



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>  
TTY: 1-888-835-5322

**DA 19-701**  
**Released: July 31, 2019**

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

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

---

<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. 47 CFR § 54.719(b). 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(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 that 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).

**Schools and Libraries (E-Rate)**  
**CC Docket No. 02-6**

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements<sup>3</sup>

Rising Star Academy, NY, Application No. 181035041, Request for Review, CC Docket No. 02-6 (filed Jan. 16, 2019)

Dismissed on Reconsideration<sup>4</sup>

DHE Computer Systems, LLC (Lotus School for Excellence), CO, Application No. 171048137, Petition for Reconsideration, CC Docket No. 02-6 (filed July 1, 2019)

Life Academy of Excellence, FL, Application No. 171049452, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 11, 2018)

Saugerties Public Library, NY, Application No. 191028432, Petition for Reconsideration, CC Docket No. 02-6 (filed May 30, 2019)

Dismissed on Reconsideration—Untimely Filed<sup>5</sup>

Jamestown Public School District #1, ND, Application No. 191029732, Petition for Reconsideration, CC Docket No. 02-6 (filed June 20, 2019)

---

<sup>3</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>4</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>5</sup> See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 26 FCC Rcd 13004 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions); *Petitions for Reconsideration by Lincoln Parish School Board et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 7992, para. 1 n.1 (WCB 2011) (stating that the Bureau has the authority under 47 C.F.R. § 1.106(p) to dismiss petitions for reconsideration of a Commission action that plainly do not warrant consideration by the Commission, such as petitions that are late-filed).

Granted<sup>6</sup>*Considering All Bids Submitted*<sup>7</sup>

Consolidated High School District 230, IL, Application No. 171006545, Request for Review, CC Docket No. 02-6 (filed Aug. 15, 2018)

*Contract Requirement*<sup>8</sup>

Twin Rivers Unified School District (Rio Linda Union School District), CA, Application Nos. 473208, 473815, 476245, 486152, Request for Review, CC Docket No. 02-6 (filed Oct. 24, 2017)

*Cost-Allocation*<sup>9</sup>

Dighton-Rehoboth Regional School District, MA, Application No. 171016536, Request for Review, CC Docket No. 02-6 (filed Sept. 10, 2018)

Hondo Valley School District, NM, Application No. 161035170, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 9, 2018)

*Cost-Effectiveness*<sup>10</sup>

CENIC – Corporation for Education Network Initiatives in California, CA, Application No. 161059809, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 20, 2018)

---

<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 of the Decisions of the Universal Service Administrator by Allendale County School District*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6117-18, paras. 13-14 (WCB 2011) (granting appeal where the record shows that the applicant considered each valid bid it received and complied with all other competitive bidding rules).

<sup>8</sup> See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15528, para. 5 (WCB 2008) (granting appeals on the merits because petitioners demonstrated that they had contracts in place that met the Commission's rules and procedures when submitting their FCC Forms 471). Rio Linda Union School District, which was subject to the recovery, dissolved and merged into Twin Rivers Unified School District in 2008.

<sup>9</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15071, 15072, para. 2 (WCB 2012) (accepting the applicant's cost-allocations for ineligible components from funding requests).

<sup>10</sup> See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Sweetwater City Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 13555, 13559-63, paras. 14-26 (WCB 2016) (finding that the applicant selected the most cost-effective service offering).

*Eligible Services*<sup>11</sup>

Baldwin Park Unified School District, CA, Application No. 466604, Request for Review, CC Docket No. 02-6 (filed May 31, 2006)

Ennis Independent School District, TX, Application No. 369251, Request for Review, CC Docket No. 02-6 (filed June 1, 2006)

*Granting Additional Time to Respond to USAC's Request for Information*<sup>12</sup>

Port of Los Angeles High School, CA, Application No. 924691, Request for Review, CC Docket No. 02-6 (filed Jan. 1, 2014)

*Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window*<sup>13</sup>

Osawatomie Unified School District 367, KS, Application No. 191041638, Request for Waiver, CC Docket No. 02-6 (filed Apr. 1, 2019)

Town of Greenwich, CT, Application No. 161061607, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2016)

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

Fontana Regional Library, NC, Application No. 191025822, Request for Waiver, CC Docket No.

