



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
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TTY: 1-888-835-5322

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

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

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

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

#### Dismissed<sup>3</sup>

Vernon Parish School Board, LA, Application No. 161038692, Request for Review, CC Docket No. 02-6, (filed Nov. 22, 2019)

#### Dismissed on Reconsideration<sup>4</sup>

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<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but 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., *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, para. 2 (Wireline Comp. Bur. 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Ednetics, Inc. (Kent School District), ID, Application No. 171038872, Petition for Reconsideration, CC Docket No. 02-6 (filed July 27, 2020)

Southern California Edison Company (Corporation for Education Network Initiatives), CA, Application No. 181011993, Petition for Reconsideration, CC Docket No. 02-6 (filed July 29, 2020)

Southern California Edison Company (Corporation for Education Network Initiatives), CA, Application No. 181005262, Petition for Reconsideration, CC Docket No. 02-6 (filed July 29, 2020)

Granted<sup>5</sup>

*Discount Calculation – Allowing Additional Documentation to Support Discount Rate*<sup>6</sup>

Fitkids, Inc. Dba Champion Schools, AZ, Application No. 181010048, Request for Review, CC Docket No. 02-6 (filed Aug. 6, 2018)

*Discount Calculation – Allowing Resubmission of Discount Information*<sup>7</sup>

Bnos Bracha Girls School, NJ, Application Nos. 161011449, 161011477, Request for Review, CC Docket No. 02-6 (filed Aug. 27, 2018)

Blue Elem School District, AZ, Application No. 201011981, Request for Review, CC Docket No.

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<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> 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>6</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Bright Star Schools Consortium et al.; Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 11204, 11204, para. 1 (WCB 2013) (granting applicants a limited 15-day opportunity to file additional documentation to support their calculation of the correct discount rate).

<sup>7</sup> 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) (*Academia Claret Order*) (allowing the submission of discount calculation information when the applicant was previously unable to fully comply with the document request within USAC's permitted time period). To the extent necessary and consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See *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*) (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 CFR §§ 54.720(a), (b).

02-6 (filed July 1, 2020)

Brooklyn Emerging Leaders Academy Charter High School, NY, Application Nos. 201026972, 201026974, Request for Review, CC Docket No. 02-6 (filed July 6, 2020)

Dr. Joseph F. Pollack Academic Center of Excellence (PACE), MI, Application Nos. 181000363, 181000370, Request for Review, CC Docket No. 02-6 (filed July 18, 2018)

Geysler School District 58, MT, Application No. 201002578, Request for Review, CC Docket No. 02-6 (filed July 29, 2020)

Hardin County School District, TN, Application No. 191038515, Request for Review, CC Docket No. 02-6 (filed Dec. 11, 2019)

Holy Spirit School, OH, Application No. 191020569, Request for Review, CC Docket No. 02-6 (filed Oct. 17, 2019)

Keswick Christian School, FL, Application No. 191040620, Request for Review, CC Docket No. 02-6 (filed Feb. 24, 2020)

St. Helen School, FL, Application No. 191019545, Request for Review, CC Docket No. 02-6 (filed Sept. 23, 2019)

VERNET, Inc. (Academia Adventista de Florida), PR, Application No. 1013040, Request for Review, CC Docket No. 02-6 (filed Mar. 10, 2016)

*Discount Calculation – Correcting Discount Information Across Funding Requests<sup>8</sup>*

Galena School District R2, MO, Application No. 171030761, Request for Review, CC Docket No. 02-6 (filed July 31, 2019)

*Discount Calculation – Overturning USAC Discount Calculation Determination<sup>9</sup>*

Academia Adventista de Mucarabones, PR, Application No. 1027727, Request for Review, CC Docket No. 02-6 (filed Mar. 10, 2016)

*Invoice Timely Filed<sup>10</sup>*

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<sup>8</sup> See, e.g., *Academia Claret Order*, 21 FCC Rcd at 10708, para. 12, n.37 (allowing alterations to the discount calculation based on inconsistent findings by USAC regarding crucial issues, including differences in discounts between school districts and the libraries within those school districts).

<sup>9</sup> See, e.g., *Academia Claret Order*, 21 FCC Rcd at 10708, para. 12 (correcting discount calculation on behalf of applicant when there was inconsistent findings by USAC regarding crucial issues). In this case, USAC disregarded information after mistakenly determining that the discount information submitted was for a school other than Academia Adventista de Mucarabones. On review, we find that the third-party documentation submitted on appeal represents Academia Adventista de Mucarabones, which also is known as Academia Teresa Cancel.

