



PUBLIC NOTICE

Federal Communications Commission
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DA 23-1104

Released: December 1, 2023

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. 02-60
WC Docket No. 06-122
WC Docket No. 10-90
AU Docket No. 17-182
AU Docket No. 20-34

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 as Moot³

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)(1) 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)(1)-(2). 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 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 issue presented has been resolved). This waiver request is nearly identical to a filing we previously granted for Leech Lake Band Of Ojibwe Early Childhood Programs. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative*

(continued...)

Leech Lake Band Of Ojibwe Early Childhood Programs, MN, Application No. 221006448, Request for Waiver, CC Docket No. 02-6 (filed Oct. 5, 2022)

Dismissed on Reconsideration⁴

Crown Pointe Academy, CO, Application No. 231039686, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 29, 2023)

Eastport/South Manor Central School District, NY, Application No. 760734, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 1, 2023)

Dismiss to Allow Appeal to be Filed with USAC⁵

Dayton Business Technology High School, OH, Application No. 211004653, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2023)

Granted⁶

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Company, CC Docket No. 02-6, WC Docket Nos. 21-93, 02-60, 18-213, 06-122, Public Notice, DA 22-1008 (WCB Sept. 30, 2022).

⁴ 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) (*Allan Shivers Library Order*) (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, Eastport/South Manor Central School District continues to assert that its FY 2010 services were a continuation of a FY 2009 multi-year agreement and they inadvertently put down the wrong FCC Form 470 number (the one from FY 2009) on its FCC Form 471. We find, however, that the two contracts from FY 2009 and FY 2010 are different in several respects, including different contract numbers, different pricing and, on the FY 2010 contract, additional terms. Further, the contracts do not indicate that the duration of the contracts were for five years. We therefore affirm our decision that, because Eastport/South Manor Central School District entered into a new agreement for these services before the allowable contract date, the school district was in violation of the Commission's competitive bidding rules. See, e.g., *Requests for Review &/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16418, para. 9 (WCB 2011) (denying appeals where the applicant violated the 28-day rule by missing the deadline by more than three days, thereby preventing their requests for services to be competitively bid for a meaningful period of time).

⁵ See *Petitions for Reconsideration by Little Falls Township School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, DA 23-110, para. 10 (WCB Feb. 8, 2023) (*Little Falls Township Order*) (dismissing without prejudice appeals that are filed with the Commission before being reviewed at USAC and waiving the 60-day appeal filing deadline to allow the party to refile its appeal at USAC and have it considered on the merits).

Parties seeking review of USAC decisions must first file an appeal with USAC. See 47 CFR § 54.719(a). Because the petitioner filed its appeal with the Commission first, we now provide Dayton Business Technology High School 60 days from the release date of this Public Notice to refile its appeal at USAC. Pursuant to the *Little Falls Township Order*, we also waive the 60-day appeal filing deadline, 47 CFR § 54.720(a), to allow the appeal to be considered on the merits by USAC without being considered late. See *Little Falls Township Order* at para. 10. Appeals for funding year 2016 and forward should be filed in the E-Rate Productivity Center portal, found here: [EPC](#). Appeals from funding year 2015 and prior funding years should be filed by email to Appeals@usac.org.

⁶ 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

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*Contract Agreement in Place*⁷

Biblioteca Pública Yabucoa, PR, Application No. 221015146, Request for Review, CC Docket No. 02-6 (filed Feb. 17, 2023, USAC referral of appeal filed Dec. 20, 2022)

*Cost-Effectiveness*⁸

Alhambra Elementary School District 68, AZ, Application No. 900314, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 1, 2013)

*Discount Calculation*⁹

Pyramid Lake Jr./Sr. High School, NV, Application No. 231004984, Request for Review, CC Docket No. 02-6 (filed July 17, 2023)

*Discount Calculation—Information Submitted Outside Permitted Time Period*¹⁰

Flagstaff Arts and Leadership Academy, AZ, Application No. 231018426, Request for Waiver, CC Docket No. 02-6 (filed Oct. 30, 2023)

*Granting Additional time to Respond to USAC with Information During Invoicing*¹¹

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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).