---

<sup>11</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 (2007) (granting appeals where USAC incorrectly determined the funding requests were for ineligible services); see also *Request for Review of the Decision of the Universal Service Administrator by Henkels & McCoy, Inc. (Little Rock School District); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, 21 FCC Rcd 7934 (WCB 2006) (remanding appeal to USAC to determine eligibility of similar services, which ultimately were funded).

<sup>12</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). We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a determination on the merits.

<sup>13</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).

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 for Town of Greenwich. 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>14</sup> 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 (continued....)

02-6 (filed June 14, 2019)

Pampa Independent School District, TX, Application No. 191009252, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2019)

*Price as Primary Factor – Applicant Selected Lowest-Cost Provider*<sup>15</sup>

Waco Independent School District, TX, Application No. 181024770, Request for Waiver, CC Docket No. 02-6 (filed Mar. 4, 2019)

*Timely-Filed Appeal*<sup>16</sup>

West Shore School District, PA, Application No. 171041104, Request for Review, CC Docket No. 02-6 (filed Feb. 9, 2018)<sup>17</sup>

*USAC Error in Posting Revised FCC Form 470*<sup>18</sup>

Lakeshore Intergenerational School f/k/a Breakthrough Charter Schools, OH, Application No. 980410, Request for Review and Waiver, CC Docket No. 02-6 (filed Dec. 15, 2014)

*Waiver of Appeal Deadline*<sup>19</sup>

Las Vegas West School District, NM, Application No. 171040876, Request for Waiver, CC Docket No. 02-6 (filed May 6, 2019)

(Continued from previous page) \_\_\_\_\_

FCC Rcd 17319, 17319-20, para. 2 & n.5, 20 (WCB 2010) (*Ann Arbor Order*) (permitting applicant to include item omitted from FCC Form 471 but included on its source list).

<sup>15</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115-17, paras. 10-12 (WCB 2011) (waiving the requirement that an applicant be able to demonstrate that it used price as the primary factor in vendor selection when the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse). In addition, we find that the applicant's failure to post an addendum extending the bid submission deadline to EPC did not violate the Commission's E-Rate competitive bidding requirements in this limited circumstance because the applicant indicated in its RFP that changes would be announced on its website and the applicant posted the notice of extension there. Based on the record before us, the applicant conducted a fair and open competitive bidding process; thus, we grant the applicant's appeal on this ground as well. See, e.g., *Petitions for Reconsideration by Lake Pend Oreille School District, et al*, Order on Reconsideration, 28 FCC Rcd 1103, 1105-06, para. 3 (WCB 2013) (finding that the competitive bidding rules require that all potential bidders and service providers have access to the same information and are treated in the same manner throughout the procurement process, and denying an appeal when the record shows that the applicant provided one bidder with information that was not available to other bidders); *Petitions for Reconsideration by Callisburg Independent School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9460-61, para. 3 (WCB 2013) (explaining that "all potential bidders and service providers must have access to the same information and be treated in the same manner throughout the procurement process"). In this instance, we also waive any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. See *supra* note 6. Specifically, we waive the service delivery deadline for the applicant, and extend the deadline to June 30, 2020.

*Waiver of Service Delivery Deadline*<sup>20</sup>

Virginia Beach City Public Schools, VA, Application No. 161039047, Request for Waiver, CC Docket No. 02-6 (filed Sept. 4, 2018)

*Waiver of Special Construction Service Delivery Deadline*<sup>21</sup>

Albuquerque Public Schools, NM, Application No. 171021247, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2019)

Bernalillo Public Schools, NM, Application No. 171045482, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2019)

CENIC – Corporation for Education Network Initiatives in California, CA, Application No. 171018547, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2019)

ESC Region 11 Consortium, TX, Application No. 171048288, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2019)

Santa Fe Public Schools, NM, Application No. 171013209, Request for Waiver, CC Docket No. 02-6 (filed June 28, 2019)

Denied*Failure to Satisfy Debt/Red Light Rule*<sup>22</sup>

(Continued from previous page) \_\_\_\_\_

<sup>16</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 Program Integrity Assurance (PIA) review process six days after the adverse funding commitment decision was issued should be considered by USAC as information responsive to the rejection of funding and 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>17</sup> The application number and state for West Shore School District was incorrect in a previous public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, DA 19-326 (WCB Apr. 30, 2019). We now include the information with the correct application number and state.

