



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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## **STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

### **CC Docket No. 02-6**

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 – Requested Action Taken by USAC<sup>3</sup>**

Sacred Heart Catholic School, MN, Application No. 171037044, Petition for Waiver, CC Docket No. 02-6 (filed May 30, 2018)

Toombs County School District, GA, Application No. 623037, CC Docket No. 02-6 (filed Sept. 7, 2010)

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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, in fact, 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 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).

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

TLC KIDS, LLC, FL, No Application No., Request for Review, CC Docket No. 02-6 (filed June 27, 2018)

Dismissed on Reconsideration<sup>5</sup>

The Bronx Charter School for Children, NY, Application Nos. 181042814, 181042875, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 20, 2019)

Granted<sup>6</sup>*28 Day Competitive Bidding Rule<sup>7</sup>*

Mukilteo School District, WA, Application No. 181025627, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Jan. 17, 2019)

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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); *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions of 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).

<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).

<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> *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8762-63, para. 9 (2007) (*Aberdeen Order*) (granting waivers of violations of the 28-day rule when the applicants only

(continued....)

*Category of Service*<sup>8</sup>

Springville Community School District, IA, Application No. 392975, Request for Review, CC Docket No. 02-6 (filed Dec. 6, 2006)

*Documentation of Necessary Resources*<sup>9</sup>

Blyden Delany Academy, WI, Application Nos. 518363, 518423, Request for Review, CC Docket No. 02-6 (filed Apr. 3, 2007)

*Extension of Existing Contract*<sup>10</sup>

Brevard County Public Schools, FL, Application No. 161005862, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Feb. 15, 2019)

*Granting Additional Time to Respond to USAC's Request for Information*<sup>11</sup>

Bais Ruchel D'Satmar, NY, Application Nos. 883192, 883744, 883807, 883809, 883846, 883847, Request for Review, CC Docket No. 02-6 (filed Jan. 2, 2018)

Bais Ruchel D'Satmar, NY, Application Nos. 1024881, 1024944, 1024961, 1024987, 1024824, 1042832, Request for Review, CC Docket No. 02-6 (filed Jan. 2, 2018)

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missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time, and there was no evidence of waste, fraud or abuse).

<sup>8</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Broadus Independent School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15547, 15549, paras. 4-5 (WCB 2008) (finding that USAC incorrectly changed the requested category of service during review of the FCC Form 471 application).

<sup>9</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Coahoma County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 14128, 14132, paras. 6-7 (WCB 2006) (granting the request for review by an applicant providing documentation of the necessary resources for a funding request). Consistent with precedent, we also find good cause exists to waive section 54.720(b) of the Commission's rules, which requires that petitioners seek review of a USAC decision within 60 days. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

<sup>10</sup> See *Requests for Review of the Decision of the Universal Service Administrator by State of Wyoming Department of Administration and Information*, Order, 21 FCC Rcd 2105, 2107-08, paras. 6-8 (WCB 2006) (granting a waiver of the competitive bidding rules for a contract that violated the E-Rate program rules but was in compliance with state law, and where absent the waiver, hundreds of schools would lose E-Rate support or would pay more than the most cost-effective option, when there is no evidence of waste, fraud, or abuse, and all other E-Rate requirements are satisfied). In this instance, we find that a waiver of section 54.503(b) of the Commission's rules is in the public interest so that Brevard County schools have the opportunity to receive E-Rate support. We remand this application to USAC for further action.

