

**Before the
Federal Communications Commission
Washington, DC 20554**

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| In the Matter of |) | |
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| Requests for Review of the Decision of the Universal Service Administrator by |) | |
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| Blitz Communications, Inc. Chicago, Illinois |) | File No. SLD-301034 |
| |) | |
| Brevard County School District Viera, Florida |) | File No. SLD-218011 |
| |) | |
| Highland Park School District Highland Park, Michigan |) | File Nos. SLD-324052, 324177 |
| |) | |
| Jackson Public School District Jackson, Mississippi |) | File No. SLD-486547 |
| |) | |
| Many Farms High School Many Farms, Arizona |) | File No. SLD-248686 |
| |) | |
| Schools and Libraries Universal Service Support Mechanism |) | CC Docket No. 02-6 |
| |) | |

ORDER

Adopted: February 18, 2011

Released: February 18, 2011

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we grant five appeals filed by applicants seeking an extension of the services delivery implementation deadline for non-recurring services requested under the E-rate program¹ for funding years 2001, 2002 and 2005.² The services delivery implementation deadline requires applicants to use the funded services within the funding year, except that the Commission's rules give applicants three additional months (until September 30 following the close of the relevant funding year) to install

¹ The E-rate program is more formally known as the schools and libraries universal service program.

² See Request for Review by Blitz Communications, Inc., to Federal Communications Commission, CC Docket No. 02-6 (filed Aug. 15, 2005) (Blitz Request for Review); Request for Review by School Board of Brevard County, to Federal Communications Commission, CC Docket Nos. 96-45 and 97-21 (filed Mar. 10, 2003) (Brevard County Request for Waiver); Request for Review by Highland Park School District, to Federal Communications Commission, CC Docket No. 02-6 (filed Oct. 31, 2006) (Highland Park Request for Review); Request for Review by Jackson Public Schools, to Federal Communications Commission, CC Docket No. 02-6 (filed Sep. 12, 2008) (Jackson Public Schools Request for Review); and Request for Review by Many Farms High School, to Federal Communications Commission, CC Docket No. 02-6 (filed Jan. 17, 2003) (Many Farms Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

one-time services known as non-recurring services.³ A request for an extension must be submitted to the Universal Service Administrative Company (USAC) on or before the September 30 deadline.⁴

2. In each of these five appeals the applicant was unable to implement non-recurring services before the deadline, and also failed to make a timely request to extend the deadline. Rather than make a separate request seeking an extension of the service delivery implementation deadline, each applicant filed a FCC Form 500 to extend the service provider's contract expiration date, believing that action also served to extend the implementation deadline.⁵

3. Consistent with precedent, and based on our review of the record, we find that the petitioners attempted in good faith to comply with Commission rules in a timely manner in seeking an extension of the deadline for non-recurring services.⁶ Therefore, to the extent that they violated section 54.507(d) of the Commission's rules, we find that good cause exists to waive this rule.⁷ We also direct USAC to waive any associated invoice filing deadlines in connection with this service deadline extension and any other procedural deadlines that were missed while these issues were on appeal with the Commission.⁸

4. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the appeals filed by

³ See 47 C.F.R. § 54.507(d); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 13510, 13512, para. 7 (2001) (*Implementation Extension Order*). An applicant may request an extension of this deadline under certain circumstances. See USAC website, Schools and Libraries, Service Delivery Deadlines and Extension Requests, <http://www.universalservice.org/sl/applicants/step11/service-deadlines-extension-requests.aspx> (last visited Dec. 21, 2010) (Service Delivery Deadlines and Extension Requests); *Implementation Extension Order*, 16 FCC Rcd at 13514, para. 15.

⁴ See Service Delivery Deadlines and Extension Requests; *Implementation Extension Order*, 16 FCC Rcd at 13514, para. 15.

⁵ See, e.g., Blitz Request for Review at 1. FCC Form 500 is the Adjustment of Funding Commitment and Modification to Receipt of Service Confirmation Form, which can be used to modify the beginning or ending date for services received during the funding year. See USAC website, Instructions for Completing the Universal Service for Schools and Libraries Adjustment of Funding Commitment and Modification to Receipt of Service Confirmation Form (FCC Form 500), http://www.universalservice.org/_res/documents/sl/pdf/500i.pdf (retrieved Feb. 18, 2011).

⁶ See *Request for Waiver of the Decision of the Universal Service Administrator by Great Rivers Education Cooperative and I-K Electric Company*, File No. SLD-371294, CC Docket No. 02-6, Order, 21 FCC Rcd 14115 (Wireline Comp. Bur. 2006) (*Great Rivers Order*); *Request for Review of the Decision of the Universal Administrator by Tekoa Academy of Accelerated Studies*, File No. SLD-242830, CC Docket No. 02-6, Order, 23 FCC Rcd 15456 (Wireline Comp. Bur. 2008) (*Tekoa Academy Order*) (both orders finding that applicants attempted in good faith to comply in a timely manner in seeking an extension of the deadline for non-recurring services by filing an FCC Form 500 rather than in the proper format of an extension request); see also *Request for Waiver of Section 54.507(d) of the Commission's Rules by Harvest Preparatory School*, File No. SLD-486149, CC Docket No. 02-6, Order, 25 FCC Rcd 5501 (Wireline Comp. Bur. May 20, 2010) (granting waiver of USAC's procedural deadline for five funding requests left off an applicant's request for an extension of the deadline for non-recurring services).

⁷ See 47 C.F.R. § 54.507(d) (2009).

⁸ See, e.g., USAC website, Schools and Libraries, Invoice Deadlines and Extension Requests, <http://www.usac.org/sl/applicants/step11/invoice-deadlines-extension-requests.aspx> (retrieved Feb. 18, 2011).

Blitz Communications, Inc., Chicago, Illinois; Brevard County School District, Viera, Florida; Highland Park School District, Highland Park, Michigan; Jackson Public School District, Jackson, Mississippi; and Many Farms High School, Many Farms, Arizona, ARE GRANTED and the underlying applications ARE REMANDED to USAC for further consideration to the extent provided herein.

5. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, that sections 54.507(d) and 54.720 of the Commission's rules, 47 C.F.R. §§ 54.507(d), 54.720, ARE WAIVED to the extent provided herein.

6. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, that USAC SHALL COMPLETE its review and ISSUE approvals of the applicants' requests for the extension of their service implementation deadlines no later than 60 calendar days from the release date of this order.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau