



# 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 20-656

Released: June 30, 2020

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

CC Docket No. 02-6  
WC Docket No. 02-60  
WC Docket No. 06-122

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.<sup>2</sup>

### Schools and Libraries (E-Rate)

CC Docket No. 02-6

#### Dismissed as Moot<sup>3</sup>

Making Waves Academy, CA, Application No. 181033948, Request for Review, CC Docket No. 02-6 (filed Apr. 20, 2020)

---

<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 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).

<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 (WCB 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

Granted<sup>4</sup>*Changes to Request for Proposal – 28 Day Bidding Rule*<sup>5</sup>

Networkmaine, ME, Application No. 181003379, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 26, 2019)

*Invoice Deadline Extension Requests Less Than 12 Months Late*<sup>6</sup>

Datel Systems Incorporated (San Marcos Unified School District), CA, Application No. 852033, Request for Waiver, CC Docket No. 02-6 (filed Feb. 8, 2019)

*Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control*<sup>7</sup>

Ashtabula County District Library, OH, Application No. 201044277, Request for Waiver, INBOX-1.3 (filed May 14, 2020)

Ashtabula County District Library, OH, Application No. 201044279, Request for Waiver, INBOX-1.3 (filed May 14, 2020)

---

<sup>4</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>5</sup> We grant Networkmaine's request review and/or waiver because we find that all potential bidders had access to the same information, including information about five prospective locations that had been inadvertently omitted from one list but included in others to which all bidders had access. See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Green Bay Area Public School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd. 17036, para. 1 (WCB 2010) (granting relief after finding that all bidders had access to the same information during the competitive bidding process via the FCC Form 470 despite the school district's failure to indicate that it had issued a separate request for proposal for the services at issue); *Petitions for Reconsideration by Lake Pend Oreille School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, 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); see also *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, paras. 1-2 (WCB 2010) (*Ann Arbor Order*) (permitting applicants to correct certain ministerial and clerical errors that do not constitute violations of the competitive bidding rules).

<sup>6</sup> See, e.g., *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, 8967, para. 242 (2014) (directing the Bureau and USAC to consider whether late invoice requests from before funding year 2014 were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension).

<sup>7</sup> 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).

Chicago Charter Schools Foundation, IL, Application No. 201044423, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2020)

DCYF Alternative School, RI, Application No. 201044410, Request for Waiver, CC Docket No. 02-6 (filed May 27, 2020)

Dekalb Academy of Technology and The Environment Charter School, GA, Application No. 201044376, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2020)

Fall River Deaconess Home School, MA, Application No. 201044374, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2020)

Frontier School District 3 A.K.A. Frontier Elementary, MT, Application No. 201044370, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2020)

Karl Miles LeCompte Memorial Library, IA, Application No. 201026899, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2020)

Light Christian Academy, FL, Application No. 201044421, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2020)

Northern California Child Development, Inc., CA, Application No. 201044414, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2020)

Oxford Public Schools, MA, Application No. 201020089, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2020)

Princeton R-V School District, MO, Application No. 201044083, Request for Waiver, CC Docket No. 02-6 (filed May 6, 2020)

Unity Point CC School District 140, IL, Application No. 201015873, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2020)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>8</sup>

Andover Unified School District 385, KS, Application No. 201044000, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2020)

Butte Falls School, OR, Application No. 201043568, Request for Waiver, CC Docket No. 02-6 (filed June 10, 2020)

Center For Family Resources, NJ, Application No. 201044264, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2020)

Charis Youth Center, CA, Application No. 201044124, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

---

<sup>8</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) (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).