⁷ *See, e.g., Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15532, para. 10 (WCB 2008) (*Barberton City School District Order*) (granting on the merits when petitioners submitted evidence to the Commission demonstrating that they had a valid, signed contract in place at the time it submitted its FCC Forms 471 to USAC).

⁸ *Requests for Review of the Decisions of the Universal Service Administrator by Allendale County School District*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6116-17, para. 11 and n.50 (WCB 2011) (*Allendale County School District Order*) (granting waiver to correct bid evaluation matrix where bid evaluation should have included a multi-tier process to screen out vendors who could not meet the functional requirements of the proposal).

⁹ *See, e.g., Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (*Academia Claret Order*) (remanding applications for further processing when, upon de novo review, the Commission disagreed with USAC's discount calculation determination).

On appeal with the Commission, Pyramid Lake Jr./Sr. High School submits its application to participate in the Community Eligibility Provision (CEP). On remand, USAC should review this additional document to determine the school's correct discount rate. *See supra* note 6.

¹⁰ *See, e.g., Academia Claret Order*, 21 FCC Rcd at 10708, para. 12 (allowing the submission of discount calculation information when the applicant was previously unable to fully comply with the document request within USAC's permitted time period).

¹¹ After having its initial invoice waiver granted and remanded to USAC by the Bureau, Cincinnati Technology Academy either did not receive or failed to respond to communications from USAC on the process of refileing its invoice. We grant this waiver to give the applicant another opportunity to resubmit its invoice for payment. *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Accomack County Public School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 23-48, para. 14 (WCB Jan. 19, 2023) (*Accomack County Public School Order*) (granting requests for review of applicants

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Cincinnati Technology Academy, OH, Application No. 191023794, Request for Review, CC Docket No. 02-6 (filed Nov. 22, 2022)

*Grant on Reconsideration – USAC Decision Issued After Invoice Deadline*¹²

Ascent Classical Academy DougCo Consortium, CO, Application No. 211039802, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 10, 2023)

*Ministerial and/or Clerical Errors – Invoicing*¹³

Mannheim School District 83, IL, Application No. 221020066, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2023)

Morrison Community Unit District 6, IL, Application Nos. 221031075, 221021273, Request for Waiver, CC Docket No. 02-6 (filed Nov. 10, 2023)

*Ministerial and/or Clerical Errors – Multi-Year Agreement*¹⁴

Lakota Local School District, OH, Application No. 191025255, Request for Review, CC Docket No. 02-6 (filed Jan. 20, 2022)

*Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application*¹⁵

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that had been denied funding during invoicing because they failed to respond to USAC’s request for information within the USAC-specified time frame).

¹² See, e.g., *Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (*Callisburg Independent School District Order*) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (authorizing the Bureau to grant a waiver in instances where an E-Rate participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

¹³ See *Accomack County Public School Order*, DA 23-48, para. 7-9 (granting waivers where the E-Rate invoice filers entered the wrong service start date, application number, funding request number, customer bill date or inadvertently requested an invoice filing deadline extension for the wrong funding request number). We also waive section 54.720 of the Commission’s rules in cases where the petitioners filed their waiver request within 60 days of discovering or receiving notice of the ministerial or clerical error. See *id.* at para. 12.

¹⁴ Funding was denied because the school district sought funding for the entire purchase price of the three-year license in the first year of service. On remand, we instruct USAC to work with the applicant to determine how this service should have been structured on the FCC Form(s) 471 to allow reimbursement at the invoicing stage. See, e.g., *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) (*Archer Public Library Order*) (permitting applicant to correct a mischaracterization of the nature of a recipient of service on FCC Form 471). We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a determination on the merits. See *supra* note 6.

