



# 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. 02-60  
WC Docket No. 06-122

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.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.<sup>2</sup>

### **Schools and Libraries (E-Rate)**

CC Docket No. 02-6

Dismissed as Moot<sup>3</sup>

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<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

<sup>2</sup> 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).

<sup>3</sup> 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).

Brookings Harbor District 17 C, OR, Application No. 171028342, Request for Waiver, CC Docket No. 02-6 (Dec. 5, 2018)

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements<sup>4</sup>

Harkham-GAON Academy, CA, No Application Number, Request for Waiver, CC Docket No. 02-6 (Nov. 15, 2018)

Dismissed on Reconsideration<sup>5</sup>

Mary Help of Christians Academy, NJ, Application No. 1055891, Petition for Reconsideration, CC Docket No. 02-6 (filed July 27, 2018)

Most Pure Heart of Mary Catholic School, AL, Application No. 181042680, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 7, 2018)

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<sup>4</sup> 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).

<sup>5</sup> *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). Here, neither Mary Help of Christians Academy and Most Pure Heart of Mary Catholic School provide any reason why consideration of the new information they now provide is warranted and/or was not provided previously. 47 CFR § 1.106(c).

Granted<sup>6</sup>

*Appeal or Waiver Filed Few Days Late*<sup>7</sup>

Beth Chana School for Girls, NY, Application No. 881989, Request for Waiver, CC Docket No. 02-6 (filed Nov. 19, 2018)

Consortio Colegios Católicos Arquidiócesis de San Juan, PR, Application Nos. 161058738, 161058750, 161058971, Request for Waiver, CC Docket No. 02-6 (filed March 30, 2018)<sup>8</sup>

Greater Bergen Community Action, NJ, Application No. 181028729, Request for Waiver, CC Docket No. 02-6 (filed Dec. 10, 2018)

Lumbee Regional Development, NC, Application No. 181007460, Request for Waiver, CC Docket No. 02-6 (filed Dec. 10, 2018)

Mendon Upton Regional School District, MA, Application No. 161014520, Request for Review, CC Docket No. 02-6 (filed Sept. 21, 2018)<sup>9</sup>

*Appeal or Waiver Timely Filed Based on Actual Notice*<sup>10</sup>

Mariposa County Unified School District, CA, Application No. 161049170, Request for Waiver, CC Docket No. 02-6 (filed Sept. 12, 2018)

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<sup>6</sup> We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>7</sup> See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals or waiver requests to the Commission or USAC only a few days late). We make no finding on the underlying issues in this appeal and remand these applications back to USAC to make a determination on the merits. See *supra* note 6.

<sup>8</sup> See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Albuquerque School District, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 5878, para. 2 (WCB 2011) (waiving the filing deadline for appeals when an applicant could not submit its appeal in a timely manner due to circumstances beyond its control). We, on our own motion, grant Consortio Colegios Católicos Arquidiócesis de San Juan 60 days from the effective date of this Public Notice to file its appeal with USAC due to the extreme and unusual circumstances caused by Hurricanes Irma and Maria in Puerto Rico and presented by the aftermath thereof.

<sup>9</sup> Because Mendon Upton Regional School District filed the same appeal on September 21, 2018 and on October 30, 2018, respectively, we dismiss the subsequent appeal filed on October 30, 2018.

*Granting Service Delivery Extension*<sup>11</sup>

Chicago Public Schools, IL, Application No. 171014279, Request for Waiver, CC Docket No. 02-6 (filed Nov. 19, 2018, supplemented Dec. 19, 2018)

Micro Technology Consultants, Inc. (Jenkins County School District), GA, Application No. 161018663, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2018)

*Invoice Deadline Extension Requests*<sup>12</sup>

Riverside Unified School District, CA, Application No. 874213, Request for Waiver, CC Docket No. 02-6 (filed Jan. 10, 2018)

*Late-Filed FCC Form 486*<sup>13</sup>

Detroit Service Learning Academy, MI, Application No. 161058184, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 6, 2018)

OSHEAN, RI, Application Nos. 161009015, 161053337, 161052438, 161038190, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 25, 2018)

St. John the Beloved School, DE, Application No. 161032119, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 29, 2018)

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<sup>10</sup> *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 within a reasonable period of time after receiving actual notice of USAC's adverse decision).