County of Henrico Public Library, VA, Application No. 201044056, Request for Waiver, CC Docket No. 02-6 (filed June 15, 2020)

East Central Arkansas Regional Library, AR, Application Nos. 201044259, 201044275, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2020)

Frances Xavier Warde School District, IL, Application No. 201041341, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

Greene Lamp, Inc., NC, Application No. 201044118, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

Greg Mathis Charter High School, SC, Application No. 201044120, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

Hope Partnership for Education, PA, Application No. 201044016, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2020)

Lincoln Academy, ME, Application No. 201044019, Request for Waiver, CC Docket No. 02-6 (filed June 16, 2020)

Litchfield Public School District, NE, Application No. 201036082, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

Minto School District 20, ND, Application No. 201044172, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2020)

Oblong School District 4, IL, Application No. 201044133, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2020)

Paris Cooperative High School, IL, Application No. 201044136, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2020)

Peace Inc., NY, Application No. 201044122, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

Penns Manor Area School District, PA, Application No. 201044218, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2020)

Regional School District 16, CT, Application No. 201044115, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

Rochester Stem Academy, MN, Application No. 201044099, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2020)

Rio Vista Independent School District, TX, Application No. 201044217, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2020)

Santa Clara Unified School District, CA, Application No. 201043918, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2020)

St. Lucy's Priory High School, CA, Application No. 201044295, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2020)

Tom Bean Independent School District, TX, Application No. 201044094, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2020)

Western Heights School District 41, OK, Application No. 201044240, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2020)

Willie Ross School for the Deaf, MA, Application No. 201044121, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

*Ministerial and/or Clerical Errors*<sup>9</sup>

Amherst School, TX, Application No. 181020858, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Nov. 26, 2019)

Columbiana Exempted Village Schools, OH, Application No. 201027926, Request for Waiver and/or Review, CC Docket No. 02-6 (filed June 18, 2020, supplemented June 23, 2020)

Muskingum County Library System, OH, Application No. 201019260, Request for Waiver and/or Review, CC Docket No. 02-6 (filed June 8, 2020, supplemented June 15, 2020)

St. Elizabeth Elementary School, CA, Application No. 201031763, Request for Waiver and/or Review, CC Docket No. 02-6 (filed June 15, 2020)

Windom School District 177, MN, Application No. 201009333, Request for Waiver and/or Review, CC Docket No. 02-6 (filed June 4, 2020, supplemented June 15, 2020)

*Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application*<sup>10</sup>

Manson Northwest Webster Schools, IA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed May 15, 2020)

Multnomah Education Service District, WA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed May 7, 2020)

---

<sup>9</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Achieve Career Prep. Acad. et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 10254,102255, para. 2 & n. 9 (WCB 2011) (permitting applicant to correct a mischaracterization of a recurring cost as a non-recurring cost); *Ann Arbor Order*, 25 FCC Rcd at 17320, para. 2 & n.5 (permitting applicant to add an omitted entity to and correct a mis-typed quantity on its FCC Form 471 that was on its source list). For Amherst School, we waive the appeal filing deadline; *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) (finding 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 because petitioners were the Commission or USAC only a few days late).

<sup>10</sup> See, e.g., *Ann Arbor Order*, 25 FCC Rcd at 17319-20, para. 2 & n.5, 20 (permitting applicant to include item omitted from FCC Form 471, but included on its source list). Petitioners did not realize their funding requests were omitted until the application window had closed. Petitioners then tried to file late an application for these services. We direct USAC to work with these applicants to include these funding requests on one of the petitioners' timely-filed applications or to permit their untimely-filed applications to be considered in-window.

*Remand for USAC Explanation of Decision*<sup>11</sup>

Charter Communications, Inc. (Winfree Academy Charter Schools), TX, Application No. 171034827, Request for Review, CC Docket No. 02-6 (filed Apr. 2, 2020)

*Waiver of Appeal/Waiver Filing Deadline*<sup>12</sup>

Deerfield Township School District, Application No. 171015956, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2018)

Kingsway Regional School District, Application No. 171014626, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2018)

Denied in Part*Services Provided Outside of Funding Year*<sup>13</sup>

Mississippi Valley Public Library District, IL, Application No. 171022142, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 7, 2020)

---

<sup>11</sup> *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, Order, 21 FCC Rcd 7934, 7937, para. 7 (WCB 2012) (remanding to USAC where rationale for USAC decision is unclear and instructing USAC to provide a specific explanation for its decision to permit appellant a meaningful opportunity to respond).