<sup>18</sup> *Universal Service Administrator by Anderson Elementary School, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5319, 5320, para. 2 & Exh. B (WCB 2012) (granting waiver due to USAC's failure to properly post revised FCC Form 470 (Ossining Union Free School District)). Because the corrected FCC Form 470 failed to be posted, we direct USAC to accept and process the FCC Form 471 at issue despite the fact that the underlying FCC Form 470 was missing one school from the school district. We find no reason to believe that the omission of one school from the FCC Form 470 that USAC posted altered the competitive bidding result or to question the reasonableness of the pricing here.

<sup>19</sup> 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). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits.

Lakeview Charter Academy, CA, Application No. 637008, Request for Review, CC Docket No. 02-6 (filed Mar. 13, 2009, supplement filed June 30, 2009)

Lamar Consolidated Independent School District, Application No. 750446, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 5, 2011)

Lamar Consolidated Independent School District, Application No. 764900, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 5, 2011)

*Invoice Deadline Extension Requests*<sup>23</sup>

SHI International Corp (Trenton Catholic Academy), NJ, Application No. 161004393, Request for Waiver, CC Docket No. 02-6 (filed Sept. 21, 2018)

Wallace School District 393, ID, Application No. 171031247, Request for Waiver, CC Docket No. 02-6 (filed June 10, 2019)

*Late-Filed FCC Form 471 Applications*<sup>24</sup>

Action for Bridgeport for Community Development, CT, Application No. 191042098, Request for Waiver, CC Docket No. 02-6 (filed Apr. 22, 2019)<sup>25</sup>

Ashtabula County District Library, OH, Application No. 191042440, Request for Waiver, CC

(Continued from previous page) \_\_\_\_\_

<sup>20</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).

<sup>21</sup> See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures). These applicants were unable to complete implementation for reasons beyond their control and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive their respective special construction service delivery deadlines. We direct USAC to set a new service delivery deadline of December 31, 2019 for ESC Region 11 and Santa Fe Public Schools and a new service delivery deadline of June 30, 2020 for Albuquerque Public Schools, Bernalillo Public Schools and CENIC. We also direct USAC to adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling.

<sup>22</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, 13126, para 6 (WCB 2013) (finding that the E-Rate applicant violated the red light rule, denying the 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 not 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, 33 FCC Rcd 12334, 12338, para. 13 (WCB 2018) (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>23</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*

(continued....)

Docket No. 02-6 (filed June 7, 2019)

Auburn Public Schools, MA, Application No. 191042141, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2019)

Baltimore Lab School, MD, Application No. 191042097, Request for Waiver, CC Docket No. 02-6 (filed Apr. 22, 2019)<sup>26</sup>

Cherokee County Schools, AL, Application No. 191042466, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2019)

Crossroads Youth & Family Services Inc., OK, Application No. 191041898, Request for Waiver, CC Docket No. 02-6 (filed Apr. 19, 2019)

Elementary School District #159, IL, Application No. 191042179, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2019)<sup>27</sup>

Geibel Catholic Junior-Senior High School, PA, Application No. 191042349, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2019)<sup>28</sup>

(Continued from previous page) \_\_\_\_\_

*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.

<sup>24</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (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>25</sup> In its request, the petitioner claims that USAC's application filing system was unavailable on April 10, 2019 due to system issues. See Letter from Katherine Weiss, consultant for Action for Bridgeport for Community Development, to Marlene H. Dortch, Federal Communication Commission, CC Docket No. 02-6 (filed Apr. 22, 2019). We have confirmed that the system was indeed operational on April 10, 2019; in fact, several E-Rate applications were started and certified on that date. Because the application at issue in this waiver request was started and completed on April 12, 2019, which is 16 days after the close of E-Rate application filing window for funding year 2019, we do not find good cause to waive our rules in this instance. See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (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>26</sup> In its request, the petitioner claims that USAC's application filing system was unavailable on April 10, 2019 due to system issues. See Letter from Katherine Weiss, consultant for Baltimore Lab School, to Marlene H. Dortch, Federal Communication Commission, CC Docket No. 02-6 (filed Apr. 22, 2019). We have confirmed that the system was indeed operational on April 10, 2019; in fact, several E-Rate applications were started and certified on that date. Because the application at issue in this waiver request was started and completed on April 12, 2019, which is 16 days after the close of E-Rate application filing window for funding year 2019, we do not find good cause to waive our rules in this instance. See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (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>27</sup> The application number for Elementary School District #159 was incorrect in a previous public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, DA 19-589 (WCB June 28, 2019). We now include the information with the correct application number.