<sup>11</sup> *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, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation 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).

<sup>12</sup> *See, e.g., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 2042, 2045-46, para. 8 (WCB 2018) (granting a limited waiver of the Commission's invoicing rules to allow certain E-Rate program applicants and service providers to submit invoices beyond the 120-day extension already received and allowed by the Commission's rules).

<sup>13</sup> *See, e.g., Requests for Waiver of Decisions of the 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). Consistent with precedent, we also find good cause exists for these three applicants to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals or waiver requests within 60 days of an adverse USAC decision. *See, e.g., ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision).

*Ministerial and/or Clerical Errors*<sup>14</sup>

Anchorage School District, AK, Application No. 161045329, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2017, supplemented Dec. 3, 2018)

Ashtabula County Technical and Career, OH, Application No. 181000791, Request for Waiver, CC Docket No. 02-6 (filed Aug. 15, 2018)

Calhoun County School District, MS, Application No. 1036005, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2018)

Columbus Metropolitan Library, OH, Application No. 161000206, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2018)

Edgewood Independent School District, OK, Application No. 1014932, Request for Waiver, CC Docket No. 02-6 (filed Jan. 19, 2016)

Fluvanna County School District, VA, Application No. 181030966, Request for Review, CC Docket No. 02-6 (filed Nov. 5, 2018)

Lake Geneva-Genoa SD, WI, Application No. 171007810, Request for Review, CC Docket No. 02-6 (filed Mar. 26, 2018)

Navasota ISD, TX, Application No. 171025193, Request for Review, CC Docket No. 02-6 (filed Mar. 26, 2018)

Pike-Amite-Walthall Library System, MS, Application No. 171047737, Request for Review, CC

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<sup>14</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Achieve Career Preparatory Academy et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 10254, 10255, text accompany n.9 (WCB 2011) (permitting applicant to correct a mischaracterization of a recurring charge as a non-recurring charge); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319-20, para. 2 & nn.5, 6 & 20 (WCB 2010) (waiving the appeal filing deadline and permitting applicant to correct the name of a school on its FCC Form 471 and file an appeal when applicant did not timely notify USAC of USAC's clerical error and permitting applicant to correct a mislabeling of a service category on its FCC Form 471); *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15521 n.19 (WCB 2008) (permitting applicant to correct a pre-discount price on its FCC Form 471 to conform to the price on the source document); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc. et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (granting petitioners' requests to correct their mistaken cancellations of funding requests). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals or waiver requests within 60 days of an adverse USAC decision. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of the filing deadline for appeals because petitioners submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision).

Docket No. 02-6 (filed Oct. 3, 2018, supplemented Oct. 15, 2018)

*Proper Bid Evaluation*<sup>15</sup>

KIPP New York City, NY, Application No. 1048346, Request for Waiver, CC Docket No. 02-6 (filed July 18, 2018)

*Unable to Timely File Awaiting USAC Action*<sup>16</sup>

Green Dot Public Schools, CA, Application No. 161048386, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2018)

*Waiver of Competitive Bidding Requirement to Comply with State and Local Procurement Rules*<sup>17</sup>

Tomball Independent School District, TX, Application No. 662227, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 2, 2012)

*Waiver of Service Delivery Deadline*<sup>18</sup>

Carteret County Public Schools, NC, Application No. 161046170, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 13, 2018)

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<sup>15</sup> *Requests for Review of the Decisions of the Universal Service Administrator by Central Islip Free Union School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 8630, 8634-35, paras 8-10 (WCB 2011) (granting appeal where the record demonstrated that the applicant properly considered bids and made a selection prior to the contract award date, notwithstanding a vendor selection matrix dated the same date applicant filed an FCC Form 471, when there was no evidence of waste, fraud or abuse, or misuse of funds, or a failure to adhere to core program requirements, and further noting that there is no Commission requirement that vendor selection documentation be dated before the contract award date).