<sup>11</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

Congregation Machne Shalva, NY, Application No. 161049231, Request for Review, CC Docket No. 02-6 (filed Feb. 1, 2018)

Congregation Machne Shalva, NY, Application No. 928448, Request for Review, CC Docket No. 02-6 (filed Feb. 5, 2018)

Congregation Machne Shalva, NY, Application No. 986008, Request for Review, CC Docket No. 02-6 (filed Feb. 5, 2018)

Congregation Machne Shalva, NY, Application Nos. 1035312, 1035321, 1035326, Request for Review, CC Docket No. 02-6 (filed Feb. 5, 2018)

South Baltimore Learning Center, MD, Application No. 925868, Request for Review, CC Docket No. 02-6 (filed June 4, 2014)

*Granting Service Delivery Extension*<sup>12</sup>

American Samoa State Education Agency, AS, Application No. 171045906, Request for Waiver, CC Docket No. 02-6 (filed Dec. 19, 2018)

Pacific Data Systems (American Samoa State Education Agency), AS, Application No. 171045906, Request for Waiver, CC Docket No. 02-6 (filed Dec. 28, 2018)

*Installation of Equipment*<sup>13</sup>

El Monte Union High School District, CA, Application No. 478151, Request for Review, CC Docket No. 02-6 (filed May 11, 2011)

*Invoice Deadline*<sup>14</sup>

Marlington Local School District, OH, Application No. 161030265, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 28, 2018)

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<sup>12</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) (*Accelerated Charter Order*) (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>13</sup> See, e.g., *Request for Review by Mercury Communications, Inc.*, CC Docket No. 02-6, Order, 28 FCC Rcd 8973, 8975, para. 4 (WCB 2013) (granting appeal where the applicant installed E-Rate supported equipment and complied with all other E-Rate program rules).

<sup>14</sup> See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 19-128, (WCB Feb. 27, 2019), 2019 WL 1010485, (granting waivers of service implementation and invoicing deadlines when applicants received notifications from USAC with the incorrect service implementation deadline).

*Invoices Timely Filed*<sup>15</sup>

KidZKount, CA, Application Nos. 161046521, 161053945, Request for Review, CC Docket No. 02-6 (filed Apr. 10, 2018)

*Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window*<sup>16</sup>

Ad Prima Charter School, PA, Application No. 191041628, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

All Hallows High School, NY, Application Nos. 191041279, 191041413, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

All Saints Catholic School, PA, Application No. 191041630, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Al-Rasheed Academy, NY, Application No. 191041670, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Amity Regional School District 05, CT, Application No. 191041663, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Anadarko Community Library, OK, Application No. 191009101, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Archbishop Stepinac High School, NY, Application No. 191041717, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Augusta Public School District, AR, Application No. 191041559, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Aurora Public Library, IL, Application No. 191025761, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Bagdad Unified School District, AZ, Application No. 191040939, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

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<sup>15</sup> Consistent with our obligation to conduct a de novo review of appeals of decisions made by USAC, we grant this request for review. *See* 47 C.F.R. § 54.723. We find that KidZKount timely filed invoices referencing the service provider that provided the services at issue. Because these filings were submitted before the respective invoice deadlines, USAC should accept the submitted invoices or the applicants should be given the opportunity by USAC to refile invoices on remand. In this instance, we waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See supra* note 6.

<sup>16</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

Barnstead School District, AZ, Application No. 191041767, Request for Waiver, CC Docket No. 02-6 (filed Apr. 8, 2019)

Bath County Public Schools, VA, Application No. 191041539, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Baxter Community School District, IA, Application Nos. 191038599, 191040284, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Bedford Community Schools, IA, Application No. 191041561, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Bergen Catholic School, NJ, Application No. 191041673, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Berwyn Public Library, IL, Application No. 191041596, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

BI-County Community Action, Inc., MN, Application No. 191041885, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Bradley Union School District, CA, Application No. 191041489, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Catholic Charities of the Archdiocese of Newark, NJ, Application No. 191037371, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Celina City School District, OH, Application No. 191041060, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Centro Mater Child Care Services, FL, Application No. 191041616, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Champion Schools Stingers, AZ, Application No. 191038075, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Chandler Independent School District, OK, Application No. 191038928, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Cherokee County School District, GA, Application No. 191033269, Request for Waiver, CC Docket No. 02-6 (filed Apr. 8, 2019)

Chimacum School District, WA, Application No. 191041390, Request for Waiver, CC Docket No. 02-6 (filed Mar. 27, 2019)

