



PUBLIC NOTICE

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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
WC Docket No. 10-90

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.¹ 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.²

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Dismissed for Failing to Satisfy Debt (“Red Light Rule” Violation)³

All My Children Day Care & Nursey School, NY, Application No. 201044216, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2020)

Granted⁴

¹ 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 that are, in fact, seeking review of a USAC decision.

² 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).

³ 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) (dismissing E-Rate applicant’s funding request pursuant to the Commission’s “red light rules”).

*Discount Calculation*⁵

California Montessori Project, CA, Application No. 161061405, Request for Review, CC Docket No. 02-6 (filed Mar. 19, 2018)

*Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control*⁶

Alamogordo Public Schools, NM, Application No. 201039450, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2020)

Wayne County Public Library System, TN, Application No. 201007433, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2020)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*⁷

Bitney Preparatory High School, CA, Application No. 201044088, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

Breakthrough Montessori Public Charter School, DC, Application No. 201043775, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Briya Public Charter School, DC, Application No. 201043776, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Capistrano Valley Christian School, CA, Application No. 201044268, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2020)

Capitol Village Public Charter School, DC, Application No. 201043777, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Cedar Tree Academy Public Charter School, DC, Application No. 201043778, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

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⁴ 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).

⁵ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (remanding applications for further processing when, upon de novo review, the Commission disagreed with USAC's discount calculation determination).

⁶ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (applicant filed their FCC Form 471 application beyond 14 days of the FCC Form 471 deadline due to delays beyond their control).

⁷ 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) (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the filing window deadline).

Citizens of the World Charter Schools, MO, Application No. 201043885, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Creative Minds International Public Charter, DC, Application No. 201043781, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Cristo Rey Richmond High School, VA, Application No. 201044290, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2020)

Dallas Independent School District, TX, Application No. 201042433, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2020)

Ewing Township School District, NJ, Application No. 201044198, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2020)

Ewing Township School District et al., NJ et al., Application Nos. 201044198, 201044167, 201044155, 201044004, 201044283, 201044310, 201044250, 201044246, 201043944, 201044181, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2020)

Horizon Charter School of Tampa, FL, Application No. 201044288, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2020)

Kadima Hebrew Academy, CA, Application No. 201044300, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2020)

Kansas City Girls Preparatory Academy, MO, Application No. 201043892, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Lake City Christian Academy, FL, Application No. 201044191, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2020)

Lee Ola Roberts Library, TN, Application Nos. 201000647, 201044125, Request for Waiver, CC Docket No. 02-6 (filed June 23, 2020)

Paul Public Charter School, DC, Application No. 201043894, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Solon City School District, OH, Application No. 201044276, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

South Holland School District 151, IL, Application No. 201043951, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2020)

*Ministerial and/or Clerical Errors*⁸

⁸ 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, 17320, n.20 (WCB 2010) (permitting applicant to correct an error categorizing an eligible service on its FCC Form 471).

Berks County Intermediate Unit # 14, PA, Application No. 181027159, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Feb. 14, 2020)

Warwick School Department, RI, Application No. 201043614, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2020)

*Signed Contract Requirement*⁹

Cesar Chavez Community School, NM, Application No. 201014897, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Jun. 29, 2020)

*Waiver of Appeal/Waiver Filing Deadline Due to Coronavirus (COVID-19)*¹⁰

St. Vincent de Paul Baltimore, MD, Application No. 191013190, Request for Waiver, CC Docket No. 02-6 (filed Apr. 20, 2020)

Troy Area School District, NY, Application No. 191038164, Request for Waiver, CC Docket No. 02-6 (filed July 1, 2020)

*Waiver of Special Construction Service Delivery Deadline*¹¹

Huntington School District, OR, Application No. 181028314, Request for Waiver, CC Docket No. 02-6 (filed Sept. 27, 2019)

Denied

*Improper Service Provider Involvement*¹²

⁹ *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15529-30, paras. 6-7 (WCB 2008) (granting relief where applicants' clerical errors led to late-signed contracts, but they all had some form of an agreement in place prior to filing their FCC Forms 471).

