



PUBLIC NOTICE

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

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, dismisses, or 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 the release date of this Public Notice.²

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Granted³

*Granting Additional Time to Respond to USAC's Request for Information*⁴

¹ 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. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

² 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).

³ 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).

⁴ 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*

(continued...)

Arrow Child and Family Ministries, MD, Application No. 171010261, Request for Review, CC Docket No. 02-6 (filed Aug. 20, 2018)

*Eligible Services*⁵

John H. Wood Jr Charter School, TX, Application No. 858359, Request for Review, CC Docket 02-6 (filed Nov. 16, 2012)

New Summerfield Independent School District, TX, Application No. 448525, Request for Review, CC Docket 02-6 (filed Dec. 14, 2005)

*Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control*⁶

Berkeley Hall School, CA, Application Nos. 211040829, 211040832, Request for Waiver, CC Docket 02-6 (filed June 22, 2021)

Green Point Elementary School District, CA, Application No. 211040695, Request for Waiver, CC Docket 02-6 (filed June 15, 2021)

Kerkhoven-Murdck-Sunbrg S D 775, MN, Application No. 211034133, Request for Waiver, CC Docket 02-6 (filed June 22, 2021)

Oakdale Public Library, TN, Application No. 211040688, Request for Waiver, CC Docket 02-6 (filed June 17, 2021, supplemented June 22, 2021)

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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).

We also find good cause exists to waive sections 54.720(a) and (b) 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 Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District 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 or submitted their appeals within a reasonable period after receiving actual notice of USAC's adverse decision).

⁵ *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 2080, para. 1 (WCB 2012) (finding that USAC erred in its eligibility determination regarding the services petitioners sought for funding).

⁶ *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) (finding that the applicant filed their FCC Form 471 application beyond 14 days of the FCC Form 471 deadline due to delays beyond their control).

To the extent necessary, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See, e.g., ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision). 47 CFR §§ 54.720(a), (b).

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*⁷

South Umpqua School District 19, OR, Application Nos. 211040324, 211040642, Request for Waiver, CC Docket 02-6 (filed Apr. 8, 2021)

*Late-Filed FCC Form 471 Applications –Application Filed More than 30 Days Late*⁸

Bancroft School, Childrens Institute Inc., Laurence School, Foundation Academy, Yula Boys High School, Application Nos. 211041191, 211041184, 211041190, 211041192, 211041051, 211041050, Request for Waiver, CC Docket 02-6 (filed July 1, 2021)

Berwyn Public Library, IL, Application No. 211030414, Request for Waiver, CC Docket 02-6 (filed May 11, 2021)

Bristol Local School District, OH, Application No. 211041130, Request for Waiver, CC Docket 02-6 (filed June 22, 2021)

Cedar Falls Community School District, IA, Application No. 211041099, Request for Waiver, CC Docket 02-6 (filed June 17, 2021)

Central Minnesota Educational Television System, MN, Application No. 211041136, Request for Waiver, CC Docket 02-6 (filed June 22, 2021)

Di Giorgio School District, CA, Application No. 211041135, Request for Waiver, CC Docket 02-6 (filed June 22, 2021)

Earlimart Elementary School District, CA, Application No. 211041187, Request for Waiver, CC Docket 02-6 (filed July 1, 2021)

E. E. Rogers S.D.A. School, MS, Application No. 211041039, Request for Waiver, CC Docket 02-6 (filed June 16, 2021)

Genesee STEM Academy, MI, Application No. 211041156, Request for Waiver, CC Docket 02-6 (filed June 11, 2021, supplemented June 25, 2021)

⁷ 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) (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the application filing window deadline).

⁸ See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Agri-Business Child Development et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 8278, 8280, para. 7 (WCB 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the FCC Form 471 application filing window deadline for applicants impacted by the coronavirus (COVID-19) pandemic that requested a waiver of the filing deadline and submitted their applications within 60 days of the close of the filing window). Because the *Agri-Business Child Development Order* was released August 6, 2020 after the funding year 2020 window had closed, the Bureau also found good cause existed to waive the funding year 2020 FCC Form 471 application filing window deadline for those applicants filing their applications on or before that date, waiving the filing deadline for applications that were up to 99 days late. We extend this waiver standard to funding year 2021 applicants but emphasize that this additional relief applies only to this subset of applications and applicants should not expect the Commission to grant additional waivers absent a showing of extraordinary circumstances.

George E. Peters Adventist School, MD, Application Nos. 211041131, 211041129, Request for Waiver, CC Docket 02-6 (filed June 22, 2021)

Meridian Public Charter School District, DC, Application No. 211041102, Request for Waiver, CC Docket 02-6 (filed June 11, 2021)

Mondamin Public Library, IA, Application No. 211041134, Request for Waiver, CC Docket 02-6 (filed June 22, 2021)

Orangeville Community Unit School District #203, IL, Application No. 211040850, Request for Waiver, CC Docket 02-6 (filed May 6, 2021)

Pulaski Community School District, WI, Application No. 211041058, Request for Waiver, CC Docket 02-6 (filed May 27, 2021)

Space Coast Christian Academy, FL, Application No. 211041178, Request for Waiver, CC Docket 02-6 (filed June 29, 2021)

The Magellan School, TX, Application No. 211041125, Request for Waiver, CC Docket 02-6 (filed June 21, 2021)

Valley Center Unified School District, KS, Application No. 211041147, Request for Waiver, CC Docket 02-6 (filed June 24, 2021)

*Ministerial and/or Clerical Errors*⁹

Beloved Community Charter School, NJ, Application Nos. 201032989, 201045572, Request for Review and/or Waiver, CC Docket 02-6 (filed Mar. 15, 2021, supplemented Jun. 15, 2021)