Chowchilla Union High School District, CA, Application No. 191041533, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Cleveland School District 391, MN, Application No. 191041667, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Cobre Consolidated School District, NM, Application No. 191041681, Request for Waiver, CC

Docket No. 02-6 (filed Apr. 2, 2019)

Columbia School District, CT, Application No. 191041603, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Continental Local School District, OH, Application No. 191041569, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Contoocook Valley School District, NH, Application No. 191041867, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

COOP Education Service Agency 03, WI, Application No. 191041595, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Cottonwood School District, ID, Application No. 191041822, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Delavan Community Unit School District, IL, Application Nos. 191041566, 191041568, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Edge Charter School, AZ, Application No. 191041683, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Edgerton School District, WI, Application No. 191034472, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Epiphany Elementary School, NY, Application No. 191041601, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Fergus Falls School District 544, MN, Application No. 191041722, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Forest Lake Education Center, FL, Application No. 191041655, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Galloway Township School District, NJ, Application No. 191041696, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Grandview School District #200, WA, Application No. 191041699, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Greater Bergen Community Action, NJ, Application No. 191041712, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Greater Bergen Community Action, NJ, Application No. 191041732, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Hartley Public Library, IA, Application Nos. 191041810, 191041805, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Holy Name School, PA, Application No. 191041631, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

HLV Community Schools, IA, Application No. 191036510, Request for Waiver, CC Docket No. 02-6 (filed Apr. 8, 2019)

Immaculate Conception School, NY, Application No. 191041599, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Indian Creek Local School District, OH, Application No. 191041662, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Isle of Wight county School District, OH, Application No. 191024183, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Janesville CSD, IA, Application No. 191040715, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Kootasca Head Start, MN, Application No. 191041698, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

La Grange School District 105, IL, Application No. 191041586, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Lake County Education Service District, OR, Application No. 191041807, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

La Moille School District, IL, Application No. 191041534, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Laurel County Public Library, KY, Application No. 191035432, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Lawrence County Public Library, KY, Application No. 191041796, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Lester Prairie School District 424, MN, Application No. 191041669, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Lewis County Public Library, KY, Application No. 191041771, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Liberty County School District, FL, Application No. 191041665, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Linden Public Schools, NJ, Application No. 191041558, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Lyndon Unified School District 421, KS, Application Nos. 191041676, 191041678, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Mansfield R -IV School District, MO, Application No. 191041689, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)



Manson School District, WA, Application No. 191041526, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Mater Dei Catholic High School, CA, Application No. 191041605, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Merton Community School District, WI, Application No. 191041551, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Middleburg Academy, VA, Application No. 191014391, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Montessori Lomas Verdes Garden School, PR, Application Nos. 191041736, 191041737, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Moore Montessori Community School, NC, Application No. 191041516, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Muleshoe ISD, TX, Application No. 191041692, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Murray City School District, UT, Application No. 191041511, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Neighborhood House Association, CA, Application No. 191041706, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

New America School – New Mexico, NM, Application No. 191041542, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

New Mexico State Library, NM, Application No. 191041788, Request for Waiver, CC Docket No. 02-6 (filed Apr. 4, 2019)

New Mexico State Library, NM, Application No. 191041790, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

New Rochelle School District, NY, Application No. 191041517, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Noble Local School District, OH, Application No. 191040248, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

North Lawndale College Prep Charter High School, IL, Application No. 191041618, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

North Valley Christian Academy, AZ, Application No. 191041709, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Northeast Kingdom Community Action, VT, Application No. 191041808, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Northeast Kingdom Community Action, VT, Application No. 191041811 Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Notre Dame High School, NJ, Application Nos. 191041778, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Oskaloosa Christian School, IA, Application No. 191041724, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Our Lady of Grace School, CA, Application Nos. 191041506, 191041555, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Patoka CUSD #100, IL, Application No. 191041714, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Pharr Memorial Library, TX, Application No. 191041567, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Redbank Valley Public Library, PA, Application No. 191041562, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Reedsport School District, OR, Application No. 191041532, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Richmond Heights School District, OH, Application No. 191040509, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