¹⁰ *School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 2978, 2980-81, para. 7 (WCB 2020) (noting that E-Rate program participants that received an adverse decision dated from January 11, 2020 to August 1, 2020 have an additional 60 days to file an appeal or waiver). 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. *See supra* note 4.

¹¹ *See 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). The applicants demonstrated that strict adherence to the Commission's rules would leave the applicant with inadequate time to complete construction of its planned network, 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. Accordingly, we waive Huntington School District's special construction service delivery deadline. We direct USAC to set a new service delivery deadline of July 31, 2022. We also direct USAC to adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See supra* note 4.

Webby Enterprises, LLC (St. Cloud Preparatory Academy), FL, Application Nos. 1022706, 1033409, Request for Review, CC Docket No. 02-6 (filed June 15, 2017)

*Invoice Deadline Extension Requests*¹³

DeKalb County School District, GA, Application No. 171045273, Request for Waiver, CC Docket No. 02-6 (filed July 8, 2020)

PC Solutions and Integration, Inc. (Atlanta Area School for the Deaf), GA, Application No. 181037959, Request for Waiver, CC Docket No. 02-6 (filed Feb. 4, 2020)

*Untimely Filed Appeals or Waiver Requests*¹⁴

Flemington-Raritan School District, NJ, Application No. 171009884, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2019)

Rural Health Care Program
WC Docket No. 02-60

Dismissed on Reconsideration as Untimely¹⁵

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¹² Under Commission rules, service providers must not be involved in the procurement process when the service provider is also participating in the competitive bidding process as a bidder. *See e.g., Requests for Review of Decisions of the Universal Service Administrator by Marana Unified School district, Trillion Partners, Inc.* CC Docket 02-6, Order, 27 FCC Rcd 1525, 1527, 1530 paras. 4, 10 (WCB 2012) (noting that Commission has consistently stated that the competitive bidding process must be fair and open and must not have been compromised because of improper conduct by the applicant, service provider, or both parties); *see also Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District, et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 2784, 2791, para. 17 (WCB 2008) (finding that a service provider's admission to assisting in filling out the FCC Form 470 is "a clear violation of the prohibition against service providers filling out forms that require an applicant's certification, as well as a violation of the mandate that the FCC Form 470 be completed by the entity that will negotiate with prospective bidders"); *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26434, para. 60 (2003) (stating "[w]e stress that direct involvement in an application process by a service provider would thwart the competitive bidding process").

¹³ *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.

¹⁴ *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).

Prince George County Health Department, VA, Petition for Reconsideration, WC Docket 02-60, Funding Request No. 1687757 (filed July 7, 2020)

Dismiss as Moot – Invoices Fully Paid¹⁶

South Georgia Medical Center Consortium, GA, Request for Waiver, WC Docket 02-60, Funding Request No. 18435191 (filed July 23, 2019)

Granted

*Waiver of the Invoice Filing Deadline*¹⁷

Missouri Research & Education Network, MO, Request for Waiver, WC Docket No. 02-60, Funding Request No. 18314961 (filed Dec. 17, 2019)

Denied

*Waiver of the Invoice Filing Deadline*¹⁸

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¹⁵ See 47 CFR § 1.106(f) (requiring that petitions for reconsideration be filed within 30 days from the date of public notice of the Commission action for which reconsideration is sought). See also *Petitions for Reconsideration by Rockwood School District and Yakutat School District*; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions). Even if this petition for reconsideration had been timely filed, it would be dismissed because it relied on arguments that had already been considered and did not raise any new arguments. See *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).

