



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. 21-93
WC Docket No. 06-122
WC Docket No. 18-213

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

Dismissed on Reconsideration³

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). Sections 54.719(b) and 54.1718(a)(2) of the Commission's rules provide 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. Sections 54.719(c) and 54.1718(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c)54.1718(a)(3). In this Public Notice, we have reclassified as Requests for Waiver any 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 any 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 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).

On reconsideration, Bellwood School District 88 raises a new argument that it did not raise in its previous filing. It now argues that COVID-19 was a contributing factor in their staffing issues that led to its appeal being submitted late. Our rules state that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission.

(continued...)

Apple Valley Unified School District and Federal Technology Solutions, Inc., CA, Application No. 191031206, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 28, 2022)

Bellwood School District 88, IL, Application No. 201002784, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 27, 2021)

Pangea Networks, LLC (Grandview C4 School District), MO, Application No. 201037932, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 27, 2022)

St. Pius V School, RI, Application No. 211041256, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 30, 2021)

Dismissed on Reconsideration – Untimely⁴

Technology Integration Group (Escambia County School District), FL, Application No. 201013953, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 2, 2022)

Granted⁵

Category Two Funding Over Five Years⁶

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Because the petitioner was aware when it first filed the waiver request with the Commission that the COVID-19 pandemic contributed to the submission of its late appeal, we dismiss the petition because it relies on a known fact that should have been raised earlier. *See* 47 CFR § 1.106(b)(2), (c)(2) (stating that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission, unless it is required in the public interest). As an alternative and independent basis for rejecting this petition, we deny the petition on the merits. While we are sympathetic to the arguments raised by the petitioner, we find that the COVID-19 pandemic-related staffing issues does not constitute special circumstances required for the Commission to waive its rules and we deny this petition for reconsideration. *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, including instances when there was staff turnover); *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.

⁴ *See, e.g., Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 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 dates of the Bureau’s decisions).

⁵ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision 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).

⁶ We find that USAC did not take into account a correction to the petitioner’s funding commitment that was granted by USAC on January 30, 2020. As a result, USAC improperly denied Washington-Saratoga-Warren-Hamilton-Essex BOCES’s funding for Application No. 161046815 because it appeared to be over the Category Two budget. We now grant this appeal and instruct USAC to determine the Category Two budget using the corrected figures. *See Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and

(continued....)

Washington-Saratoga-Warren-Hamilton-Essex BOCES, NY, Application No. 161046815, Request for Review, CC Docket No. 02-6 (filed Mar. 6, 2020)

*Competitive Bidding – Modifications to Bidding Documentation*⁷

Lincoln County School District, TN, Application No. 161036733, Petition for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 13, 2017)

*Competitive Bidding – Fiber*⁸

Lincoln County School District, TN, Application No. 171028255, Petition for Review and/or Waiver, CC Docket No. 02-6 (filed June 29, 2018)

*Eligible Entities*⁹

Osage County Interlocal Cooperative, OK, Application Nos. 62597, 131842, 190321, 242921, 295944, 363796, 369233, 394209, 451083, 520181, 563503, 636432, 696169, 703208, 788170, 843080, 901243, 944440, 1004127, 161001930, 161057945, 171016213, 181017364, 191022493, Petition for Waiver and/or Review, CC Docket No. 02-6 (filed Oct. 21, 2020, supplemented Nov. 4, 2022)

*Incorrect Service Start Date on FCC Form 486*¹⁰

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Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8898-8922 at paras. 77-116 (2014) (explaining that each school or library that requests Category Two funding will be eligible for a budgeted amount of support for Category Two funding over a period of five years).

⁷ See *Petitions for Reconsideration by Lake Pend Oreille School District, et al*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 1103, 1105-06, para. 3 (WCB 2013) (finding that the competitive bidding rules require that all potential bidders and service providers have access to the same information and are treated in the same manner throughout the procurement process); see also *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, paras. 1-2 (WCB 2010) (*Ann Arbor Public Schools Order*) (permitting applicants to correct certain ministerial and clerical errors that do not constitute violations of the competitive bidding rules).