¹⁵ See, e.g., *Archer Public Library Order*, 23 FCC Rcd at 15521 n.19 (permitting applicant to correct its FCC Form 471 to conform to the source document). The petitioner did not realize this funding request was omitted until the FY 2023 application filing window had closed. The petitioner then filed FCC Form 471 Application No. 231039780 out-of-window for this funding request. We direct USAC to add this funding request to one of the petitioner’s

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Mendon Upton Regional School District, MA, Application No. 231039780, Request for Waiver, CC Docket No. 02-6 (filed Oct. 3, 2023)

*Permissible Service Implementation Delay*¹⁶

El Monte Union High School District, CA, Application No. 221005889, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2023)

*USAC Decision Issued After Invoice Deadline*¹⁷

Rehmann Technology Solutions (Almont Community Schools), MI, Application No. 191020169, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2021)

*Waiver of Appeal Filing Deadline*¹⁸

Carteret County School District, NC, Application No. 211031782, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2023)

Scholarship Prep – Oceanside, CA, Application Nos. 211038936, 211036079, Request for Waiver, CC Docket No. 02-6 (filed Dec. 3, 2021)

Denied

*Late-Filed FCC Form 471 Applications*¹⁹

Coastal Christian School, ME, Application No. 231026586, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2023)

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timely-filed FY 2023 FCC Form 471 applications or treat FCC Form 471 Application No. 231039780 as timely filed.

¹⁶ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-3, para. 2 (WCB 2014) (*Accelerated Charter Order*) (granting late-filed extensions of the service implementation deadline when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions in a timely manner).

¹⁷ See *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (authorizing the Bureau to grant a waiver in instances where a program participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

¹⁸ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by ABC Unified School District*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (granting waivers of appeal filing deadline when the petitioners 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 *supra* note 6.

¹⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science, et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (*Academy of Math and Science Order*) (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

Henderson Independent School District, TX, Application No. 231039914, Request for Waiver, CC Docket No. 02-6 (filed Oct. 30, 2023)

New Richmond Exempted Village School District, OH, Application No. 231019140, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2023)

*Late-Filed Invoice or Invoice Deadline Extension*²⁰

Comcast Cable Communications, LLC (Catholic Bishop of Chicago), IL, Application No. 211035206, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2023)

Vaughn Municipal Schools, NM, Application No. 221014472, Request for Waiver, CC Docket No. 02-6 (filed Nov. 23, 2022)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-rate Services Later Requested*²¹

Effingham School District 40, IL, Application No. 211035505, Request for Waiver, CC Docket No. 02-6 (filed Dec. 22, 2022)

*Untimely Filed Appeals or Waiver Requests*²²

City of Fort Worth Public Library, TX, Application No. 221005079, Request for Waiver, CC Docket No. 02-6 (filed Dec. 12, 2022)

Evansville Vanderburgh School Corporation, IN, Application No. 231035248, Request for Waiver, CC Docket No. 02-6 (filed Oct. 17, 2023)

Pecos Independent School District, NM, Application No. 231017928, Request for Waiver, CC Docket No. 02-6 (filed Oct. 30, 2023)

²⁰ 47 CFR § 54.514. See also, 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) (*Ada School District Order*) (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 *First 2014 E-Rate Modernization Order*, 29 FCC Rcd at 8966, para. 240 (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances).

²¹ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (*Albert Lea Schools Order*) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

²² 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, 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).