<sup>12</sup> *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Savannah R-III School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd. 12053, n.30 (WCB 2008) (finding good cause to waive section 54.720 of the Commission's rules that establishes deadlines for affected parties to seek review of decisions issued by USAC because the issue on appeal before the Commission should have been resolved with USAC before the petitioner resorted to filing an appeal); *see also* 47 C.F.R. § 54.720. 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.

<sup>13</sup> We partially deny the request for review because an invoice associated with FRN 1799045779 was filed outside the funding year on July 15, 2018. *See Request for Review of Decision of the Universal Service Administrator by Nuestros Valores Charter School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 4046, 4046, para. 1 (2012) (denying appeal of COMAD when funds were disbursed for services that were delivered after the service implementation deadline); *see also* 47 CFR § 54.507(d) (providing that applicants must use recurring E-Rate services within the funding year for which the discounts were sought).

We grant the other invoices associated with FRN 1799045779 because the services were provided during the funding year in the normal course of business.

Denied*Improper Service Provider Involvement*<sup>14</sup>

Pilgrim Christian School, CA, Application No. 440844, Request for Review, CC Docket No. 02-6 (filed Jan. 15, 2013)

*Improper Service Provider Involvement (Service Provider Signature on FCC Form 470)*<sup>15</sup>

Latah County Library District, ID, Application Nos. 191036318, Request for Review and Waiver, CC Docket No. 02-6 (filed Apr. 7, 2020)

---

<sup>14</sup> See *Request for Review of Decisions of the Universal Service Administrator by Synergetics Diversified Computer Services*, CC Docket No. 96-45, Order, 28 FCC Rcd 6929, 6930-6931, paras. 1-3 (WCB 2013) (finding that service provider assistance in the preparation and submission of the FCC Form 470 was a violation of the competitive bidding rules.) We also note that during a USAC audit, Pilgrim Christian School failed to produce E-Rate records requested by auditors during a five-year record retention period. See 47 C.F.R. 54.516 (2005). As a result, USAC also denied Pilgrim Christian School's appeal for this reason, in addition to improper service provider involvement in the Form 470 process. However, upon our *de novo* review of the record we waive the record retention requirements. See 47 C.F.R. § 54.723(a). Pilgrim Christian School explains that due to a large fire the documentation was lost, and the school did not function for about six months and then it was relocated and finally returned to its facilities three years later (around 2007) when the new building was finished. See *Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-6, Order, DA-19-15, 2019 WL 105372 (WCB 2019) (*California Wildfire Order*) (finding that extensive damage and disruption in service caused by the October 2017 wildfires present compelling and unique circumstances that merit a waiver of certain rules including the document retention rules.)

<sup>15</sup> See *Request for Review by Mastermind Internet Services, Inc., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket No. 96-45, Order, 16 FCC Rcd 4028 (2000) (*Mastermind Order*) (finding that the FCC Form 470 contact person influences an applicant's competitive bidding process by controlling the dissemination of information regarding the services requested and, when an applicant delegates that power to an entity that also participates in the bidding process as a prospective service provider, the applicant impairs its ability to hold a fair competitive bidding process); *Request for Review by Dickenson County Public Schools, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, 17 FCC Rcd 15747, 15748, 15750 paras. 3, 8 (WCB 2002) (noting that an applicant impairs its ability to hold a fair and open competitive bidding process when the applicant's FCC Form 470 contact person is also a service provider participating in the bidding process as a bidder). We also note that in the *Schools and Libraries Sixth Report and Order*, the Commission codified the existing requirement that the E-Rate competitive bidding process be fair and open. See *Schools and Libraries Universal Service Support Mechanism and A National Broadband Plan for Our Future*, Sixth Report and Order, CC Docket No. 02-6, 25 FCC Rcd 18762, 18798-800, paras. 85-86 (2010) (*Schools and Libraries Sixth Report and Order*); 47 C.F.R. § 54.503. See 47 C.F.R. § 54.503(a) and note to para (a) (The following actions violate a fair and open competitive bidding process: a service provider representative is listed as the FCC Form 470 contact person and allows that service provider to participate in the competitive bidding process and/or the service provider prepares the applicant's FCC Form 470 or participates in the bid evaluation or vendor selection process in any way).

