB 2013) (finding special circumstances to justify granting two petitions for reconsideration); *Alpaugh Order*, 22 FCC Rcd at 6037, para. 5 (granting requests for review for applicants that had funding requests reduced or denied because they failed to respond to USAC's request for information within the USAC-specified time frame). In remanding this application to USAC, we grant Petitioner a limited 15-day opportunity to file additional documentation to support its calculation of the correct discount rate. See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District 5 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2152, para. 1 (WCB 2012) (finding good cause to grant petitioners a limited 15-day opportunity to file additional documentation to support their calculations of the correct discount rates).

<sup>10</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>11</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Academy for Academic Excellence et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4748-50, paras. 4-5 (WCB 2007) (granting waiver where the applicant filed after the close of the filing window due to delays beyond its control from a school reorganization).

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>12</sup>

Ambassadors Preparatory Academy, TX, Application No. 161057650, Request for Waiver, CC Docket 02-6 (filed July 26, 2016)

City School District of New Rochelle, NY, Application No. 161058165, Request for Waiver, CC Docket 02-6 (filed July 27, 2016)

Educational Service Unit #13, NE, Application Nos. 161057753, 161057821, 161057834, Request for Waiver, CC Docket 02-6 (filed May 27, 2016)

Landow Yeshiva Lubavitch Center, FL, Application Nos. 161058053, 161058160, Request for Waiver, CC Docket 02-6 (filed July 7, 2016)

Lowcountry Leadership Charter School, SC, Application Nos. 161057858, 161057861, Request for Waiver, CC Docket 02-6 (filed June 2, 2016)

Mendon-Upton Regional School District, MA, Application No. 161057916, Request for Waiver, CC Docket 02-6 (filed July 14, 2016)

Michigan Statewide Educational Network Consortium, MI, Application No. 161060080, Request for Waiver, CC Docket 02-6 (filed July 25, 2016)

Rise Academy School of Science and Technology, FL, Application No. 161057727, Request for Waiver, CC Docket 02-6 (filed July 21, 2016)

Riverview School, MA, Application No. 161058318, Request for Waiver, CC Docket 02-6 (filed June 9, 2016)

School District of South Milwaukee, WI, Application Nos. 161057890, 161057956, Request for Waiver, CC Docket 02-6 (filed July 20, 2016)

Soille San Diego Hebrew Day School, CA, Application No. 161057170, Request for Waiver, CC Docket 02-6 (filed July 14, 2016)

West Orange Public Library, NJ, Application No. 161059356, Request for Waiver, CC Docket 02-6 (filed July 27, 2016)

West Virginia Department of Education, WV, Application No. 161061518, Request for Waiver, CC Docket 02-6 (filed July 26, 2016)

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<sup>12</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).

*Late-Filed FCC Form 471 Applications – Unexpected Serious Illness or Death*<sup>13</sup>

Villa Madonna Academy, KY, Application No. 161058315, Request for Waiver, CC Docket 02-6 (filed June 27, 2016)

*Ministerial and/or Clerical Error – FCC Form 471*<sup>14</sup>

Chabad of Southern Nevada, NV, Application No. 854879, Request for Review, CC Docket No. 02-6 (filed June 20, 2016)

*Service Substitution*<sup>15</sup>

Salem Public School District, MA, Application No. 793286, Request for Review and Waiver, CC Docket No. 02-6 (filed Apr. 16, 2013)

*Signed Contract Requirement*<sup>16</sup>

American Falls Joint School District 381, ID, Application No. 1047530, Request for Review, CC

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<sup>13</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by A Special Place et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 5827, 5828, para. 1 (WCB 2014) (granting a waiver of the application deadline where an applicant filed late, but within 30 days of the close of the filing window, due to an unexpected serious illness or death of the person responsible for submitting the form or a close family member of that person).

<sup>14</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 FCC Rcd 17319, 17320, para. 2 & n.9 (WCB 2010) (*Ann Arbor Order*) (permitting applicants to correct an erroneous date identifying when bids were evaluated).

<sup>15</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Beaufort County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 3124 (WCB 2014) (granting appeals of denied service substitution requests when the requested service substitution met the requirements for service substitutions currently codified in 47 CFR § 54.504(d) that (1) the service or product had the same functionality as the original service or product, (2) the substitution did not violate any contract provisions or state or local procurement laws, (3) the substitution did not result in an increase in the percentage of ineligible services or functions, and (4) the applicant certified that the requested change is within the scope of the controlling FCC Form 470). See also *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 (WCB 2011) (granting a waiver of the Commission's filing deadline for appeals submitted within a reasonable period of time after receiving actual notice of USAC's adverse decision, or the late-filed appeal would never have been necessary absent an error on the part of USAC).

