



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON CALIFORNIA DEPARTMENT OF EDUCATION REQUEST FOR WAIVER

CC Docket No. 02-6

**Comment Date: January 11, 2018**

**Reply Comment Date: January 26, 2018**

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment on the California Department of Education's (CDE) request for waiver of certain E-rate rules and program requirements for schools affected by the California wildfires.<sup>1</sup> Specifically, CDE seeks conditional waivers of: (a) the deadline to seek an extension of the September 30, 2017 service implementation deadline for non-recurring services other than special construction;<sup>2</sup> (b) deadlines to request service substitutions and SPIN changes;<sup>3</sup> (c) deadlines for filing FCC Forms 486,<sup>4</sup> 472 and 474;<sup>5</sup> (d) the deadline

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<sup>1</sup> See Request for Waiver by the California Department of Education, CC Docket No. 02-6 (filed Nov. 27, 2017) (*Request for Waiver*). Except where otherwise noted, CDE's request for waiver seeks relief for schools in the following counties and surrounding areas: Butte, Tehama, Plumas, Glenn, Colusa, Sierra, Lake, Yolo, Mendocino, Trinity, Humboldt, Napa, Solano, Marin, Nevada, Placer, Sutter, Orange, Los Angeles, San Bernardino, Riverside, San Diego, Sonoma, and Yuba. *Request for Waiver* at 4.

<sup>2</sup> 47 CFR § 54.507(d)(4).

<sup>3</sup> 47 CFR § 54.504(d)(4) (establishing requirements for service substitutions); *Schools and Libraries Universal Service Support Mechanism et al.*, Sixth Report and Order, CC Docket No. 02-6, GN Docket No. 09-51, 25 FCC Rcd 18762, 18803, para. 91, n.272 (2010) (citing *Request for Review by Copan Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, Order, CC Docket Nos. 96-45, 97-21, 15 FCC Rcd 5498 (2000)) (establishing the conditions under which E-rate applicants may switch service providers).

<sup>4</sup> Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 at 4; see also *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).

<sup>5</sup> 47 CFR § 54.514.

to file requests for review or waiver of decisions by USAC;<sup>6</sup> and (e) the requirement to retain records related to E-rate applications for a period of at least 10 years after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request.<sup>7</sup> CDE also requests that USAC provide additional time for schools affected by the California wildfires to respond to program integrity assurance (PIA) requests,<sup>8</sup> and additional Category Two funds for schools and libraries that have suffered damage and are located in Butte, Lake, Mendocino, Napa, Nevada, Orange, Sonoma, and Yuba counties.<sup>9</sup>

Interested parties may file comments and reply comments on or before the respective dates indicated above. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS), or by filing paper copies.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

The proceeding this petition initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>10</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).

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<sup>6</sup> 47 CFR § 54.720; 47 CFR § 1.106.

<sup>7</sup> 47 CFR § 54.516(a). CDE seeks this relief only for schools and libraries that have suffered significant damage and are located in Butte, Lake, Mendocino, Napa, Nevada, Orange, Sonoma, and Yuba counties. *Request for Waiver* at 4.

<sup>8</sup> *Requests for Waiver of Decisions of the Universal Service Administrator by Alpaugh Unified School District, et al.*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035, 6035-36, para. 3 (2007) (noting that USAC has an administrative procedure that allows it to request additional information from applicants and require responses within a specified time period).

<sup>9</sup> 47 CFR § 54.502(b).

<sup>10</sup> 47 CFR §§ 1.1200 *et seq.*

Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Peter Shroyer, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-1575 or via email at Peter.Shroyer@fcc.gov.

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