¹⁶ We dismiss South Georgia Medical Center Consortium's request for waiver of the invoice filing deadline pursuant to section 54.645(b) (2019) for funding request number (FRN) 18435191 as moot. The Bureau provided the requested relief to South Georgia Medical Center Consortium on March 9, 2020, when the Bureau, sua sponte, waived section 54.645(b) for applicants and service providers who either received Funding Commitment Letters with the incorrect invoice filing deadline or did not receive a Funding Commitment Letter in time to submit invoices before the invoice filing deadline. South Georgia Medical Center Consortium's FRN 18435191 was included in Appendix C to the Order and was provided 180 days to submit invoices to USAC from the release date of the order. South Georgia Medical Center Consortium and its service provider, MCC Telephone Company, have invoiced fully and received disbursements for FRN 18435191. See *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020) (*FY 2018 Healthcare Connect Fund Program Invoice Waiver Order*) (providing requested relief to South Georgia Medical Center Consortium and MCC Telephone Company for FRN 18435191 in Appendix C). See also *Requests for Review of Decision of the Universal Service Administrator by Diversified Computer Services, Inc., Schools and Libraries Universal Service Support Mechanism*, CC Docket 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 funding it requested and all submitted invoices were funded).

¹⁷ See *FY 2018 Healthcare Connect Fund Program Invoice Waiver Order*, 35 FCC Rcd at 1994; *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (granting a waiver of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC's decision, which made compliance with program rules impossible). We waive the petitioner's invoice filing deadline and allow it 180 days from the release of this Public Notice to file invoices with USAC.

¹⁸ See *Requests for Review or Waiver of Decisions by the Universal Service Administrative Company by Indiana*

(continued....)

Colorado Telehealth Network, CO, Request for Waiver, WC Docket No. 02-60, Funding Request No. 16959161 (filed Jan. 13, 2020)

Contribution Methodology
WC Docket No. 06-122

Dismissed Without Prejudice

*Request for Waiver of Late Fees*¹⁹

Business Solutions Group, LLC, Letter from Mark Tan, Office Manager, to Federal Communications Commission, WC Docket No. 06-122 (filed Jul. 27, 2020)

JLPASAP, LLC, Letter from Courtney Pelzel, to Federal Communications Commission, WC Docket No. 06-122 (filed Jul. 27, 2020)

Connect America Fund
WC Docket No. 10-90

Granted

*Line Count Filing Deadline*²⁰

Standing Rock Telecommunications, Inc. Petition for Limited Waiver of Section 54.307(e)(7) of
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Telehealth Network, et al.; Rural Health Care Support Mechanism, WC Docket No. 02-60, Order, 33 FCC Rcd 12341, 12343, para. 4 (WCB 2018) (*Indiana Telehealth Network Order*) (denying requests for waiver where the appellants failed to present compelling explanations for seeking a waiver of the invoicing deadline for reimbursement of services); *see also Rural Health Care Support Mechanism*, WC Docket 02-60, 30 FCC Rcd 1063, 1065, paras. 6 (WCB 2015) (reminding applicants that adherence to the filing deadlines and program rules are necessary for the efficient administration of the Healthcare Connect Fund Program). USAC resolved all site and service substitution requests before the applicable invoice filing deadline, leaving the petitioners time to submit invoices. A delay on the part of an applicant or service provider to certify and submit its invoice form for reasons within their control does not justify a waiver of the Commission's rules. *See Indiana Telehealth Network Order*, 33 FCC Rcd at 12343, para. 5

¹⁹ 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).

²⁰ We grant this request for waiver of the requirement, pursuant to section 54.307(b) for Standing Rock Telecommunications, a competitive eligible telecommunications carrier serving Tribal lands, to file a quarterly line count on FCC Form 525 on March 30, 2020, which Standing Rock inadvertently missed due to the extraordinary nature of pressing customer service needs during the COVID-19 pandemic. *See Connect America Fund et al.*, WC Docket No. 10-90, Order, DA 20-618 (WCB rel. June 12, 2020) (waiving filing deadline to ensure carriers serving Tribal lands are able to provide service during the COVID-19 pandemic). Standing Rock completed the filing on April 2, 2020, and is the only carrier currently required to file line count data pursuant to section 54.307(b), and therefore this waiver applies only to Standing Rock. We note that the Commission recently proposed to eliminate this requirement for Standing Rock by freezing its support. *See Establishing a 5G Fund for Rural America et al.*, GN Docket No. 20-32, Notice of Proposed Rulemaking and Order, 35 FCC Rcd 3994, 4019 n. 110 (2020).

the Commission's Rules, WC Docket No. 10-90 (filed June 24, 2020)

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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