<sup>16</sup> See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; School and Libraries Universal Service Support Mechanism*, 23 FCC Rcd 15526, 15528, para. 5 (WCB 2008) (granting appeals when petitioners demonstrated that they had agreements in place that met the Commission's rules and procedures when submitting their FCC Forms 471); 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, 8950-51, para. 203 (2014) (easing the signed contract requirement to allow legally binding agreements to be in place, instead of the actual contract, when the parties that negotiated the agreement could not get the contract signed before the FCC Form 471 was filed); 47 CFR § 54.504(a).

Partially Granted

*Allowing Deduction of Ineligible Costs*<sup>17</sup>

ABS Technology Architects (Mecklenburg County School District), VA, Application No. 379705, Request for Review, CC Docket No. 02-6 (filed July 28, 2011)

Western Heights School District I-41, OK, Application No. 423176, Request for Review, CC Docket No. 02-6 (filed Sept. 27, 2005)

Denied

*Eligible Services*<sup>18</sup>

Miami-Dade County Public Schools, Application Nos. 395291, 395328, 388683, 388763, 388769, 388771, 388773, 388777, 388780, 388788, 388797, 388801, 393834, 422198, 388839, 388848, 388851, 388854, 393873, 388827, 396705, 388846, 388867, 428803, 393912, 396708, 389107, 389943, 389133, 389143, 388899, 388927, 388934, 388938, 390929, 389141, 389192, 389268, 396714, 393771, 390027, 389288, 394480, 394297, 390034, 394325, 388658, 394052, 394396, 389223, 394074, 389243, 394125, 389425, 389434, 419306, 389459, 388666, 389593, 389625, 389634, 389642, 395525, 389654, 389664, 391327, 388753, 389718, 388754, 396720,

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<sup>17</sup> 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, 8737-40, paras. 6, 9-10 (2007) (directing USAC to reassess applicants funding requests after they remove ineligible services from their E-rate applications). See *Request for Review of the Decision of the Universal Service Administrator by Western Heights School District I-41; 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 381 (WCB 2003) (finding that Western Heights had not provided concrete and specific evidence regarding how it would use the substantial amount of storage requested to demonstrate that the servers will be used solely for eligible purposes). For the ABS Technology Architects appeal, we direct USAC, with the help of the petitioner service provider, to review the funding requests at issue, remove the ineligible costs, and process the eligible portion of the funding requests. This decision should be applied to funding request numbers 1044257 and 1044327. For the Western Heights appeal, we direct USAC to process the funding request with at least an 81 percent reduction. USAC denied Western Height's appeal to the Administrator based on the 30 percent rule, finding that 81 percent of the funding request at issue was for ineligible products. Letter from Schools and Libraries Division, USAC, to Joe Kitchens, Western Heights School District I-41 at 2 (July 29, 2005).

<sup>18</sup> See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Pike County School District; 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, 16 FCC Rcd 5461 (CCB 2001) (deciding that the documentation provided by the petitioner demonstrates that the requested services are ineligible Network Management Systems as described by the Eligible Services List (ESL), that USAC reasonably determined that the "network maintenance, monitoring, and management and coordination of network status" services requested are ineligible for funding, and that the applicant was sufficiently on notice per the ESL that the services it had applied for were ineligible); *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) (upholding denials of funding requests for services that are not eligible for E-rate support).

389739, 390063, 389749, 389767, 391280, 389872, 389697, 389738, 389768, 389857, Request for Review, CC Docket No. 02-6 (filed Nov. 28, 2005)

Miami-Dade County Public Schools, Application Nos. 444119, 444134, 444148, 444199, 444357, 444370, 479674, 445047, 445076, 445400, 445539, 445723, 445741, 445763, 445903, 445926, 445929, 445943, 445951, 446413, 446454, 446500, 446517, 446569, 446729, 446740, 446762, Request for Review, CC Docket No. 02-6 (filed Dec. 14, 2005)

Miami-Dade County Public Schools, Application No. 445236, Request for Review, CC Docket No. 02-6 (filed Feb. 13, 2006)

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*<sup>19</sup>

Mansfield Independent School District, Application Nos. 904090, Request for Review or Waiver, CC Docket No. 02-6 (filed Oct. 29, 2014)

*Invoice Deadline Extension Requests*<sup>20</sup>

Community Consolidated School District 180, IL, Application No. 964164, Request for Review, CC Docket No. 02-6 (filed May 31, 2016)

FootHill Christian School, CA, Application No. 948550, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2016)

Gloucester County Institute of Technology, NJ, Application No. 962531, Request for Waiver, CC

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<sup>19</sup> 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 26407, 26422, para. 36 (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 a 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 (WCB 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 (WCB 2014) (finding that petitioner did not demonstrate the existence of special circumstances to warrant a waiver of the Commission’s competitive bidding requirements).