⁸ *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15553, para 39 (2017) (noting that “if a school or library intends to seek support to lease and light dark fiber, the schools or library must also solicit proposals to provide the needed services over lit fiber over a time period comparable to the duration of the dark-fiber lease or IRU.”); see also *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16736, para. 125 (2012) (noting that “requests for proposals (RFPs) that allow for dark fiber solutions must also solicit proposals to provide the needed services over lit fiber over a time period comparable to the duration of the dark fiber lease or IRU.”).

⁹ See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Bootheel Consortium, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8747, 8750-51, paras. 7-8 (2007) (directing USAC to reevaluate the entity’s eligibility for E-Rate support based on the additional supporting evidence that applicants have provided).

¹⁰ See, e.g., *Request for Review and/or Waiver by Glendale Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 1040 (WCB 2006); see also *Request for Waiver by Harvey Public Library District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15419 (WCB 2008) (granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486). We also grant Pleasant Hill School District’s appeal as it relates to its FCC Form 486, which was filed after the deadline. See, e.g., *Requests for Waiver of Decisions of the*

(continued...)

Pleasant Hill School District, MO, Application No. 211038234, Petition for Review, CC Docket No. 02-6 (filed June 16, 2022)

*Late-Filed FCC Form 471 Applications – Application Filed More than 30 Days Late*¹¹

Stratford School District, WI, Application No. 221013289, Petition for Waiver, CC Docket No. 02-6 (filed July 14, 2022)

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

Alliance for Community Empowerment, Inc., CT, Application No. 221039546, Petition for Waiver, CC Docket No. 02-6 (filed Mar. 30, 2022)

Holy Family School, PA, Application No. 221039715, Petition for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Marian High School, TX, Application No. 221039952, Petition for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

*Ministerial and/or Clerical Errors*¹³

Jackson Township School District, NJ, Application No. 201034904, Petition for Waiver, CC Docket No. 02-6 (filed Dec. 10, 2021, supplemented Nov. 2, 2022)

Rising Ground, NY, Application Nos. 221028848, 221034798, Petition for Waiver and/or Review, CC Docket No. 02-6 (filed Oct. 28, 2022, supplemented Nov. 8, 2022)

*Waiver of Special Construction Service Delivery Deadline*¹⁴

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Universal Service Administrator by Archdiocese of New Orleans et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11750, para. 10 (WCB 2016) (granting relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicant demonstrated good cause for the late filing).

¹¹ 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 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 deadline for those applicants filing their applications on or before that date, waiving the filing deadline for applications that were submitted up to 99 days late. We extend this waiver standard to funding year 2022 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.

¹² 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 that 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).

¹³ See, e.g., *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17319-20, nn.5, 20 (granting waiver where the applicant made a typographical error or entered the wrong service category on its FCC Form 471).

Navajo Nation Tribal Consortium, AZ, Application No. 201040969, Request for Waiver, CC Docket No. 02-6 (filed Aug. 5, 2022)

Navajo Nation Tribal Consortium, AZ, Application No. 201042013, Request for Waiver, CC Docket No. 02-6 (filed Aug. 5, 2022)

*Waiver of Appeal Filing Deadline*¹⁵

Syracuse City School District, NY, Application No. 191008827, Request for Waiver, CC Docket No. 02-6 (filed Oct. 25, 2022)

Woodbridge Town Library, CT, Application No. 201028249, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2022)

Denied

*Failure to Satisfy Debt/Red Light Rule*¹⁶

Mullica Township School District, NJ, Application No. 221003128, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2022)

South Kingstown School District, RI, Application No. 221006929, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2022)

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¹⁴ 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).

We find that the petitioner was unable to complete implementation for reasons beyond its and their service provider's control and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive the special construction service delivery deadline and direct USAC to provide the applicants until June 30, 2023 to complete their special construction projects.