<sup>16</sup> *See, e.g., Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909, 1911, para. 6 (WCB 2017) (granting a waiver for applicants who were unable to file a BEAR form because they were waiting for USAC to provide an FCC Form 498 ID or personal identification number (PIN) at the time of the deadline).

<sup>17</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1941, 1942, para. 1 (WCB 2012) (granting a waiver where applicants failed to comply with state competitive bidding requirements because the Commission determined these were technical violations of the competitive bidding rules and there was no evidence of waste, fraud, or abuse).

<sup>18</sup> *See, e.g., Buffalo City School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, Order, CC Docket Nos. 96-45 and 97-21, 17 FCC Rcd 11881, 11884, para. 8 (WCB 2002) (waiving the Commission's rules to allow an extension of the deadline for service implementation when applicants demonstrated they were unable to complete service delivery because of time limitations imposed by late-issued funding commitments). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules for Carteret County Public Schools, which requires that petitioners file their appeals or waiver requests within 60 days of an adverse USAC decision. *See, e.g., ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of the filing deadline for appeals because petitioners submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision).

Warrick County School Corporation, IN, Application No. 161050880, Request for Waiver, CC Docket No. 02-6 (filed July 30, 2018)

Denied

*Invoice Deadline Extension Requests*<sup>19</sup>

AmeriNet (Cambridge Lakes Charter School), IL, Application No. 161055177, Request for Waiver, CC Docket No. 02-6 (filed Nov. 30, 2018)

Central Curry School District 1, OR, Application No. 171039201, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2018)

Coos Bay School District, OR, Application No. 171039670, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2018)

Decatur Public Library, AL, Application No. 171019303, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2018)

Desert Christian Schools, AZ, Application No. 171037678, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2018)

Fayette County Public Library System, WV, Application No. 161058214, Request for Waiver, CC Docket No. 02-6 (filed Dec. 4, 2018)

IRA Independent School District, TX, Application No. 161021294, Request for Waiver, CC Docket No. 02-6 (filed Oct. 1, 2018)

Lazbuddie Independent School District, TX, Application No. 171000141, Request for Waiver, CC Docket No. 02-6 (filed Dec. 4, 2018)

Louisville City Schools, OH, Application No. 161031417, Request for Waiver, CC Docket No. 02-6 (filed Oct. 26, 2018)

Mescalero Apache Schools, NM, Application No. 171047175, Request for Waiver, CC Docket No. 02-6 (filed Dec. 11, 2018)

Montcalm Area Intermediate School District, MI, Application Nos. 171047522, 171048097, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2018)

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<sup>19</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3835, para. 7 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

Necc-Francine et al., MA, Application Nos. 171017974, 171048767, 171048728, 171048796, 171018018, 171048825, 171018013, 171048833, 171017892, 171017348, 171048811, 171048779, Request for Waiver, CC Docket No. 02-6 (filed Dec. 6, 2018)

Red Lodge Public Schools District No. 1, MT, Application No. 171011736, Request for Waiver, CC Docket No. 02-6 (filed Dec. 11, 2018)

Reedsport School District 105, OR, Application No. 171029087, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2018)

Yadtel Telecom (Yadkin County School District), NC, Application No. 171028401, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2018)

*Late-Filed FCC Form 471 Applications*<sup>20</sup>

Cobre Consolidated School District, NM, Application No. 171049134, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2017)

Escambia County School District, AL, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed Mar. 22, 2018)

Jewish Community Day School of Rhode Island, RI, Application No. 181042753, Request for Waiver, CC Docket No. 02-6 (filed May 3, 2018)