<sup>20</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3835, para. 7 (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.

Docket No. 02-6 (filed June 9, 2016)

Gloucester County Special Services School District, NJ, Application No. 961695, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2016)

Lumos Networks (Lewis County School District), WV, Application No. 886076, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2016)

Mastery Charter High School, PA, Application No. 781114, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2016)

NebraskaLink, LLC, NE, Application Nos. 937687, 938468, 942275, 942802, 947233, 947315, 947676, 948409, 948484, 949883, 955286, 958755, 960187, 960848, 975449, 984500, 984662, 984781, 984949, 985251, 985260, 985119, 986745, 986756, 986843, 987219, 987328, 988460, and 988676, Request for Waiver, CC Docket No. 02-6 (filed Apr. 27, 2016)

Pasadena Independent School District, TX, Application No. 980957, Request for Waiver, CC Docket No. 02-6 (filed Mar. 7, 2016)

South Harrison Community School Corporation, IN, Application No. 958961, Request for Waiver, CC Docket No. 02-6 (filed Mar. 9, 2016)

Spring Hill Unified School District 230, KS, Application No. 984399, Request for Review, CC Docket No. 02-6 (filed June 23, 2016)

Triton School Corporation, IN, Application No. 951037, Request for Waiver, CC Docket No.02-6 (filed Dec. 23, 2015)

Wayne County Schools, TN, Application No. 970504, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2016)

*Late-Filed FCC Form 471 Applications*<sup>21</sup>

Ace Tech Charter High School, IL, Application Nos. 161055461, 161056423, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2016)

Coastal Christian School, CA, No Application Number Given, Request for Waiver, CC Docket 02-6 (filed Apr. 13, 2016)

Delphic Elementary School, CA, Application No. 161033022, Request for Waiver, CC Docket 02-6 (filed June 22, 2016)

DePue Unit Schools #103, IL, Application No. 161048612, Request for Waiver, CC Docket 02-6 (filed June 15, 2016)

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<sup>21</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).



Economic Opportunity Program, NY, Application No. 161030764, Request for Waiver, CC Docket 02-6 (filed July 20, 2016)

Exira-Elk Horn-Kimballton Community School District, IA, Application Nos. 161051186, 161051192, 161054027, Request for Waiver, CC Docket 02-6 (filed July 7, 2016)

Lorain County JVSD, OH, No Application Number Given, Request for Waiver, CC Docket 02-6 (filed June 23, 2016)

Most Holy Trinity Catholic School, MI, No Application Number Given, Request for Waiver, CC Docket 02-6 (filed June 16, 2016)

North Mahaska Community School District, IA, No Application Number Given, Request for Waiver, CC Docket 02-6 (filed June 15, 2016)

Ozark Education, Inc., AR, Application No. 161058097, 161060335, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2016)

Phoenix Charter Academy, MA, Application Nos. 161058389, Request for Waiver, CC Docket 02-6 (filed June 22, 2016)

Saint Gabriel Elementary School, CA, Application No. 161058550, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2016)

Saints Philip & James School, NJ, Application No. 161013014, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2016)

San Fernando Valley Academy, CA, Application Nos. 161056794, 161057206, Request for Waiver, CC Docket 02-6 (filed July 6, 2016)

St. Benedict's Episcopal Day School, GA, Application No. 161058252, Request for Waiver, CC Docket 02-6 (filed June 15, 2016)

St. Joseph Hill Academy Elementary School, NY, No Application Number Given, Request for Waiver, CC Docket 02-6 (filed May 31, 2016)

St. Patrick High School, IL, Application No. 161039375, Request for Waiver, CC Docket 02-6 (filed June 28, 2016)

St. Thomas the Apostle, NJ, Application No. 161060754, Request for Waiver, CC Docket 02-6 (filed July 20, 2016)

Skyline R-II School District, CA, No Application Number Given, Request for Waiver, CC Docket 02-6 (filed July 6, 2016)

Wakefield County Day School, VA, Application No. 1051669, Request for Waiver, CC Docket 02-6 (filed June 10, 2016)

*Untimely-Filed Request for Review*<sup>22</sup>

NOVA Charter School, TX, Application No. 820905, Request for Review, CC Docket No. 02-6 (filed (June 9, 2016)

West Michigan Academy of Environmental Science, MI, Application No. 1002108, Request for Review, CC Docket No. 02-6 (filed June 1, 2016)

**Rural Health Care (RHC)**  
**WC Docket No. 02-60**

Grants

*Ministerial and/or Clerical Error – FCC Form 466-A*<sup>23</sup>

CGH Medical Center, HCP No. 14408, Packet Nos. 61092, 61104, 61421, 62190, 62191, 62192, 62193, 62194, 62195, and 62196, WC Docket No. 02-60 (filed Feb. 16, 2006)

*Late-Filed FCC Form 466 Application*<sup>24</sup>

ThedaCare Physicians-Shawano Clinic, HCP No. 18310, FRN 55928, WC Docket No. 02-60 (filed July 2, 2012)

Denials

*Untimely-Filed Request for Review*<sup>25</sup>

CGH Medical Center, HCP No. 14408, WC Docket No. 02-60 (filed May 12, 2006)

*Funding Request Exceeds Maximum Allowable Distance*<sup>26</sup>

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<sup>22</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).