Sierra Communications, Inc. (New Mexico State Library), NM, Application No. 211011566,
Request for Waiver, CC Docket No. 02-6 (filed Nov. 23, 2022)

Emergency Connectivity Fund Program
WC Docket No. 21-93

Dismissed as Insufficient²³

Orange County Academy of Sciences and Arts, CA, Application No. ECF222116669, Request for
Waiver, WC Docket No. 21-93 (filed Oct. 31, 2023)

Dismiss as Moot – USAC Took Action Requested²⁴

Clarion-Goldfield-Dows Community Schools, IA, Application No. ECF202203485, Request for
Waiver, WC Docket No. 21-93 (filed Aug. 31, 2023)

Hebrew Academy of the Five Towns and Rockaway, NY, Application No. ECF202105059,
Request for Waiver, WC Docket No. 21-93 (filed Oct. 16, 2023)

North Tampa Christian Academy, FL, Application No. ECF202105119, Request for Waiver, WC
Docket No. 21-93 (filed Oct. 16, 2023)

Shearim Torah High School, Inc., AZ, Application No. ECF202105618, Request for Waiver, WC
Docket No. 21-93 (Oct. 10, 2023)

St. Demetrios Greek American School, NY, Application No. ECF202107399, Request for
Waiver, WC Docket No. 21-93 (filed Oct. 16, 2023)

Dismissed on Reconsideration²⁵

²³ See 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules). 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 this petition for waiver of the Emergency Connectivity Fund program rules. See 47 CFR § 54.1718(c).

²⁴ 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).

Heartland Library Cooperative, FL, Application No. ECF202209938, Petition for Reconsideration, WC Docket No. 21-93 (filed Sept. 28, 2023)

Dismissed on Reconsideration – Untimely²⁶

Hebrew Academy of Long Beach, NY, Application No. ECF222121274, Petition for Reconsideration, WC Docket No. 21-93 (filed Sept. 27, 2023)

Granted²⁷

*Eligible Services*²⁸

Ducor Union Elementary School District, CA, Application No. ECF202108518, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Jul. 20, 2023)

*Ministerial and/or Clerical Errors*²⁹

Rochester City School District, NY, Application No. ECF202100294, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Sept. 14, 2023)

*Payment Verification*³⁰

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²⁵ See, e.g., *Allan Shivers Library Order*, 29 FCC Rcd at 10357, para. 2 (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). 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 this petition for reconsideration.

²⁶ 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). 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 this petition for reconsideration.

²⁷ See *supra* note 6.

²⁸ 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, 8737-38, para. 6 (2007) (granting appeals where USAC incorrectly determined the funding requests were for ineligible services). 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 this petition for waiver of the Emergency Connectivity Fund program rules.

²⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320-21, para. 2, n.23 (WCB 2010) (granting a waiver when applicant mistakenly provided the wrong documentation concerning a purchase). 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 this petition for waiver of the Emergency Connectivity Fund program rules.

³⁰ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Youthbuild Columbus Community School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26

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Asher Public Schools, OK, Application No. ECF202108651, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Aug. 14, 2023)

Colegio Rubi, PR, Application No. ECF222120288, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Nov. 3, 2023)

Monroe Independent School District 11, OK, Application No. ECF202112870, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Nov. 10, 2023)

*Waiver of the Appeal Filing Deadline*³¹

South Jamaica Center for Children and Parents, Inc., NY, Application No. ECF202107170, Request for Review and/or Waiver, CC Docket No. 02-6, WC Docket No. 21-93 (filed October 6, 2023, supplemented October 9, 2023)

Denied

*Untimely Filed Appeals or Waiver Requests*³²

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FCC Rcd 337, 339, paras. 5-6 (WCB 2011) (granting an appeal of a commitment adjustment action where applicant provided evidence of payment of non-discount share on appeal). Consistent with precedent, we also find good cause exists to waive section 54.1718(b)(1) of the Commission's rules, which requires petitioners to file their appeals within 30 days of an adverse USAC decision, because the applicant filed its request within a reasonable period of time of receiving actual notice, there was no actual violation of program rules, and this is an emergency program. *See, e.g., ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission 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 this petition for waiver of the Emergency Connectivity Fund program rules.