*Invoice Deadline Extension Requests*<sup>16</sup>

Ednetics, Inc. (Kent School District), WA, Application No. 171038872, Request for Waiver, CC Docket No. 02-6 (filed May 21, 2020)

Maine School Administrative District 58, ME, Application No. 181035859, Request for Waiver, CC Docket No. 02-6 (filed May 19, 2020)

RMM Solutions, Inc. (Chequamegon School District), WI, Application No. 181038911, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2020)

Southern California Edison Company (CENIC-Corporation for Education Network Initiatives in California), CA, Application No. 181005262, Request for Waiver, CC Docket No. 02-6 (filed Apr. 15, 2020)

Southern California Edison Company (CENIC-Corporation for Education Network Initiatives in California), CA, Application No. 181011993, Request for Waiver, CC Docket No. 02-6 (filed Apr. 15, 2020)

St. Ambrose School, OH, Application No. 171045978, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2020)

**Rural Health Care Program****WC Docket No. 02-60****Granted***Bid Documentation Waiver*<sup>17</sup>

Southside Community Services Board, VA, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 1688066, 1688063, 1688069, and 1688068 (filed May 9, 2019)

<sup>16</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.

<sup>17</sup> We grant this request for waiver of the requirement to submit copies of the bids received by Southside Community Services Board (SCSB) in response to its request for services because the failure to submit a copy of the only bid received did not harm the competitive bidding process and the record includes no evidence of waste, fraud, or abuse. See *Request for Review or Waiver by Maniilaq Association of Decision of Universal Service Administrator, Rural Health Care Universal Service Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 1458 (WCB 2020) (granting request to waive the requirement to submit copies of bids received in response to a request for services because only one viable bid was submitted thereby ensuring that the most cost-effective service was selected, the competitive bidding process was conducted in a fair and open manner, and there was no evidence of waste, fraud, or abuse). This waiver applies only to the specific question at issue and funding requests at issue in this appeal, which are funding request numbers (FRNs) 1688066, 1688063, 1688069, and 1688068. SCSB submitted separate funding requests (FRNs 1694413, 1694411, 1694417, and 1694415) that appear to duplicate the requests which are the subject of this waiver request. We direct USAC to complete its review of the funding requests at issue in this waiver request and the apparent duplicative funding requests and issue a funding commitment or a denial based on its complete review and analysis. In remanding these applications to USAC, we make no finding as to the ultimate outcome of these funding requests.



*Invoice Filing Deadline*<sup>18</sup>

New England Telehealth Consortium, ME, Request for Waiver, WC Docket No. 02-60, Funding Request No. 18417271 (filed Dec. 31, 2019)

*Service Delivery Deadline Waiver*<sup>19</sup>

Gunnison Valley Health, CO, Request for Waiver, WC Docket No. 02-60, Funding Request No. 18459361 (filed Apr. 8, 2020)

---

<sup>18</sup> See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 2042, 2044-45, para. 6 (WCB 2018) (finding that extraordinary circumstances exist to grant a waiver of the invoice deadline “when applicants and service providers have made every attempt to comply with the invoice deadline rules, but were blocked from timely completing the invoicing process because a predicate request or function had not been completed (or could not be completed) by USAC’s systems”). See also *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 programs rules impossible). In this case, the New England Telehealth Consortium (NETC) was unable to submit its invoice by the invoicing deadline because USAC had not yet resolved its site and service substitution request. Without an approved site and service substitution request, the invoiced services would not match the services approved in NETC’s funding commitment, and the invoice would be rejected. To ensure that it could submit invoices after USAC resolved its site and service substitution request, NETC filed this request for waiver before the deadline to file invoices lapsed. We direct USAC to set a new invoice filing deadline of 180 days from the latter of the release of this Public Notice and USAC’s issuance of a revised funding commitment letter resolving site and service substitution request.