River Edge School District, NJ, Application No. 191018101, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Rowan County Public Library, KY, Application No. 191041815, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

St. Agnes Academy, FL, Application No. 191041707, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

St. Barnabas High School, NY, Application No. 191041701, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

St. Catherine of Sienna School, CA, Application No. 191041677, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

St Clare School - Arch NY Parish, NY, Application No. 191041682, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Saint Jo Independent School District, TX, Application No. 191041513, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Saint Michael School, PA, Application No. 191041734, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

St Joseph School - Arch NY Parish, MO, Application No. 191041819, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

St Joseph & St. Thomas School - Arch NY Parish, NY, Application No. 191041704, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

St. Luke Lutheran Church and School, IL, Application Nos. 191041549, 191041556, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

St Margaret Mary School - Arch NY Parish, NY, Application No. 191041700, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

St. Paul Evangelical Lutheran School on Dorchester-CLEF, IL, Application No. 191041691, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

St. Peter School, PA, Application No. 191041685, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

St. Peter's Boys High School – Arch NY Parish, NY, Application No. 191041713, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

St. Raymond Elementary School, NY, Application No. 191041821, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

St. Raymond High School for Boys – Arch NY Parish, NY, Application No. 191041715, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Saranac Central School District, NY, Application No. 191022451, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Socorro Consolidated School District, NM, Application No. 191041575, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

South Euclid-Lyndhurst District, OH, Application No. 191019243, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Southside Community School, AZ, Application Nos. 191041264, 191041504, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Talmage Public Library, KS, Application No. 191041868, Request for Waiver, CC Docket No. 02-6 (filed Apr. 8, 2019)

Tarrant City Schools, AL, Application Nos. 191041434, 191041494, 191041501, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Tellico Plains Public Library, TN, Application No. 191041523, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

The Auditory Oral School of New York, NY, Application No. 191036241, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Trenton Public Library, NE, Application No. 191041703, Request for Waiver, CC Docket No. 02-6 (filed Apr. 2, 2019)

Trinity Lutheran School, FL, Application No. 191041742, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

TVCCA, CT, Application No. 191041827, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Union County Vocational-Technical Schools, NJ, Application No. 191041535, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Vienna High School 13-3, IL, Application No. 191041729, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Waldwick School District, NJ, Application No. 191041521, Request for Waiver, CC Docket No. 02-6 (filed Mar. 29, 2019)

Western Wayne School District, PA, Application No. 191022943, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

West Marshall Community Schools, IA, Application Nos. 191041741, 191041760, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Westside Elementary School District, CA, Application No. 191041735, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Westside Elementary School District, CA, Application No. 191041817, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Westwood Heights School District, MI, Application No. 191041791, Request for Waiver, CC Docket No. 02-6 (filed Apr. 5, 2019)

Whitley County Public Library, KY, Application No. 191041726, Request for Waiver, CC Docket No. 02-6 (filed Apr. 3, 2019)

Winfield Mt. Union School District, IA, Application No. 191041546, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

Yaak Elementary School, MT, Application Nos. 191040527, 191040775, Request for Waiver, CC Docket No. 02-6 (filed Mar. 28, 2019)

*Late-Filed FCC Form 486*<sup>17</sup>

Henry Ford Learning Institute, MI, Application Nos. 161043368, 161043412, Request for Review, CC Docket No. 02-6 (filed Apr. 23, 2018)

*Letter of Agency*<sup>18</sup>

Fresno EOC School of Unlimited Learning, CA, Application Nos. 480103, 479687, 479842, Request for Review, CC Docket No. 02-6 (filed June 8, 2006)

*Ministerial and/or Clerical Error - Eligible Services (Local Telephone Service)*<sup>19</sup>

Joseph Kushner Hebrew Academy, NJ, Application No. 392135, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2006)

*Timely-Filed Appeal*<sup>20</sup>

West Shore School District, CA, Application No. 161031262, Request for Review, CC Docket No. 02-6 (filed Feb. 9, 2018)

Granted in Part/Denied in Part

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<sup>17</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).