The Mercury Group (Waterbury Library System), CT, Application No. 181039408, Request for Waiver, CC Docket No. 02-6 (filed April 2, 2020)

*Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control*<sup>11</sup>

Connelly School of the Holy Child, MD, Application No. 201044343, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2020)

Elizabeth Seton High School, MD, Application No. 201044347, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2020)

Pittsburgh Central Catholic High School, PA, Application No. 201044320, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2020)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>12</sup>

Brandon Hall School, GA, Application No. 201008187, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

Grace OC Academy, CA, Application No. 201008426, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

Holy Family Catholic School, ID, Application No. 201043977, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

Keller ISD, TX, Application No. 201044239, Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2020)

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<sup>10</sup> Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant this request for review. *See* 47 C.F.R. § 54.723. We find that The Mercury Group timely filed an invoice for the services at issue. Because this invoice was submitted before the respective invoice deadline, USAC should accept the submitted invoice or the service provider should be given the opportunity by USAC to refile invoices on remand. We note that The Mercury Group has submitted its FCC Form 473, certifying its compliance with our rules. In this instance, we waive sections any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See supra* note 5.

<sup>11</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). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See 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); 47 CFR §§ 54.720(a), (b).

<sup>12</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). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See 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); 47 CFR §§ 54.720(a), (b).

Oasis Public Charter School, CA, Application No. 201044077, Request for Waiver, CC Docket No. 02-6 (filed Aug. 18, 2020)

Ojai Valley School, CA, Application No. 201044282, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2020)

Rocky Mount Academy, NC, Application No. 201044248, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

Sacred Heart School, PA, Application No. 201044091, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

Salesian College Preparatory, CA, Application No. 201008461, Request for Waiver, CC Docket No. 02-6 (filed Aug. 19, 2020)

*Late-Filed FCC Form 471 Applications – Funding Year 2020 Application Less Than 60 Days Late<sup>13</sup>*

Anaconda Public Schools, MT, Application No. 201044632, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2020)

Archdiocese Of Atlanta Schools, GA, Application No. 201044685, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2020)

Beacon College Preparatory, TN, Application Nos. 201044546, 201044547, Request for Waiver, CC Docket No. 02-6 (filed July 2, 2020)

Bennett Community School District, IA, Application No. 201044629, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2020)

Blue Hill Public Library, ME, Application No. 201044579, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2020)

Canton Country Day School, OH, Application No. 201006854, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2020)

Central Rivers Area Education Agency, IA, Application No. 201044604, Request for Waiver, CC Docket No. 02-6 (filed July 1, 2020)

Cheder Menachem Elementary School, PA, Application No. 201044610, Request for Waiver, CC Docket No. 02-6 (filed July 2, 2020)

Community School of Davidson, NC, Application No. 201044486, Request for Waiver, CC

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<sup>13</sup> See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Agri-Business Child Development et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 20-845, para. 7 (WCB rel. Aug. 6, 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the funding year 2020 FCC Form 471 application filing window deadline for applicants impacted by the coronavirus (COVID-19) pandemic that requested a waiver of the filing deadline and submitted their applications within 60 days of the close of the filing window). Because the *Agri-Business Child Development Order* was released August 6, 2020, we also find good cause exists to waive the funding year 2020 FCC Form 471 application filing window deadline for those applicants filing their applications on or before that date. We emphasize, however, that this additional relief applies only to this subset of applications and applicants should not expect the Commission to grant additional waivers absent a showing of extraordinary circumstances.

Docket No. 02-6 (filed Aug. 3, 2020)

Detroit Academy of Arts & Sciences, MI, Application No. 201044684, Request for Waiver, CC Docket No. 02-6 (filed July 29, 2020)

Devine Independent School District, TX, Application No. 201044598, Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

Frontier Schools System, MO, Application No. 201044616, Request for Waiver, CC Docket No. 02-6 (filed July 2, 2020)

Henry Hudson Regional School District, NJ, Application No. 201044603, Request for Waiver, CC Docket No. 02-6 (filed July 30, 2020)

Lander County School District, NV, Application No. 201044572, Request for Waiver, CC Docket No. 02-6 (filed June 25, 2020)

LaSalle Public Library, IL, Application No. 201044527, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2020)

LEAF Charter School, NH, Application No. 201044486, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2020)

Lorenzo R. Smith Elementary School, IL, Application No. 201031666, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2020)

Lourdes Catholic School, IA, Application No. 201044583, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2020)