Joan Macy School, CA, Application No. 1053151, Request for Waiver, CC Docket No. 02-6 (filed Aug. 12, 2015)

Memphis Business Academy High, TN, No Application Number, Request for Waiver, CC Docket No. 02-6 (filed Oct. 23, 2017)

North Lawndale College Preparatory Charter High School, IL, Application No. 181042938, Request for Waiver, CC Docket No. 02-6 (filed Sept. 28, 2018)

Rochester Stem Academy, MN, Application No. 171049168, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Willard R-II School District, MO, Application No. 181042864, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2018)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-Rate Services Later Requested*<sup>21</sup>

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<sup>20</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (*Academy of Math and Science Order*) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

<sup>21</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Area 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) (denying appeals of applicants



Pine Mountain Regional Library, GA, Application No. 181024535, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 19, 2018)

*Untimely-Filed Appeals or Waiver Requests*<sup>22</sup>

Academy of St. Bartholomew, OH, Application No. 181039296, Request for Waiver, CC Docket No. 02-6 (filed Nov. 15, 2018)

Bloomington Telephone Company (Decatur Public Schools), MI, Application No. 941402, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 17, 2018)

Clara Muhammad School of Masjid Khalifah, NY, Application No. 180301, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 29, 2004)

Connect2 Internet Networks, Inc. (St. Augustine School), NY, Application No. 107031, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 23, 2005)

Excel Academy Charter School, MA, Application No. 171031812, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 3, 2018)

New Jersey School Development, NJ, Application No. 1014635, Request for Waiver, CC Docket No. 02-6 (filed May 2, 2018)

St. Elizabeth R-IV District, MO, Application No. 181032447, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2018)

St. John Lutheran School, NY, Application No. 180370, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 11, 2005)

The Lutheran School of Flushing and Bayside, NY, Application No. 148299, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 24, 2004)

**Rural Health Care Program**

**WC Docket No. 02-60**

Denied

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that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-Rate funding). Because Pine Mountain Regional Library's appeal to USAC was filed within 60 days of the denial of the invoice, we do not need to waive our appeal-filing deadline rule.

<sup>22</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010) (*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 (WCB 2014) (denying requests for review and/or waiver on the grounds that the petitioners failed to 1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and 2) did not show special circumstances necessary for the Commission to waive the deadline).

*Waiver of Deadline to Submit FCC Form 460 Material Changes to USAC*<sup>23</sup>

Western New York Rural Area Health Education Center, Inc. (Noyes Mental Health and Wellness), NY, Funding Request No. 16885101, Request for Waiver, WC Docket No. 02-60 (filed Aug. 13, 2018)<sup>24</sup>

*Waiver of Deadline to Submit FCC Forms 466 and 467*<sup>25</sup>

Morrow County Health District (Pioneer Memorial Hospital), OR, Funding Request Nos. 16814421, 16814431, 16814441, Request for Waiver, WC Docket No. 02-60 (filed Nov. 7, 2018)<sup>26</sup>

Dismissed

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<sup>23</sup> See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16773, para. 214 (requiring applicants to submit an updated FCC Form 460 under the Healthcare Connect Fund (HCF) Program within 30 days of a material change, such as a change in the health care provider's name, site location).

<sup>24</sup> While we are sympathetic to the need for mental health services to patients served by Noyes Mental Health and Wellness as part of Western New York Rural Area Health Education Center's consortium, we cannot waive our rules if a petitioner does not articulate facts and circumstances in its petition that warrant such an action. See *Requests for Waiver of Decisions of the Universal Service Administrator by Batesville Community School Corporation et al.; Schools and Libraries Universal Service Support Mechanism; Modernizing the E-rate Program for Schools and Libraries*, CC Docket No. 02-6, WC Docket No. 13-184, Order, 31 FCC Rcd 7731, 7733, paras. 5-7 (WCB 2016) (denying requests for waiver that present only generalized arguments, rather than special circumstances warranting deviation from the general rule); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, note 9 (D.C. Cir. 1969) (holding that the Commission "is not bound to process in depth what are only generalized pleas, a requirement that would condemn it to divert resources of time and personnel to hollow claims. The applicant for waiver must articulate a specific pleading, and adduce concrete support, preferably documentary"); *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664, 666 (D.C. Cir. 1968) ("When an applicant seeks a waiver of a rule, it must plead with particularity the facts and circumstances which warrant such action").