³¹ *See, e.g., ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission 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 this petition for waiver of the Emergency Connectivity Fund program rules. *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 the appeal and remand the application back to USAC to make a determination on the merits. *See supra* note 6.

³² *See, e.g., Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6 (WCB 2010); *Bound Brook School District Order*, 29 FCC Rcd 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 8746, para. 107. As such,

(continued....)

Bronzeville Academy Charter School, IL, Application No. ECF202207591, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Aug. 1, 2023)

Dr. Lena Edwards Academic Charter School, NJ, Application No. ECF202209457, Request for Waiver, WC Docket No. 21-93 (filed Oct. 24, 2023)

Rural Health Care Program

WC Docket No. 02-60

Granted

*Waiver of the Invoice Filing Deadline*³³

Gunderson Lutheran Consortium, WI, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. RHC20220011272, RHC20220010898 (filed Nov. 2, 2023)

Lewis County Community Health Services d/b/a Valley View Health Center, WA, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. RHC20220009029, RHC20220009037, RHC20220009038 (filed Oct. 30, 2023)

Mid-Columbia Medical Consortium, OR, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220009798 (filed Nov. 6, 2023)

Contribution Methodology

WC Docket No. 06-122

Granted

*Petition for Waiver of the Limited International Revenue Exemption for Revenue Reporting Year 2024*³⁴

Miron Enterprises, LLC and Tello, LLC, Letter of Appeal, WC Docket No. 06-122 (filed Sept. 26, 2023)

Telxius Cable USA, Inc., Telefónica Global Solutions USA, Inc., and Telefónica Larga Distancia de Puerto Rico, Inc., Petition for Waiver of the Limited International Revenue Exemption, WC Docket No. 06-122 (filed Oct. 12, 2023)

*Request for Waiver of Form 499-A Late Filing Fees*³⁵

(Continued from previous page) _____
requests for waiver of ECF Program rules that are filed more than 30 days after a deadline or decision will be denied.

³³ *In the Matter of Abbottsford School District, et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (waiving invoice filing deadline due to delays beyond the control of the entities requesting a waiver). We waive the invoice filing deadline and allow 120 days from the release date of this Public Notice to file the invoices with USAC.

³⁴ 47 CFR § 54.706(a)-(c). *Tata Communications (America), Inc., and Tata Communications (Guam), L.L.C. Request for Waiver of Section 54.706(a) of the Commission's Rules*, WC Docket No. 06-122, Order, 36 FCC Rcd 5759 (WCB 2021) (finding good cause for a limited waiver of the limited international revenue exemption (LIRE) allowing filers to continue contributing solely on their interstate revenue). To the extent petitioners seek a waiver for revenue reporting year 2025, they must file a request to renew or extend this waiver, accompanied by the requisite showings supporting their request, consistent with the Commission's waiver rule and precedent.

Island IT Pros, LLC, Letter of Appeal, WC Docket No. 06-122 (filed Sept. 5, 2023)

Denied

*Request for Waiver of Form 499-A Revision Deadline and Late Filing Fees*³⁶

Pinger, Inc., Letter of Appeal, WC Docket No. 06-122 (filed May 12, 2023)

High-Cost Program (Rural Digital Opportunity Fund)
WC Docket Nos. 10-90, AU Docket Nos. 17-182, 20-34

Granted

*HUBB Milestone Certification Reporting*³⁷

Tri-Co Connection, LLC's Petition for Waiver Regarding Broadband Milestone Certification for 2022, WC Docket No. 10-90 (filed Oct. 25, 2023)

NTCA- The Rural Broadband Association, Petition for Waiver Request, WC Docket No. 10-90 (filed Oct. 27, 2023)

*Late Annual State Filing Certification Waiver Request*³⁸

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³⁵ See *Schools and Libraries Universal Service Support Mechanism et al.*, CC Docket No. 02-6 et al., Order, 37 FCC Rcd 11310, 11326, para. 41 (WCB 2022) (stating that any provider that is unable to comply with the Commission's contributions rules and requirements after January 2, 2023 may request additional, narrowly-tailored relief from the Bureau due to the effects of Hurricane Ian).