Postville Community School District, IA, Application No. 211010610, Request for Review and/or Waiver, CC Docket 02-6 (filed May 13, 2021)

Russell County Schools, VA, Application No. 171008803, Request for Review and/or Waiver, CC Docket 02-6 (filed Apr. 6, 2020)

St. Cloud Area School District 742, MN, Application No. 201021911, Request for Review and/or Waiver, CC Docket 02-6 (filed July 1, 2021, supplemented July 14, 2021)

St. Rose School, OH, Application No. 211032399, Request for Review and/or Waiver, CC Docket 02-6 (filed May 26, 2021)

South Delta School District, MS, Application No. 544586, 544619, Request for Review and/or Waiver, CC Docket 02-6 (filed Apr. 15, 2008)

⁹ 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, 17319-20 nn.5, 9, 12, 16, 20 (WCB 2010) (granting a waiver where the applicant omitted items and entities from its source list, entered an incorrect date, mischaracterized its monthly charge as its annual charge, or indicated the wrong service on its FCC Form 471); *Requests for Review of Decisions 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, 15521 n.19 (WCB 2008) (permitting applicant to correct a pre-discount price on its FCC Form 471 to conform to the price on the source document).

Waterford Public Schools, CT, Application No. 211016614, Request for Review and/or Waiver, CC Docket 02-6 (filed May 27, 2021)

Wauwaukee Community School District 471, WI, Application No. 201031843, Request for Review and/or Waiver, CC Docket 02-6 (filed Dec. 29, 2020)

*Payment of Non-discount Portion*¹⁰

The Passport School, FL, Application No. 171032894, Request for Review and/or Waiver, CC Docket 02-6 (filed Mar. 17, 2020, supplemented July 7, 2021)

*Waiver of Special Construction Service Delivery Deadline*¹¹

Grand Canyon Unified School District, AZ, Application No. 181034007, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2021, supplemented July 21, 2021)

Socorro Consolidated School District, NM, Application No. 181020018, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2021)

*Price was the Primary Factor Considered*¹²

North Slope Borough School District, AK, Application No. 201032769, Request for Waiver, CC Docket No. 02-6 (filed Mar. 15, 2021)

¹⁰ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Business Communications, Inc. & Mission Control; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 13117 (WCB 2012) (finding that applicant paid the full amount of its non-discount share of its E-Rate-eligible purchase).

¹¹ See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

These applicants were unable to complete implementation for reasons beyond their control and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive the special construction service delivery deadlines and direct USAC to set new service delivery deadlines of June 30, 2022, and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling.

¹² See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District*, Order, 26 FCC Rcd 6109, 6114-15, para. 9 (WCB 2011) (granting appeals where the record demonstrated that applicants gave the most weight to price during the bid evaluation process). We find that the applicant used price as the primary factor during its bid evaluation process and the error made by the one bid reviewer did not affect the overall vendor evaluation process that was used to select the winning vendor. We also find that the requested services were competitively bid. See *Federal-State Joint Board on Universal Service*, Fourth Order on Reconsideration, 13 FCC Rcd 5318, paras. 224-228 (1997) (citing *AT&T v. Wiltel*, 1 F.3d 1201, 1205-06 (Fed. Cir. 1993) (finding that a contract modification that upgraded T1 dedicated transport circuits to T3 circuits was not a cardinal change)).

Denied*Failure to Satisfy Debt/Red Light Rule*¹³

Contoocook Valley Regional School District, IA, Application No. 191041867, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 26, 2019)

*Invoice Deadline Extension Requests*¹⁴

Dickenson County Public Schools, VA, Application No. 191017204, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2021)

Pitman Public School District, NJ, Application No. 191026464, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2021)

Youthbuild charter School of California, CA, Application No. 191034203, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2021)

*Ministerial and/or Clerical Errors*¹⁵

Legion Collegiate Academy, SC, Application No. 191030802, Request for Review and/or Waiver, CC Docket 02-6 (filed May 21, 2021)

SE Kansas Special Ed Interlocal #637, KS, Application No. 191009147, Request for Review and/or Waiver, CC Docket 02-6 (filed Jan. 31, 2020)

¹³ In its petition for reconsideration, Contoocook Valley Regional School District (Contoocook Valley) persuasively argues that it filed its appeal with the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision. We therefore waive the appeal filing deadline. *See, e.g., ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision).

We deny the petition on the merits, however, because Contoocook Valley had an outstanding debt at the time it filed its FCC Form 471. *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc., Wheeling School District 21, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13122, 13126, para 6 (WCB 2013) (denying E-Rate applicant's request for a waiver and dismissing their funding request for not paying an outstanding debt).

¹⁴ *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.

¹⁵ *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).

¹⁶ *See, e.g., See Federal State Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9062, para. 544 (1997) (noting that USAC should only commit funds to cover the portion of a long-term

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*Seeking Advance Payment for Multi-Year Contract*¹⁶

Forest Hills School District, OH, Application No. 191019192, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2021)

*Untimely Filed Appeals or Waiver Requests*¹⁷

Bright Star Schools, AZ, Application No. 191015074, Request for Waiver, CC Docket No. 02-6 (filed April 23, 2021)

Palos Heights School District, IL, Application No. 171020193, Request for Waiver, CC Docket No. 02-6 (filed April 8, 2021)

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 or (202) 418-2694.

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contract that is scheduled to be delivered and installed during the funding year, noting however that contracts can be structured so that payment of a multi-year contract is required on a yearly basis); 47 CFR § 54.507(e) (“If schools and libraries enter into long term contracts for eligible services, the Administrator shall only commit funds to cover the pro rata portion of such a long term contract scheduled to be delivered during the funding year for which universal service support is sought.”).

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 (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 requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission’s rules; and (2) did not show special circumstances necessary for the Commission to waive the rule).