<sup>18</sup> See, e.g., *Request for Waiver and Review of Decisions of the Universal Service Administrator by Mary Queen of Martyrs et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2268 (WCB 2012) (granting the requests of petitioners where USAC had denied funding because consultant services were rendered before the letter of agency was executed).

<sup>19</sup> See, e.g., *Requests for Review or Waiver of Decisions of the Universal Service Administrator by Brownsville Independent School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6045, 6047-49, paras. 7-9 (2007) (waiving technology plan rules for petitioners that, among other things, did not develop a technology plan because they believed that a technology plan was not required for what they understood to be basic voice service). Consistent with precedent, for FRN 107421, we also find good cause exists to waive section 54.720(b) of the Commission's rules, 47 CFR § 54.720(b), which requires that petitioners seek review of a USAC decision within 60 days. 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 or USAC only a few days late).

<sup>20</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Sundale Elementary School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 4124 (WCB 2014) (remanding an appeal to USAC that was timely filed); 47 CFR § 54.720(a).

Although West Shore School District did not respond to USAC with a document styled as a formal appeal after West Shore School District's funding was denied, we find the information submitted as part of the PIA process six days after the adverse funding commitment decision was issued should be considered by USAC as information

(continued....)

*Allowing Deduction of Ineligible Costs*<sup>21</sup>

Boyer Valley Community School District, IA, Application No. 505168, Request for Review, CC Docket No. 02-6 (filed Dec. 26, 2006)

Nemaha Valley Unified School District 442, Application No. 518598, Request for Review, CC Docket No. 02-6 (filed Dec. 20, 2006)

Twin Ridges Elementary School, CA, Application No. 504544, Request for Waiver, CC Docket No. 02-6 (filed Mar. 26, 2007)<sup>22</sup>

*Ministerial and/or Clerical Errors*<sup>23</sup>

Heritage Christian Schools, WI, Application No. 171023985, Request for Review, CC Docket No. 02-6 (filed Mar. 14, 2018, supplemented Mar. 20, 2019)

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responsive to the rejection of funding and is more properly treated as an appeal. *See* 47 CFR §§ 54.719(b), 54.720(b) (noting that an aggrieved party is permitted to request review of an action taken by USAC within 60 days).

<sup>21</sup> *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, 8737-40, paras. 6, 9-10 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Business Technologies, Inc. et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17033 (WCB 2010) (directing USAC to provide applicants with the opportunity to have their funding requests reassessed after they removed ineligible services from their E-Rate applications). For these appeals, we direct USAC, with the help of the affected applicants, to review the funding requests at issue, remove the ineligible costs, and process the eligible portion of the funding requests.

<sup>22</sup> We also grant the request for waiver related to FRNs 1422691 and 1418596. *See, e.g., 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, n.19 (WCB 2010) (*Ann Arbor Order*) (permitting applicants to correct clerical errors like indicating the wrong service category or term of service on FCC Form 471); *see also, e.g., Aberdeen Order*, 22 FCC Rcd at 8762-63, para. 9 (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time).

<sup>23</sup> *See, e.g., Ann Arbor Order*, 25 FCC Rcd at 17320, n. 12 (permitting applicant to correct a monthly charge, mistakenly recorded as an annual charge); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-Rate applications). Although we deny Heritage Christian Schools' request to increase the number of wireless access points for which it is seeking support, the contract does indicate that the services were monthly; thus, we find that correction is permissible.