New Jersey Schools Development Authority, NJ, Application No. 201044071, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2020)

Northeast R4 School District, MO, Application Nos. 201044600, 201044596, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2020)

Oakland Avenue Charter School, FL, Application No. 201044390, Request for Waiver, CC Docket No. 02-6 (filed May 27, 2020)

Paris Independent Schools, KY, Application Nos. 201037953, 201044713, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2020, supplemented Aug. 4, 2020)

Reed Custer School District, IL, Application No. 201044576, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2020)

Rowanty Technical Center, VA, Application No. 201044648, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2020)

Royal School District, WA, Application No. 201044615, Request for Waiver, CC Docket No. 02-6 (filed July 1, 2020)

Sabis International Charter School, MA, Application No. 201044613, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2020)

Saint Lucas Lutheran School, WI, Application No. 201044640, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2020)

School District of Holmen, WI, Application No. 201044619, Request for Waiver, CC Docket No. 02-6 (filed July 2, 2020)

Searcy Special School District, AR, Application No. 201044488, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2020)

St. John Vianney High School, MO, Application No. 201044710, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2020)

Susquehanna CO Career & Technology Center, PA, Application No. 201044646, Request for Waiver, CC Docket No. 02-6 (filed July 14, 2020, supplemented Aug. 27, 2020)

The Gregory School, AZ, Application No. 201044723, Request for Waiver, CC Docket No. 02-6 (filed Aug. 5, 2020)

Visitation Academy of St. Louis, MO, Application No. 201044711, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2020)

Volusia County School District (Department of Management Services), FL, Application No. 201044620, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2020)

West Clermont Local School District, OH, Application No. 201044618, Request for Waiver, CC Docket No. 02-6 (filed July 2, 2020)

Zapata County Independent School District, TX, Application No. 201044625, Request for Waiver, CC Docket No. 02-6 (filed July 6, 2020)

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

Arthur Public Library, IA, Application No. 201025713, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 10, 2020, supplemented 29, 2020)

Dexter Southfield School, MA, Application No. 201009817, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 30, 2020)

Ecole Bilingue de Berkeley, CA, Application No. 201005252, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 13, 2020)

Edison Township School District, NJ, Application No. 201020025, Request for Review and/or

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<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 FCC Rcd 17319, 17320 nn.5, 9, 13 & 19 (WCB 2010) (*Ann Arbor Order*) (permitting applicant to add an omitted item that was on its source list, correct the expiration date of a contract, a mistyped number (here number of months), a mischaracterization of the discounted price as the pre-discounted price, and permitting applicant to correct wrong term of service on its FCC Form 471); *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15521 n.19 (WCB 2008) (permitting applicant to correct a pre-discount price on its FCC Form 471 to conform to the price on the source document).

Waiver, CC Docket No. 02-6 (filed July 30, 2020)

PCM Community School District, IA, Application No. 201016285, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 30, 2020, supplemented Aug. 11, 2020)

Pioneer Valley Regional School District, MA, Application No. 201025522, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 14, 2020)

St. Raymond Elementary School, CA, Application No. 201000591, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 3, 2020)

Waco Independent School District, TX, Application No. 181024770, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2020)

*Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application*<sup>15</sup>

Kennett Consolidated School District, PA, Application No. 201044638, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2020)

Tippecanoe Valley School District, IN, Application No. 201044630, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2020)

*Upfront Recurring Charges*<sup>16</sup>

VC Services, LLC (Hebrew Academy), CA, Application Nos. 161007144, 161012848, Request for Review, CC Docket No. 02-6 (filed Feb. 7, 2020)

VC Services, LLC (Hillel Academy), WI, Application No. 161007136, Request for Review, CC Docket No. 02-6 (filed Feb. 7, 2020)

*Waiver of Special Construction Service Delivery Deadline*<sup>17</sup>

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<sup>15</sup> See, e.g., *Ann Arbor Order*, 25 FCC Rcd at 17319-20, para. 2 & n. 5 (permitting applicant to include item omitted from the FCC Form 471, but included on its source list).

The petitioners did not realize their funding request was omitted until the application window for FY2020 had closed. They then filed late an application for these services in the application numbers listed above. We direct USAC to include these late-filed funding requests on the petitioners' timely-filed FY2020 applications or accept their late-filed applications as timely.