<sup>28</sup> The application number for Geibel Catholic Junior-Senior High School was incorrect in a previous public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC

(continued....)



Holy Family School, AL, Application No. 191042447, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2019)

Hot Springs Public Library, SD, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 13, 2019)

Indian River Charter High School, FL, Application No. 191042362, Request for Waiver, CC Docket No. 02-6 (filed May 17, 2019)

Lake Pleasant Central School, NY, Application No. 191020351, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2019)

Lehigh Valley Christian High School, PA, Application No. 191042467, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2019)

McFarland School District, WI, Application No. 191042382, Request for Waiver, CC Docket No. 02-6 (filed May 29, 2019)

Mesivta High School of Greater Miami, FL, Application No. 191042435, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2019)

Midway Public School, ND, Application No. 191042414, Request for Waiver, CC Docket No. 02-6 (filed May 31, 2019)

Rocky Bayou Christian School, FL, Application No. 191042417, Request for Waiver, CC Docket No. 02-6 (filed May 30, 2019)

South Plains Academy Charter District, TX, Application No. 191042476, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2019)

St. Monica School, IN, Application No. 191042002, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2019)

*Untimely Filed Appeals or Waiver Requests*<sup>29</sup>

Belmont Charter School, PA, Application No. 161047475, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2019)

Boonton School District, NJ, Application No. 161037729, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2017)

(Continued from previous page) \_\_\_\_\_

Docket No. 02-6, WC Docket No. 06-122, Public Notice, DA 19-589 (WCB June 28, 2019). We now include the information with the correct application number.

<sup>29</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).

Dothan Houston County Library System, AL, Application No. 181042878, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2019)

East Brunswick Public School, NY, Application No. 161050147, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2017)

Lakeview Charter Academy, CA, Application Nos. 482548, 482386, 482321, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 13, 2009, supplement filed June 30, 2009)<sup>30</sup>

Life Academy of Excellence, FL, Application No. 171049452, Request for Waiver, CC Docket No. 02-6 (filed Feb. 26, 2018)

Life Academy of Excellence, FL, Application Nos. 171049454, 171049455 Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2018)

McLaughlin School District #15-2, SD, Application No. 191039919, Request for Waiver, CC Docket No. 02-6 (filed July 16, 2019)

Northern Valley Regional High School, NJ, Application No. 191042042, Request for Waiver, CC Docket No. 02-6 (filed July 5, 2019)

Santa Rosa Consolidated Schools, NM, Application No. 161056872, Request for Waiver, CC Docket No. 02-6 (filed July 1, 2019)

### **Contribution Methodology**

#### **WC Docket No. 06-122**

#### **Dismissed Without Prejudice**

##### *Request for Waiver of Form 499-A Revision Deadline*<sup>31</sup>

Pelican Communications, Inc., Letter from Debbie Bartman, Controller for Pelican

<sup>30</sup> Lakeview Charter Academy argues for a waiver of the appeal filing deadline because of confusion caused by the issuance of demand payment letters before the deadline to file an appeal with the Commission and uncertainty related to whether the academy was subject to the red light rule. We find, however, that the petitioner had an obligation to timely file its appeal under these circumstances and that the particular facts of this case do not rise to the level of special circumstances required for a deviation from the general rule. *See, e.g., Requests for Review of Decision of the Universal Service Administrator by Inland Lakes Schools; 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. 15756, 15757-58, para. 6 (WCB 2002) (noting the Commission has consistently held that general applicant confusion does not constitute grounds for waiver of the appeal-filing deadline and that the applicant must assume responsibility for timely submission of its appeal if it wishes its appeal to be considered on the merits). Although Lakeview Charter Academy notes there were miscommunications during the review process, this does not justify a waiver of our rules. *See, e.g., Ann Arbor Order*, 25 FCC Rcd at 17319, para. 1 (granting a waiver of the appeal filing deadline only because the appeals involved errors by USAC).

<sup>31</sup> 47 CFR § 54.721. *See, e.g., Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, 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).

Communications, Inc., to the Federal Communications Commission, WC Docket 06-122 (filed June 11, 2019)

TechRx LLC, Letter from Shad Richards, VP of Data & Accounting, MyCallCloud, to the Federal Communications Commission, WC Docket 06-122 (filed July 29, 2016)

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) 418-7400.

- FCC -