For these petitioners, we also waive any associated administrative or procedural deadlines, including section 54.514(a), that might be necessary to effectuate our ruling. See *supra* note 5.

¹⁵ 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, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests only a few days late or within a reasonable 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 *also supra* note 5.

¹⁶ 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 of the red light rule and dismissing their FCC Form 471 application). The petitioners argue that their applications should be funded because, even though it was on red light status when it applied for funding, it eventually repaid the debt. We note that subsequent repayment of the delinquent amount that is in violation of the red light rule does not reverse the dismissal of the any pending application(s). See *id.* (denying funding of applications for E-Rate funding that were dismissed because of the red light rule even if the debt is later satisfied).

Torat Hayim Hebrew Academy d/b/a Tashbar Sephardic Yeshiva Katana, NY, Application No. 191002622, Request for Waiver, CC Docket No. 02-6 (filed Aug. 22, 2022)

*Invoiced for Products/Services Not on Form 471*¹⁷

Puerto Rico Department of Education (Truenorth Corporation), PR, Application No. 201040519, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 27, 2022)

*Late-Filed Invoice Deadline Extension*¹⁸

American Youth Academy, FL, Application No. 201022185; Bellmawr Borough School District, NJ, Application No. 201023569; Crab Orchard CU School District, IL, Application No. 201015970; Rochelle Park School District, NJ, Application Nos. 201028144, 201046292, Requests for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2022)

Blossom Telephone Company, Inc. (Prairiland Independent School District), TX, Application No. 191008915, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2021)

Brandeis School, NY, Application Nos. 191005224, 201017064, Request for Waiver, CC Docket No. 02-6 (filed May 24, 2022)

Clay County School District, TN, Application No. 191011688, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2021)

Community School of Davidson, NC, Application No. 191022893, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2021)

Crow Creek Sioux Tribal Schools, SD, Application No. 201024515, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2022)

CUNY Prep School, NY, Application No. 201033765, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2021)

Des Plaines Public Library, FL, Application No. 191023036, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

¹⁷ *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 that the petitioners did not demonstrate good cause to justify waivers permitting changes to the applicants' E-rate applications).

¹⁸ *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, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice filing deadline 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.

Education in Unorganized Territory, ME, Application No. 191035158, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2022)

Evergreen Charter School, NY, Application No. 191041507, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2022)

Everyday Data Inc (Interamericana De Pr), PR, Application No. 201039990, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2022)

Hebrew Academy, CA, Application No. 201028789, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

Horizon Charter School of Tampa, FL, Application No. 201044288, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

Horseshoe Bend School District 73, ID, Application No. 201008093, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

House of Good Shepherd School, NY, Application Nos. 191032836, 201037755, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

Imagine Foundations of Morningside Public Charter, Imagine Schools--Chancellor Campus, Little Flower Catholic School, Application Nos. 191030399, 191041765, 191041770, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2022)

Katz Yeshiva High School of South Florida, FL, Application No. 201008356, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2022)

Lake Geauga Computer Association (West Geauga School District), OH, Application No. 191021978, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2021)

Lakewood Cheder School, NJ, Application Nos. 181036405, 181036772, 191038935, 191039232, Request for Waiver, CC Docket No. 02-6 (filed Jul. 26, 2022)

Maimonides Educational Center, NY, Application Nos. 191007964, 201017954, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2022)

Maimonides Hebrew Day School, NY, Application No. 181020370, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2022)

Mesivta Yam HaTorah, NY, Application Nos. 181017667, 191009423, Request for Waiver, CC Docket No 02-6 (filed June 8, 2022)

North Side dba Circle Academy, NY, Application Nos. 181016762, 191012362, 201020691, 201044052, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2022)

Public Policy Charter School, CA, Application No. 191040774, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2021)

Regional Office of Education Sangamon, IL, Application No. 191037228, Request for Waiver, CC Docket No. 02-6 (filed Aug. 31, 2021)