<sup>16</sup> Based on an audit finding, USAC seeks to recover funding from VC Services, LLC for recurring services that were invoiced in advance of delivery. The invoice covered all 12 months of the funding year pursuant to an annual contract and was issued during the first month of the funding year. Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant this request for review. See 47 CFR § 54.723. Based on the facts and circumstances of this case, we find that VC Services, LLC properly invoiced for the services and the services were delivered within the funding year. See, e.g., *Request for Review of a Decision of the Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15413, 15416, para. 6 (WCB 2008) (conducting *de novo* review of the facts and circumstances to determine that USAC's decision was in error).

Further we dismiss as moot the request for review filed by VC Services, LLC, CC Docket No. 02-6, on Dec. 6, 2018 because the issue in that appeal was consolidated in the February 7, 2020 filing which we address here.



Socorro Consolidated School District, NM, Application No. 181020018, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 4, 2019)<sup>18</sup>

Denied

*Failure to File FCC Form 470 for Current Funding Year*<sup>19</sup>

Michigan City Area Schools, IN, Application No. 181029870, Request for Review, CC Docket No. 02-6 (filed Oct. 16, 2018)

*Improper Service Provider Involvement*<sup>20</sup>

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<sup>17</sup> See *Request for Waiver by Utah Education and Telehealth Network; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 4607, 4611, paras. 11-12 (WCB 2018) (granting a waiver of the special construction service delivery deadline when strict adherence to the Commission's rules would leave an applicant with inadequate time to complete construction of its planned network); see also *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) (*Grants/Cibola County School District and Jemez Pueblo Tribal Consortium Order*) (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 5.

<sup>18</sup> Consistent with precedent, we find good cause exists to waive section 54.720(a) of the Commission's rules, which requires the petitioners file their appeals within 60 days of an adverse USAC decision, because Socorro Consolidated School District filed its request for waiver within 12 days of receiving actual notice of USAC's adverse decision. See *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of the filing deadline for appeals when petitioners submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 C.F.R. § 54.720(a). USAC denied Socorro's request for service delivery deadline extension because the supporting documentation suggested Socorro was sharing excess capacity with a third-party entity in violation of the self-provisioning network rules. After reviewing the record, we find that Socorro demonstrated that it did not share excess capacity with third party entities, and therefore, we grant the appeal on the merits. See *Requests for Waiver and Review of Decisions of the Universal Service Administrator by AllWays, Inc. (Prairie Hills School District 144); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1968, 1969, para. 1 (WCB 2012) (upholding denials of funding requests for services that had not been designated as eligible for E-rate support). Next, we waive the special construction service delivery deadline because Socorro was unable to complete implementation for reasons beyond its control and made good faith efforts to comply with Commission rules. See *Grants/Cibola County School District and Jemez Pueblo Tribal Consortium Order*, 33 FCC Rcd at 10052, paras. 10-11 (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). Accordingly, we direct USAC to set a new service delivery deadline of June 30, 2021, and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling.

<sup>19</sup> See, e.g., *Review of the Decision of the Universal Service Administrator by Aberdeen School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 10 (2007) (denying appeal where applicant failed to file a new FCC Form 470 and solicit bids in the year for which it sought services, thereby circumventing the competitive bidding process).

Oneida County Free Library, ID, Application No 191009624, Request for Review, CC Docket No. 02-6 (filed Dec. 17, 2019)

*Invoice Deadline Extension Requests*<sup>21</sup>

Ouachita Parish Public Library, LA, Application No. 181022025, Request for Waiver, CC Docket No. 02-6 (filed July 28, 2020)

San Rafael City School District, CA, Application No. 181033914, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2020)

Wake County Public Schools, NC, Application No. 181018864, Request for /waiver, CC Docket No. 02-6 (filed June 22, 2020)

*Late-Filed FCC Form 471 Applications*<sup>22</sup>

Blessed John Paul II, PA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Aug. 5, 2020)

Holy Name School, TX, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 26, 2020)

Our Lady of Grace Academy, TX, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 26, 2020)

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<sup>20</sup> 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 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). 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 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) (noting that 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).

<sup>21</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>22</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Putnam County Public Library District, IL, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 19, 2020)

Sacred Heart Elementary School, TX, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 26, 2020)

Saint Philip School, RI, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 29, 2020)

St. James the Apostle, TX, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 26, 2020)

St. Mary Magdalen, TX, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 26, 2020)

St. Thomas More, TX, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 26, 2020)

Wauneta-Palisade School District 536, VA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed May 11, 2020)

Yreka Union High School District, CA, No Application No., Request for Waiver, CC Docket No. 02-6 (filed June 24, 2020)

*Untimely Filed Appeals or Waiver Requests*<sup>23</sup>

Community College Preparatory PCS, DC, Application No. 191041326, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2020)

eStem Public Charter Schools, AR, Application No. 181013328, Request for Waiver, CC Docket No. 02-6 (filed April 28, 2020)

Union Telephone Company (Fremont County School District #6 and #14 and Carbon County School District #2), WY, Application Nos. 161042819, 161042345, 171018935, 171021507, Request for Waiver, CC Docket No. 02-6 (filed April 30, 2020)

**Rural Health Care Program**

**WC Docket No. 02-60**

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<sup>23</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).