<sup>23</sup> See, e.g., *Ann Arbor Order*, 25 FCC Rcd at 17320, para. 2 & n.5 (permitting applicants to correct clerical errors, such as mistyping a number, failing to enter an item from the source list onto an application, or making a miscalculation). In this instance, CGH Medical Center did not insert its address on Line 19 of the FCC Form 466-A per the form’s instructions. We direct USAC to allow the applicant to make corrections to Line 19 of the FCC Forms 466-A at issue. We make no finding on the underlying issues in this appeal and remand these applications back to USAC for further review and processing.

<sup>24</sup> 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 (WCB 2012) (granting a waiver where the applicant filed within a reasonable period after the close of the filing window despite delays beyond its control).

<sup>25</sup> See *supra* note 22.

<sup>26</sup> See 47 CFR § 54.613(a) (providing that eligible health care providers may receive the most cost-effective, commercially-available telecommunications service at a rate no higher than the highest urban rate at a distance not

(continued....)

Sunshine Community Health Center, HCP No. 12251, Packet No. 66829, WC Docket Nos. 02-60, 96-45 (filed Feb. 17, 2009, Feb. 10, 2009, and May 2, 2007)

**Contribution Methodology**  
**WC Docket No. 06-122**

Dismissed

*Request for Waiver of 499-A Revision Deadline*<sup>27</sup>

Atlantel Inc., Request for Review of a Decision of the Universal Service Administrator, WC Docket 06-122 (filed Oct. 14, 2014).

Dismissed Without Prejudice

*Request for Waiver of Form 499-A Revision Deadline*<sup>28</sup>

Pacific Centrex Services, Inc., Appeal of Decision of Universal Service Administrator and Request for Waiver, WC Docket No. 06-122 (filed May 11, 2016).

Terral Telephone Company, Inc. Appeal of Decision of Universal Service Administrator and Request for Waiver, WC Docket No. 06-122 (filed July 7, 2016).

(Continued from previous page) \_\_\_\_\_  
to exceed the distance between the eligible health care provider’s site and the farthest point on the jurisdictional boundary of the city in that state with the largest population) (known as the “maximum supported distance”). In these instances, we find that USAC correctly calculated support for the funding requests at issue.

<sup>27</sup> See 47 CFR § 1.1166(a) (“Requests for waivers, reductions, or deferrals [of regulatory fees] will be acted upon by the Managing Director with the concurrence of the General Counsel. All such filings within the scope of the fee rules shall be filed as a separate pleading and clearly marked to the attention of the Managing Director. ...”).

<sup>28</sup> See 47 CFR § 54.721. See, e.g., *Universal Service Contribution Methodology; CML Communications LLC Request for Review of a Decision of the Universal Service Administrator and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology; Alternative Phone, Inc. Request for Review of a Decision of the Universal Service Administrator and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology; , Dorial Telecom, LLC Request for Review of a Decision of the Universal Service Administrator*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding requests procedurally defective for failure to comply with 47 CFR § 54.721).

Denied

*Request for Waiver of FCC Form 499-A Revision Deadline*<sup>29</sup>

The Conference Group, LLC, Request for Review of Universal Service Administrator Decision and Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed May 6, 2016).

*Late 499-A Filing Fee Waiver Request*<sup>30</sup>

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<sup>29</sup> See *Universal Service Contribution Methodology; Petition for Waiver of Universal Service Fund Rules by Outfitter Satellite, Inc.*, WC Docket No. 06-122, Order, 28 FCC Rcd 13358 (WCB 2013) (finding that alleged mistakes by Outfitter's accounting firm and internal accounting staff were not adequate grounds for waiver); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator by IP Telecom Group, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 11213 (WCB 2011); *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 (WCB 2010) (*Airband Communications Order*) (denying requests for deadline waivers where claims of good cause amounted to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control).

<sup>30</sup> See *Airband Communications Order*, 25 FCC Rcd 10861 (denying requests for deadline waivers where claims of good cause amounted 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 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *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); *Federal-State Joint Board on Universal Service; Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (finding that good cause was not shown when filer claimed it did not have skilled personnel to interpret and apply FCC Form 499 instructions correctly).

Novacom, Inc. Petition for Waiver, WC Docket 06-122 (filed July 15, 2016)

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

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