Resurrection Catholic School, KS, Application No. 191004927, Request for Waiver, CC Docket No. 02-6 (filed Aug. 10, 2022)¹⁹

Richfield Springs CSD, NY, Application No. 201038686, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2022)

Sauvie Island Academy, OR, Application No. 201039115, Request for Waiver, CC Docket No. 02-6 (filed Nov. 5, 2021)

St. Cloud Preparatory Academy, FL, Application No. 191036864, Request for Waiver, CC Docket No. 02-6 (filed Apr. 12, 2021)

St. Louis Charter School dba Premier Charter School, MO, Application No. 191020032, Request for Waiver, CC Docket No. 02-6 (filed Feb. 11, 2022)

Trey Whitfield School, NY, Application Nos. 191010273, 201022442, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

Triton Erate Consortium, WI, Application No. 201019438, Request for Waiver, CC Docket No. 02-6 (filed Mar. 24, 2022)

United Services Inc. (Jefferson School District C 123), MO, Application No. 211032195, Request for Waiver, CC Docket No. 02-6 (filed Nov. 4, 2022)

Vector Resources, Inc. d/b/a VectorUSA, Inc. (Anaheim Elementary School District), CA, Application No. 201018772, Request for Waiver CC Docket No. 02-6 (filed Apr. 11, 2022)

Vector Resources, Inc. d/b/a VectorUSA, Inc. (Brawley Elementary School District), CA, Application No. 191027672, Request for Waiver CC Docket No. 02-6 (filed May 4, 2022)

Vector Resources, Inc. d/b/a VectorUSA, Inc. (Rim of the World), CA, Application No. 201038538, Request for Waiver CC Docket No. 02-6 (filed Apr. 11, 2022)

Willamette Education Service District, OR, Application Nos. 191006558, 191040716, 191040854, 191041479, 191041582, CC Docket No. 02-6 (filed Apr. 21, 2021)

Yeshiva Har Torah, NY, Application No. 181017371, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2022)

¹⁹ Resurrection Catholic School also filed its FCC Form 486 after the form deadline, resulting in an adjusted service start date that eliminated the possibility of receiving any support for funding year 2019. *See Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12445, para. 5 (2002) (noting that in the event of a late-filed FCC Form 486, USAC resets the start date for discounted services to 120 days before the postmark date or date of notification if received electronically).

*Ministerial and/or Clerical Errors*²⁰

Imagine School at Southern Vero, FL, Application No. 211003458, Request for Waiver, CC Docket No. 02-6 (filed Nov. 15, 2021)

North Catholic High School, PA, Application No. 211013084, Request for Waiver, CC Docket No. 02-6 (filed Sept. 3, 2021, supplemented Nov. 29, 2021)

Stem Preparatory Academy, TN, Application No. 221034979, Request for Waiver, CC Docket No. 02-6 (filed Aug. 8, 2022)

*Untimely Filed Appeals or Waiver Requests*²¹

The Best Academy, NJ, Application Nos. 191039416, 191038551, 201040620, 201040630, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2022)

Emergency Connectivity Fund **WC Docket No. 21-93** **Dismissed as Moot**²²

McCrary Public School District, AK, Application No. ECF202101065, Request for Waiver and/or Appeal, WC Docket No. 21-93 (filed Apr. 1, 2022)

Mid-Pacific Institute, HI, Application No. ECF202100922, Request for Waiver, WC Docket No. 21-93 (filed Feb. 9, 2022)

²⁰ 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 that the petitioners did not demonstrate good cause to justify waivers of the Commission's rules permitting changes to the applicants' E-Rate applications after the filing window).

²¹ 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, 5688, para. 6 (WCB 2010) (*Agra Public Schools Order*); *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, para. 1 (WCB 2014) (*Bound Brook School District Order*) (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 demonstrate special circumstances required for the Commission to waive the rule).

