



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. 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.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 on Reconsideration³

Making Waves Academy, CA, Application No. 181033948, Petition for Reconsideration, CC Docket No. 02-6 (filed July 29, 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 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).

Grant on Reconsideration – Restoring Mistakenly Cancelled Funding Requests⁵

Dayton Leadership Academy, OH, Application Nos. 181043186, 181024576, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 21, 2020)

Invoice Timely Filed⁶

New Jersey Schools Development Authority, NJ, Application No. 181040336, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 2, 2020)

Late-Filed FCC Form 471 Applications – Funding Year 2020 Application Less Than 60 Days Late⁷

Marseilles Public Library, IL, Application No. 201028497, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2020)

Statesboro Regional Public Libraries, GA, Application No. 201044420, Request for Waiver, CC Docket No. 02-6 (filed Aug. 17, 2020)

St. Matthias Elementary School, WI, Application No. 201044651, Request for Waiver, CC

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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., Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc., et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (granting petitioners' requests to restore mistakenly cancelled funding requests). We find that Dayton Leadership Academy mistakenly cancelled a timely-filed FCC Form 471 and refiled one outside the funding window to change the billed entity number (BEN). We direct USAC to restore cancelled FCC Form 471 number 181024576 and include the proper BEN.

⁶ 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 USAC rejected a correct and timely filed invoice submitted by New Jersey Schools Development Authority. Because this filing was submitted before the respective invoice deadline, USAC should accept the submitted invoice or the applicants should be given the opportunity by USAC to refile invoices on remand. In this instance, we waive sections any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See supra* note 4.

⁷ *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, 35 FCC Rcd 8278, 8280, para. 7 (WCB 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 July 15, 2020)

*Ministerial and/or Clerical Errors*⁸

Charles City Public Library, IA, Application No. 191018537, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 1, 2020)

Dayton Leadership Academy, OH, Application Nos. 191031563, 191026445, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Jan. 13, 2020)

Texarkana Independent School District, TX, Application No. 201014901, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 9, 2020)

*Ministerial and/or Clerical Errors – FRN Omitted from FCC Form 471 Application*⁹

Bridgeport Public Library, CT, Application No. 201044771, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2020)

Sequoyah School, CA, Application No. 201044736, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2020)

Sioux Central Community District, IA, Application Nos. 201044777, 201044778, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2020)

Stark County CUSD 100, IL, Application No. 201044897, Request for Waiver, CC Docket No. 02-6 (filed Sept. 21, 2020)

*Waiver of Late-filed Waiver Request*¹⁰

Dracut Public Schools, MA, Application No. 171047385, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2020)¹¹

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 nn.5, 7, 20 (WCB 2010) (*Ann Arbor Order*) (permitting applicant to add an omitted item that was on its source list, and permitting an applicant to correct a billed entity number and wrong category of service on its FCC Form 471).

⁹ 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.

¹⁰ 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) (granting waivers of filing deadline for petitioners that submitted their appeals or waiver requests to the Commission or USAC late but within a reasonable period of time after receiving actual notice of USAC's adverse decision). 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 Dracut Public Schools' appeal was denied in a revised funding commitment decision letter (RFCDL) after USAC said it failed to timely respond to additional information regarding the appeal. Because the school district believed it

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Nassau County BOCES, NY, Application No. 171037763, Request for Waiver, CC Docket No. 02-6 (filed Dec. 16, 2019)¹²

Denied

*Incorrect Service Category*¹³

San Juan Diego Catholic High School, TX , Application No. 191021470, Request for Waiver, CC Docket No. 02-6 (filed Aug. 26, 2020)

*Invoice Deadline Extension Requests*¹⁴

Comcast Business (Harvey School District 152), IL, Application No. 181040648, Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2020)

Norwich Public Utilities (Norwich Public Schools District), CT, Application No. 171024049, Request for Waiver, CC Docket No. 02-6 (filed Aug. 21, 2020)

*Late-Filed FCC Form 471 Applications*¹⁵

Georgetown Public Library, Application Nos. 201044740, 201044741, Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2020)

Millwood Independent School District, OK, Application Nos. 201044727, 201044731, Request for Waiver, CC Docket No. 02-6 (filed Aug. 7, 2020)

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had responded with the information in a timely manner, it reached out to USAC to resolve the issue. USAC stated it would respond to Dracut Public Schools' outreach, but the school district said it never did. When USAC stopped communicating with the school district, Dracut Public Schools filed an appeal with the Commission. Even though the appeal was late based on the date of the RFCDL, it was filed within a reasonable period of time from when Dracut Public Schools no longer had an expectation that USAC would help them correct the problem.

¹² Because of unannounced changes in the BEAR invoice notification process, Nassau County BOCES said it did not receive timely notification of the denial in funding. Even though Nassau County BOCES's appeal was late based on the date of the BEAR denial notification, it was filed within a reasonable period of time from when Nassau County BOCES realized its invoice was not funded.

¹³ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-Rate funding).

¹⁴ 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.

¹⁵ 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).

Oakdale Christian High School, KY, No Application No., Request for Waiver, CC Docket No. 02-6 (filed Aug. 13, 2020)

*Untimely Filed Appeals or Waiver Requests*¹⁶

Greater Summit County Early Learning Center, OH, Application No. 171043028, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2020)

Lowell Joint School District, CA, Application Nos. 191004247, 191019859, Request for Waiver, CC Docket No. 02-6 (filed Aug. 31, 2020)

San Joaquin Valley Library System, CA, Application No. 191011092, Request for Waiver, CC Docket No. 02-6 (filed Jan. 31, 2020)

Contribution Methodology
WC Docket No. 06-122

Granted

*Request for Waiver of Filing Deadline Due to Coronavirus (COVID-19)*¹⁷

Vinakom Communications, Request for Waiver of FCC Form 499-A Late Filing Deadline, WC Docket No. 06-122 (filed Sept. 23, 2020)

Voko Communications, Letter from Dick Cai, to Federal Communications Commission, WC Docket No. 06-122 (filed Sept. 22, 2020)

*Request for Waiver of 499-Q Revision Deadline Due to Coronavirus (COVID-19)*¹⁸

CSC Wireless LLC, Request for Waiver of 499-Q Revision Deadline, WC Docket No. 06-122 (filed Sept. 29, 2020)

Dismissed Without Prejudice

*Request for Waiver of Late Fees*¹⁹

¹⁶ 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).

¹⁷ 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. 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).

¹⁸ 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. 17-21 (WCB 2017) (finding good cause to extend the 45-day revision deadline for Form 499-Q filings for providers whose operations were substantially impacted by the Hurricanes).

Etairos Corp., Letter from Vickie Hoy, to Federal Communications Commission, WC Docket No. 06-122 (filed Sept. 22, 2020)

Global Network Solutions, LLC, Invoice from Universal Service Administrative Co., to Global Network Solutions, LLC, WT Docket No. 13-59 (filed Oct. 3, 2017)

*Request for Waiver of D.C. Agent for Service of Process Requirement*²⁰

JamKo Force Networks, LLC, Letter from James W. Kockler, to Federal Communications Commission, WC Docket No. 06-122 (filed Jul. 7, 2014)

Denied

*Request for Waiver of Late Filing Fees*²¹

Xclutel, LLC, Request for Waiver of FCC Form 499 Late Filing Fees, WC Docket No. 06-122 (filed Jul. 27, 2016)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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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 *Id.*

²¹ 47 CFR § 54.713. 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); *Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh- Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010) (good cause not shown when filers claim they were unaware of their obligation to file the forms, ignorant of the process for electronically filing the forms, or had otherwise failed to file the forms); *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 499 instructions).