Denied*Applicant Discount Rate Does Not Support Voice Services*<sup>24</sup>

Charles Armstrong School, CA, Application No. 1023371, Request for Review, CC Docket No. 02-6 (filed Mar. 21, 2016)

*Failure to Conduct Competitive Bidding Process and Make Price Primary Factor*<sup>25</sup>

Des Plaines Public Library, IL, Application No. 171026061, Request for Review, CC Docket No. 02-6 (filed Feb. 28, 2019)

*Failure to Pay the Non-Discount Share*<sup>26</sup>

Farrell Area School District, PA, Application Nos. 501517, 501719, 501534, 501549, 501647, 501657, 501673, Request for Review, CC Docket No. 02-6 (filed Apr. 16, 2007)

*Failure to Satisfy Debt/Red Light Rule*<sup>27</sup>

Watertown School District, MA, Application Nos. 181030537, 181030645, Request for Review, CC Docket No. 02-6 (filed Sept. 17, 2018)

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<sup>24</sup> Petitioner failed to submit any evidence or even assertion that it deserved a higher discount rate than USAC's choice of 20%. *See, e.g., Request for Review of a Decision of the Universal Service Administrative Company by Houston Independent School District, Houston, Texas; 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, 17 FCC Rcd 15151, 15154-55, paras. 10-11 (WCB 2002) (denying an appeal requesting support for services when the E-Rate program did not provide for funding at the petitioner's discount level). *See also Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 29 FCC Rcd 8870, 8922, para. 135 (2014) (phasing down support for voice services by 20 percentage points every funding year starting in 2015).

<sup>25</sup> *See Request for Review of a Decision of the Universal Service Administrator by Fall River Public School District*, Order, 28 FCC Rcd 7427, 7427-29, paras. 3-5 (WCB 2013) (denying appeal where applicant failed to consider price as primary factor in its vendor selection process); *see also* 47 CFR § 54.511(a) (requiring applicants to carefully consider bids and select the most cost-effective service provider).

<sup>26</sup> *See, e.g., Requests for Waiver and Review 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, 27 FCC Rcd 1927, 1927, para. 1 (WCB 2012) (denying requests for review when petitioners did not pay their portion of the purchase price or demonstrate good cause for a waiver of the program rules). The school district provided evidence that it had paid approximately one-third of its non-discount share nine months after the dated invoices. The Commission established a presumption that a failure to pay more than 90 days after completion of service presumptively violates the non-discount share rule, and the district did not request a waiver or provide evidence of full payment. *See* 47 CFR § 54.523; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808, 15816, para. 24 (2004).

<sup>27</sup> *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc., Wheeling School District 21, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd. 13122,

(continued....)

*Invoice Deadline Extension Requests*<sup>28</sup>

AAA Security (Vanguard Academy), UT, Application No. 1045771, Request for Waiver, CC Docket No. 02-6 (filed Jan. 17, 2019)

American Samoa Telecommunications Authority, AS, Application No. 171025640, Request for Waiver, CC Docket No. 02-6 (filed Jan. 28, 2019)

Camp Wood Public Library, TX, Application No. 161059490, Request for Waiver, CC Docket No. 02-6 (filed Aug. 9, 2018)

City Center for Collaborative Learning, AZ, Application No. 171047619, Request for Waiver, CC Docket No. 02-6 (filed Mar. 19, 2019)

Crestview High School, AZ, Application No. 161037318, Request for Waiver, CC Docket No. 02-6 (filed Jan. 18, 2018)

Hancock County School District, MS, Application Nos. 161050361, 171015620, 171024155, Request for Waiver, CC Docket No. 02-6 (filed Mar. 12, 2019)

Holy Cross of San Antonio, TX, Application No. 171045423, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11, 2019)

Jefferson Joint School District #251, ID, Application No. 960958, Request for Waiver, CC Docket No. 02-6 (filed Mar. 15, 2016)

Madison County School District, FL, Application No. 161020854, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2018)

TelNet Worldwide, Inc. (Highfield, Inc.), MI, Application No. 171018699, Request for Waiver, CC Docket No. 02-6 (filed April 8, 2019)

Weslaco Independent School District, TX, Application Nos. 161056035, 161055902, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2018)

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13126, para 6 (WCB 2013) (denying E-Rate applicant's request for a waiver of the red light rule and dismissing their funding year 2010 request where the applicant's only justification for not paying the debt was that it was never notified because USAC sent the Commitment Adjustment Letter to a retired employee); *but see, e.g., Metropolitan Nashville Public Schools, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, DA 18-1283, (WCB Dec. 20, 2018), 2018 WL 6722648, (granting a limited, one-time waiver of the red-light rule given the disproportionate penalty the applicant would suffer coupled with other unique circumstances presented).