²² See, e.g., *Requests for Review of Decisions 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 were funded). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules.

Granted *Early Delivery*²³

Andrean High School, IN, Application No. ECF202107658, Request for Waiver, WC Docket No. 21-93 (filed Sept. 2, 2022)

*Waiver of Appeal Filing Deadline*²⁴

Excel Academy Charter School, MA, Application No. ECF202109223, Request for Waiver, WC Docket No. 21-93 (filed Sept. 2, 2022)²⁵

McSwain Union Elem School Dist, CA, Application No. ECF222116440, Request for Waiver, WC Docket No. 21-93 (filed Apr. 25, 2022)

Mooresville Graded School District, NC, Application No. ECF202108124, Request for Waiver, WC Docket No. 21-93 (filed Feb. 17, 2022)²⁶

Denied *Late-Filed ECF FCC Form 471 Applications*²⁷

Hebrew Academy of Long Beach, NY, Application No. ECF222121274, Request for Waiver, WC Docket No. 21-93 (filed Apr. 20, 2022)

 *Untimely Filed Requests for Waiver*²⁸

²³ See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 06-122, Public Notice, DA 22-658, 2022 WL 2399676, n.25 (WCB 2022) (granting requests for waivers for equipment delivered before the start of the approved funding year). See also 47 CFR § 54.1708(b).

²⁴ 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 or waiver requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules establishing the appeal filing deadline. See 47 CFR § 54.1718. We note that the Commission adopted a shortened appeal timeframe of 30 days in the Emergency Connectivity Fund Program due to the short-term, emergent nature of the program. See *id.*; *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696, 8740, 8746, paras. 90, 107 (2021) (*Emergency Connectivity Fund Report and Order*). 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 5.

²⁵ We grant this waiver, but note that the applicant could have submitted a new request for reimbursement before the invoice deadline date.

²⁶ We grant this waiver, but the applicant could have submitted a new request for reimbursement or requested a post-commitment change before the invoice deadline date.

²⁷ 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); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 06-122, Public Notice, DA 22-575, 2022 WL 1837241, n.13 (WCB 2022) (denying late-filed ECF FCC Form 471 applications).

Imhotep Academy, GA, Application No. ECF222121131, Request for Waiver, WC Docket No. 21-93 (filed Mar. 17, 2022)

Maayan Torah Day School, OR, Application No. ECF222120983, Request for Waiver, WC Docket No. 21-93 (May 9, 2022)

Contribution Methodology
WC Docket No. 06-122

Granted in Part/Denied in Part

*Request for Waiver of Contributions Obligations on Interstate Loop Revenue for 2018-2022*²⁹

Mark Twain Telephone Company, Petition for Reconsideration and Request for Waiver, WC Docket Nos. 10-90 and 06-122 (filed Aug. 15, 2022)

Denied

*Request for Waiver of 499 Late Filing Fees*³⁰

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²⁸ See, e.g., *Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6; *Bound Brook School District Order*, 29 FCC Rcd at 5823, para. 1 (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 deadline). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules. We note that the Commission adopted a shortened waiver and appeal timeframe of 30 days in the Emergency Connectivity Fund Program due to the short-term, emergent nature of the program. See 47 CFR 54.1718; *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8740, 8746, paras. 90, 107. As such, requests for waiver of Emergency Connectivity Fund Program rules that are filed more than 30 days after a deadline or decision will be denied.

²⁹ *Universal Service Contribution Methodology, Gtek Computers & Wireless L.L.C., Request for Review and Contingent Request for Waiver and Renewed Request for Review and Contingent Request for Waiver; NextMetro, LLC d/b/a BroadAspect, Request for Review and Request for Waiver of USAC Decision*, Order, WC Docket No. 06-122, DA 22-406 (WCB 2022) (finding that petitioners could have reasonably read the Instructions as exempting them from the 499-A filing requirements, thus warranting a waiver of the Commission's contributions rules for the years at issue). We grant Mark Twain's request for waiver of reporting requirements and contributions obligations for interstate loop revenue for filing years 2018-2022, and direct USAC to apply the true-up credits to Mark Twain's account for the years at issue. We deny the request for interest pursuant to 28 U.S.C. § 1961(a). This statutory provision relates to federal court procedure and only applies where a civil case involves a monetary judgment in a U.S. District Court. It is not applicable to a grant of the instant waiver request.