³⁶ See, e.g., *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) (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). 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/>.

³⁷ Tri-Co Connections and NTCA, on behalf of its members and similarly situated carriers, timely reported and certified enough locations by the March 1, 2023 deadline to meet the interim milestone obligation, but did not timely make the separate certification that they met the milestones. See *Connect America Fund, et al.*, WC Docket Nos. 10-90 et al., Order, 36 FCC Rcd 13976, paras. 9-10 (*NNTC Certification Waiver Order*) (granting waiver to allow the carrier to report locations after the deadline for the reporting year when locations were timely uploaded to the High Cost Universal Broadband (HUBB) portal but due to an inadvertent administrative oversight were not timely certified); see also *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 10-90, 02-60 and 06-122, Public Notice, DA 23-333, n.38 (WCB Apr. 28, 2023) (granting waiver to allow the carrier to certify meeting its milestone obligation after the deadline for the reporting year when locations were timely uploaded and certified to the HUBB portal but due to an inadvertent administrative oversight, the milestone obligation was not timely certified).

³⁸ See, e.g., *Streamline Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6 et al., Public Notice, 36 FCC Rcd 13157 (WCB 2021) (granting a petition for waiver of 47 CFR § 54.314(d) when the carrier took steps to request the certification well in advance of the deadline, consulted with state commission staff regarding the requirements, and acted in accordance with staff guidance); *Streamlined*

(continued....)

Petition of Windstream Services, LLC for Temporary Waiver of 47 CFR § 54.314(d), WC Docket No. 10-90, AU Docket Nos. 17-182, 20-34 (filed Oct. 3, 2023)

*Letter of Credit*³⁹

Pioneer Wireless, Inc.'s Petition for Temporary Waiver of Section 54.804(c)(2)(i)(B), WC Docket No. 20-34 (filed Nov. 2, 2023).

TurboNet Technologies, Inc.'s Petition for Temporary Waiver of Section 54.804(c)(2)(i)(B), WC Docket Nos. 10-90, 19-126, 20-34 (filed Nov. 16, 2023)

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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Resolution of Requests Related to Actions by the Universal Service Administrative Company, CC Docket No. 02-6 et al., Public Notice, 33 FCC Rcd 7401 (WCB 2018) (granting a petition for waiver when a missed filing deadline was due to the state commission omitting the petitioner from its certification); *Petition for Waiver of Universal Serv. High-Cost Filing Deadline, Fed.-State Joint Bd. on Universal Serv., CTC Telecom, Inc. d/b/a Snake River PCS* *Petition for Waiver of Deadline in 47 C.F.R. § 54.314(d)(6)*, WC Docket No. 08-71, 25 FCC Rcd 7242, 7244, para. 5 (WCB 2010) (granting a petition for waiver when a missed filing deadline was due to state commission action, as opposed to actions of the carrier).

³⁹ Pioneer Wireless, Inc. (Pioneer) seeks a temporary waiver of the Rural Digital Opportunity Fund Auction (RDOF) Letter of Credit rules, which require a recipient of RDOF support to maintain a Letter of Credit (LOC) with a bank that maintains a Weiss safety rating of B- or better. We grant this waiver until March 2, 2024. TurboNet Technologies, Inc., (TurboNet) seeks a temporary waiver of the same rule, for the same reason, for 180 days. We grant this waiver until May 14, 2024. *See Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 37 FCC Rcd 10271 (WCB 2022) (Point Broadband Order); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 23-419 (WCB May 17, 2023) (ECFiber Order); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 23-513 (WCB June 14, 2023) (DoCoMo Order); *Streamlined Resolution of Requests Related to the Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 21-93, Public Notice, DA 23-756, at 22 & n. 52 (WCB Aug. 31, 2023).