<sup>28</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.



*Seeking E-Rate Support for Services Not Covered by the Applicant's Competitive Bidding Process*<sup>29</sup>

Internet Archive, CA, Application No. 181017591, Request for Review, CC Docket No. 02-6 (filed Jan. 28, 2019)

Mesa County Valley School District, CO, Application No. 171006506, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 4, 2018)

Natrona County School District, WY, Application No. 171040398, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 13, 2018)

*Untimely Filed Appeals or Waiver Requests*<sup>30</sup>

Kimball Area Public Schools, MN, Application No. 161035344, Request for Waiver, CC Docket No. 02-6 (filed April 5, 2018)

Nextel Communications of the Mid-Atlantic, Inc. (Prince George's County Schools), MD, Application No. 418363, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 13, 2007)

Outsource Solutions Group, Inc. (Cristo Rey Jesuit High School – Chicago), IL, Application No.

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<sup>29</sup> See *Request for Review of a Decision by the Universal Service Administrator by Albert Lea Area Schools et al*, Order, 24 FCC Rcd 4533, 4541-42, paras. 14-15 (WCB 2009) (finding that petitioners violated the Commission's competitive bidding rules by not including the type of service on the FCC Form 470 that the applicant requested on its FCC Form 471).

<sup>30</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); *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).

Further, we note that the rules clearly state that appeals must be filed within 60 days of the issuance of the decision being appealed. See 47 CFR § 54.720. For Nextel Communications of the Mid-Atlantic, Inc. (Prince George's County Schools), the commitment adjustment letter, dated June 22, 2007, provided notice of the decision that it subsequently appealed. For San Antonio Positive Solutions, Inc. dba Positive Solutions Charter School, the commitment adjustment letter, dated Jan. 8, 2018, provided notice of the decision that it subsequently appealed. Both letters were properly addressed and USAC has no record of receiving any returned mail related to these appeals. We also find that the parties have not demonstrated special circumstances that would warrant a waiver of the rules. See, e.g., *Application for Review of a Decision of the Wireline Competition Bureau by Net 56, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Memorandum Opinion and Order, 32 FCC Rcd 963, 964-66, paras. 4-5, 8 (2017) (stating that an appeal must be filed within 60 days of the issuance of the decision being appealed, rather than from the demand payment letter and rejecting a request for waiver of that deadline).

161057793, Request for Waiver, CC Docket No. 02-6 (filed Apr. 25, 2018)

Queens Library, NY, Application No. 338809, Request for Waiver, CC Docket No. 02-6 (filed Feb. 2, 2007)

San Antonio Positive Solutions, Inc. dba Positive Solutions Charter School, TX, Application No. 367995, Request for Waiver, CC Docket No. 02-6 (filed Mar. 20, 2019)

*Untimely Operational SPIN Change Request*<sup>31</sup>

Elk Hill Farm School, VA, Application No. 161002166, Request for Waiver, CC Docket No. 02-6 (filed Sept. 11, 2018)

*Untimely Service Implementation Delay Request*<sup>32</sup>

AireArk, Inc. (Smackover-Norphlet School District), AR, Application No. 1044618, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2018)

*Waiver to Permit Late-Filed FCC Form 471*<sup>33</sup>

Switzer Center, CA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Mar. 14, 2019)

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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<sup>31</sup> See, e.g., *Request for Review of Decisions of the Universal Service Administrator by Bay Shore Union Free School District, et al, Schools and Libraries Universal Service Support Mechanism, et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15537, 15539, para. 5 (WCB 2008) (operational SPIN change requests must be postmarked or received no later than the last date to submit an invoice).

<sup>32</sup> See, e.g., *Accelerated Charter Order*, 29 FCC Rcd at 13653, para. 3 (denying late-filed extensions of the deadline for service implementation when applicants failed to make significant efforts to secure the necessary extensions in a timely manner).

<sup>33</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying waivers of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).