<sup>25</sup> 47 CFR § 54.675(d) (requiring health care providers to file new funding requests for each funding year unless they have received a multi-year funding commitment); USAC, Rural Health Care, Telecommunications Program, Health Care Providers, Evergreen Contracts, <http://www.usac.org/rhc/telecommunications/health-care-providers/evergreen-contracts.aspx> (last visited Dec. 27, 2018) (stating that health care providers with evergreen contracts must submit the FCC Form 466 and the FCC Form 467 annually for every funding year in which funding is requested under the terms of the contract).

*Untimely Filed Request for Review*<sup>27</sup>

Madison Healthcare Services Consortium (Appleton Area Health Services, Madison Healthcare Services), MN, Funding Request Nos. 16986751, 16985661, Request for Review, WC Docket No. 02-60 (filed Aug. 25, 2017)

**Contribution Methodology**  
**WC Docket No. 06-122**

Dismissed Without Prejudice

*Request for Waiver of Form 499-A Revision Deadline*<sup>28</sup>

Oregon Farmers Mutual Telephone Company, Request for Waiver, WC Docket No. 06-122 (filed Oct. 30, 2018).

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<sup>26</sup> Waiver of an application filing deadline is not appropriate where the applicant fails to file the FCC Form within a reasonable time after the deadline. *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Acorn Public Library District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15474 (WCB 2008) (finding that it is appropriate to waive the E-rate application filing deadline when an FCC Form 471 was filed shortly after the deadline, the deadline was missed due to circumstances beyond the applicant's control, or the application was filed within a reasonable period of time following the death or serious illness of the person responsible for filing the application or the death of a family member of the staff person); *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8; *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 97-21, 02-6 and WC Docket Nos. 02-60, 06-122, Public Notice, 30 FCC Rcd 11692 (WCB 2015) (denying in part appeals related to the FCC Form 466 deadline where the appellants late-filed or never-filed the FCC Form 466 by the deadline). Here, the petitioner never filed its FCC Forms 466 and 467 for funding year 2017.

<sup>27</sup> *See, e.g., Agra Public Schools Order*, 25 FCC Rcd at 5684; *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying requests for review and/or waiver on the grounds that the petitioners failed to: (1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and (2) did not show special circumstances necessary for the Commission to waive the deadline); *Request for Review of the Universal Service Administrator by MeritCare Clinic Mayville, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, 15 FCC Rcd 5543 (CCB 2000) (dismissing petitioner's appeal because it was filed more than a month after the appeal deadline). We also dismiss Madison Healthcare Services Consortium's request for review of USAC's decision because it failed to first appeal the decision to USAC. 47 CFR § 54.719(a)-(b) (providing that any party aggrieved by an action taken by USAC must first seek review from USAC, not the Commission). *See Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belonged before USAC pursuant to Commission rules).

<sup>28</sup> *See* 47 CFR § 54.721. *See, e.g., Universal Service Contribution Methodology; CML Communications LLC Request for Review of a Decision of the Universal Service Administrator and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology; Alternative Phone, Inc. Request for Review of a Decision of the Universal Service Administrator and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology; Dorial Telecom, LLC Request for Review of a Decision of the Universal Service Administrator*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding requests procedurally defective for failure to comply with 47 CFR § 54.721).

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](mailto:james.bachtell@fcc.gov) or (202) 418-2694.

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