Granted*Waiver of the Appeal Filing Deadline*<sup>24</sup>

Lewis Community Health Services d/b/a Valley View Health Center - Winlock, WA, Request for Waiver, WC Docket No. 02-60, Funding Request Number 1719776 (filed June 14, 2019)

*Waiver of the Invoice Filing Deadline*<sup>25</sup>

Missouri Research & Education Network, MO, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 18316481, 18316671, 18323211 (filed Dec. 17, 2019)

Denied*Waiver of the Invoice Filing Deadline*<sup>26</sup>

Girard Medical Center, KS, Request for Waiver, WC Docket 02-60, Funding Request No. 18363201 (filed Jan. 22, 2020)

**Contribution Methodology****WC Docket No. 06-122**Granted*Request for Waiver of Filing Deadline Due to Coronavirus (COVID-19)*<sup>27</sup>

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<sup>24</sup> We grant Lewis Community Health Services' request to waive the appeal filing deadline pursuant to section 54.720(b). Lewis Community Health Services filed its appeal with USAC on November 20, 2019, missing the appeal deadline by one day. See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Children of Peace School*, CC Docket 02-6, Order, 25 FCC Rcd 5492, 5495, para. 6 (WCB 2010) (finding that the petitioners missed the appeal filing deadline by only a few days and that was good cause to waive the appeal filing deadline rule); *Requests for Waiver of Decisions of the Universal Service Administrator by Cathedral Home for Children*, CC Docket 02-6, Order, 28 FCC Rcd 5482, 5483, para. 2 (WCB 2013) (waiving section 54.720(a) because the petitioner submitted its appeal to USAC only two days late). Lewis Community Health Services submitted a duplicate waiver request of the appeal filing deadline for the same funding request number on July 10, 2019. As the requested relief is granted, we dismiss the July 10, 2019 waiver request as moot. See *Streamlined Resolution of Requests Related to the Universal Service Administrative Company*, CC Docket 02-6, et al., Public Notice, 35 FCC Rcd 5483, 5492-93, n.10 (WCB rel. May 29, 2020) (finding that no waiver was needed and dismissing the request as moot).

<sup>25</sup> See *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020); *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.

<sup>26</sup> See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 33 FCC Rcd 12341, 12343, para. 5 (WCB 2018) (*Indiana Telehealth Network Order*) (denying a request for waiver of the invoice filing deadline when the delay in certifying and submitting the invoice form was for reasons within the applicant or service provider's control). 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).

<sup>27</sup> 47 CFR § 54.713(c). See, e.g., *Schools and Libraries Universal Support Mechanism et al.*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, Order, 32 FCC Rcd 7456, 7461-63, paras.

(continued....)

Alia Network Corporation, LLC, Letter from Xinguo Wei, to Federal Communications Commission, WC Docket No. 06-122 (filed Aug. 7, 2020)

Business Solutions Group, LLC, Letter from Mark Tan, Office Manager, to Federal Communications Commission, WC Docket No. 06-122 (filed Aug. 13, 2020)

### Dismissed Without Prejudice

#### *Request for Waiver of Late Fees*<sup>28</sup>

Arista Enterprises, LLC, Letter from Michael Scharga, to Federal Communications Commission, WC Docket No. 06-122 (filed Aug. 7, 2020)

Xchange Telecom, Letter from David Beck, to Federal Communications Commission, WC Docket No. 06-122 (filed Aug. 5, 2020)

### Denied

#### *Request for Waiver of FCC Form 499-Q Revision Deadline*<sup>29</sup>

Gen Mobile, Inc. Emergency Request for Waiver, WC Docket No. 06-122 (filed Aug. 17, 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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17-21 (WCB 2017) (finding good cause to waive certain rules and deadlines for contributors whose operations were substantially impacted by the Hurricanes and thus prevented from meeting filing deadlines).

<sup>28</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).

<sup>29</sup> See, e.g., *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Federal-State Joint Board on Universal Service; Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC Form 499 instructions).