³⁰ 47 CFR § 54.713. 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 (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 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) (finding that good cause is not shown when filers claim they were unaware of their obligation to file the forms, ignorant of the process for electronically filing the forms, or had otherwise failed to file the forms); *Federal-State Joint Board on Universal*

(continued....)

PC Xperts of South Florida, Inc., Letter from Mercedes Arjona to Federal Communications Commission, WC Docket No. 06-122 (filed Oct. 25, 2022)

Voko Communications, Letter from Dick Cai to Federal Communications Commission, WC Docket No. 06-122 (filed Oct. 25, 2022)

Connected Care Pilot Program
WC Docket No. 18-213

Granted

*Waiver of Initial FCC Form 462 Filing Deadline*³¹

Adult MH and SA Outpatient Services, AK, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000401 (filed Oct. 11, 2022)³²

Council of Athabascan Tribal Governments (Yukon Flats Health Center), AK, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000343 (filed Oct. 11, 2022)³³

The Counseling Center of Wayne and Holmes Counties, OH, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000260 (filed Oct. 31, 2022)

Community Health Center, Inc., CT, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000380 (filed Nov. 3, 2022)

Marion General Hospital, IN, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000351 (filed Nov. 4, 2022)

Boston Medical Center, MA, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP20200000357 (filed Nov. 9, 2022)

Dismiss as Moot

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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 is not shown when filer claimed it did not have skilled personnel to interpret and correctly apply the FCC Form 499 instructions). To the extent filers' financial situation makes it difficult to pay the invoice in full, they may set up a payment plan with USAC to satisfy the obligation. See <https://www.usac.org/service-providers/making-payments/how-to-pay/payment-plans/>.

³¹ See *Promoting Telehealth for Low-Income Consumers*, WC Docket No. 18-213, Order, DA 22-40, para. 3 (Jan. 13, 2022) (granting an extension of the deadline to file an initial FCC Form 462 for certain Connected Care Pilot Program participants). See also *Promoting Telehealth for Low-Income Consumers*, WC Docket No. 18-213, Second Report and Order, 36 FCC Rcd 10642, 10662-63, para. 48 (2021) (delegating authority to the Bureau to "grant limited extensions of deadlines to Pilot projects"). Unless otherwise noted, the Bureau grants the petitioners 30 days from the release of this Public Notice to file their initial FCC Form 462s (Request for Funding) with USAC.

³² At the petitioner's request and due to the fact that the infrastructure projects in the petitioner's area must be completed before it can participate in the Connected Care Pilot Program, the Bureau grants the Petitioner until September 18, 2023 to file its initial FCC Form 462 (Request for Funding) with USAC.

³³ At the petitioner's request and due to the fact that the infrastructure projects in the petitioner's area must be completed before it can participate in the Connected Care Pilot Program, the Bureau grants the Petitioner until September 18, 2023 to file their its initial FCC Form 462 (Request for Funding) with USAC.

*Request for Waiver of Initial FCC Form 462 Filing Deadline*³⁴

Blessing Health Center, IL, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP 20200000296 (filed Nov. 8, 2022)

Circare, NY, Request for Waiver, WC Docket No. 18-213, Connected Care Pilot Program Application No. CCPP No. CCPP20200000235 (filed Nov. 16, 2022)

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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³⁴ 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 as moot requests for review where USAC had taken the action the petitioner requested). In these cases, there was no rule violation because the petitioners timely filed their initial FCC Forms 462 before the deadline. Accordingly, USAC issued funding requests for the FCC Forms 462 at issue.