<sup>19</sup> We grant Gunnison Valley Health’s request for waiver of the service delivery deadline for FRN 18459361 and extend the service delivery deadline to September 30, 2020. Gunnison Valley Health received funding in funding year 2018 under the Healthcare Connect Fund to complete a dark fiber project. Gunnison Valley Health was granted a one-year extension of the service delivery deadline, which allowed it until June 30, 2020 to complete the project. In light of the COVID-19 pandemic, construction on the project was stopped in March 2020, making completion by the extended service delivery deadline impossible. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, Public Notice, CC Docket 02-6, WC Docket 02-60, DA 20-572, n. 13 (rel. May 29, 2020) (granting a request for waiver of the service delivery deadline when circumstances outside the applicant’s control prevented them from adhering to the deadline). See also *Requests for Review of the Decision of the Universal Service Administrator by Accelerated Charter Los Angeles, CA et al., Schools and Libraries Universal Service Support Mechanism*, Order, CC Docket 02-6, 29 FCC Rcd 13652, 13652, para. 2 (WCB 2014) (granting waivers of the E-Rate service implementation deadline where the petitioners were unable to complete implementation timely for reasons beyond their control).

Denied*Invoice Filing Deadline*<sup>20</sup>

Espy Services (Kings Daughter Medical Center), KY, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17141181, 17220411 (filed Feb. 14, 2019)

Espy Services (Adams Memorial Hospital), IN, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17111161 (filed Feb. 14, 2019)

Espy Services (Forrest General Health), MI, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17145941 (filed Feb. 14, 2019)

Espy Services (Southeast Health), AL, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17131311 (filed Feb. 12, 2019)

Espy Services (Banner Health), AZ, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17238511, 17237161, 17238181, 17245341 (filed Feb. 12, 2019)

Espy Services (Baptist Memorial Health Care Corporation Consortium), TN, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17170311 (filed Feb. 12, 2019)

Espy Services (Hutchinson Regional Medical Center, Inc), KS, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17156511, 17130731 (filed Feb. 12, 2019)

Espy Services (Spectrum Health Systems Consortium), MA, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17187021, 17145431, 17150691, 17258341 (Feb. 12, 2019)

Espy Services (Novant Health, Inc. Consortium), NC, VA, SC, GA, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17190401, 17206691, 17195331 (filed Feb. 12, 2019)

Espy Services (Artesia General Hospital), NM, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17156321, 17158491 (filed Feb. 11, 2019)

Espy Services (Sutter Health), CA, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17111511, 17114101, 17114121, 17114531, 17114671, 17115231, 17115481, 17116261, 17117231, 17117261, 17117301, 17117481, 1711601, 17117651, 17118581, 17119121, 17126401, 17174701, 17265641 (filed Feb. 11, 2019)

---

<sup>20</sup> See *Requests for Review or Waiver of Decisions by the Universal Service Administrative Company by Indiana 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). In this instance, although USAC did not notify Espy Services and the health care providers of its site and service substitution approvals via email, information related to the funding commitments—including the invoice filing deadlines—was accessible through USAC's online system. Further, 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.

Espy Services (Presbyterian Healthcare), NM, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17173251 (filed Feb. 11, 2019)

Espy Services (Ochsner Health Systems), LA, MS, Request for Waiver, WC Docket No. 02-60, Funding Request No. 17109351 (filed Feb. 11, 2019)

Espy Services (Lafayette General Health), LA, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 17143371, 17143731 (filed Feb. 11, 2019)

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

**Dismissed Without Prejudice**

*Request for Waiver of Form 499-A Revision Deadline*<sup>21</sup>

The Dodson Group, Inc., Request for Waiver, WC Docket No. 06-122 (filed Nov. 11, 2019)

*Request for Waiver of Form 499-Q Revision Deadline*<sup>22</sup>

VOIP Awesome, Inc., Letter from Jambu Atchison, VOIP Awesome, Inc., to Federal Communications Commission, WC Docket No. 06-122 (filed May 28, 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.

- FCC -

---

<sup>21</sup> 47 CFR § 1.1910(b). 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 year 2010 request pursuant to the Commission's "red light rules").

<sup>22</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).