



# 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.<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 the release date of this Public Notice.<sup>2</sup>

### Schools and Libraries (E-Rate)

CC Docket No. 02-6

Granted<sup>3</sup>

*Fair and Open Competitive Bidding Process*<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). Sections 54.719(b) of the Commission's rules provide 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. Sections 54.719(c) of the Commission's rules provide 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> 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>4</sup> See *Requests for Review of Decisions of the Universal Service Administrator by Kings Canyon Unified School*

(continued...)

Granville County Public Schools, NC, Application Nos. 694023, 689827, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 24, 2018)

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>5</sup>

Bullock County Schools, AL, Application No. 211040173, Request for Waiver, CC Docket No. 02-6 (filed Oct. 7, 2021)

*Late-Filed FCC Form 471 Applications – Application Filed More than 30 Days Late*<sup>6</sup>

Coffey County Area Network, KS, Application No. 211041068, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2021)

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*District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 4084, 4084-85, paras. 1-2 (WCB 2012) (granting appeal where applicant accepted gifts from service provider, but conducted a fair and open competitive bidding process under Commission rules that existed at the time); *see also Requests for Review of Decisions of the Universal Service Administrator by Dimmitt Independent School District, et al., Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 15581, 15587-89, paras. 10, 12 (WCB 2011) (granting appeals where the gifts at issue by themselves did not compromise the competitive bidding process). In each instance, the gifts were minimal, they were provided over the course of several years, or they were given to employees with no authority to bind the district to a contract or who had no ability to influence the competitive bidding decision.

<sup>5</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 to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the application filing window deadline).

Consistent with precedent, for Bullock County Schools, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of a USAC decision or action. *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Barrow County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 4028, 4029, para. 2 (WCB 2011) (*Barrow County Order*) (waiving the filing deadline for petitioners that filed an appeal within a reasonable period of time after receiving actual notice of the mistake).

<sup>6</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, 35 FCC Rcd 8278, 8280, para. 7 (WCB 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the 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 after the funding year 2020 window had closed, the Bureau also found good cause existed to waive the funding year 2020 FCC Form 471 application filing window deadline for those applicants filing their applications on or before that date, waiving the filing deadline for applications that were up to 99 days late. We extend this waiver standard to funding year 2021 applicants but emphasize 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.

Consistent with precedent, for Coffey County Area Network, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of a USAC decision or action. *See Barrow County Order*, 26 FCC Rcd at 4029, para. 2 (waiving the filing deadline for petitioners that filed an appeal within a reasonable period of time after receiving actual notice of the mistake).

*Late-Filed FCC Form 486*<sup>7</sup>

Mendota Unified School District, CA, Application No. 161040923, Request for Waiver, CC Docket No. 02-6 (filed Feb. 7, 2020)

West Preparatory Academy, OH, Application No. 191040764, Request for Waiver, CC Docket No. 02-6 (filed Aug. 10, 2020)

*Ministerial and/or Clerical Errors*<sup>8</sup>

Golden Plains Unified School District, CA, Application No. 201008188, Request for Waiver, CC Docket No. 02-6 (filed Oct. 15, 2021, supplemented Oct. 28, 2021)

Kreiva Academy Public Charter School, NH, Application No. 211027414, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2021)<sup>9</sup>

Notre Dame Catholic School, FL, Application Nos. 211006060, 211023688, Request for Waiver, CC Docket No. 02-6 (filed May 27, 2021)

*Price as Primary Factor*<sup>10</sup>

Aleutian East Borough School District, AK, Application No. 191036425, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 30, 2019)

Loudoun County Public Schools, VA, Application No. 161047809, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 4, 2020)

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<sup>7</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11750, para. 10 (WCB 2016) (*Archdiocese of New Orleans Order*) (granting relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicant demonstrated good cause for the late filing).

<sup>8</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, 17319-20, nn.7, 9 (WCB 2010) (waiving the appeal filing deadline and allowing the correction of ministerial and clerical errors where the applicant entered an incorrect billed entity number (BEN) or date on its 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 wrong discount rate that was indicated on FCC Form 471).

<sup>9</sup> On remand, USAC should work with the applicant to correct the BEN on timely-filed FCC Form 471 Application No. 211027414 using the existing student data from that form and not the data from the late-filed FCC Form 471 Application No. 211041750.

<sup>10</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115-17, paras. 10-12 (WCB 2011) (waiving the requirement that an applicant be able to demonstrate that it used price as the primary factor in vendor selection when the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse). For Loudoun County Public Schools, we waive section 54.511(a) finding that the applicant still selected the lowest-priced offering even if it had not disqualified the two bids. *Id.*

*Services Provided Within Funding Year*<sup>11</sup>

Catholic School Region of Northeast & East Bronx, NY, Application No. 161056131, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 13, 2019)

**Contribution Methodology****WC Docket No. 06-122****Granted***Petition for Waiver of the LIRE for Revenue Reporting Year 2022*<sup>12</sup>

Tata Communications (America), Inc., and Tata Communications (Guam), L.L.C., Petition for Waiver of the Limited International Revenue Exemption, WC Docket No. 06-122 (filed Nov. 16, 2021)

*Request for Waiver of Form 499-Q Filing Deadline Due to Coronavirus (COVID-19)*<sup>13</sup>

LoopUp LLC, Request for Waiver of FCC Form 499-Q Filing Deadline, WC Docket No. 06-122 (filed Nov. 17, 2021)

*Request for Waiver of Form 499-Q Revision Deadline Due to Coronavirus (COVID-19)*<sup>14</sup>

LoopUp LLC, Request for Waiver of Form 499-Q Revision Deadline, WC Docket No. 06-122 (filed Nov. 18, 2021)

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<sup>11</sup> USAC denied funding after the service provider submitted an invoice containing a billing statement that was dated after the last date for installation for non-recurring services (Sept. 30, 2017). In its appeal, Catholic School Region of Northeast & East Bronx explained that the service provider provided services to the school before September 30, 2017, the last date for the installation of services, even though the billing statement was sent later. While we grant this appeal, on remand USAC should verify that the last date of non-recurring services occurred before September 30, 2017. In this instance, we waive sections any procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See supra* note 3.

<sup>12</sup> 47 CFR § 54.706(a)-(c). *See, e.g., Tata Communications (America), Inc., and Tata Communications (Guam), L.L.C. Request for Waiver of Section 54.706(a) of the Commission's Rules*, WC Docket No. 06-122, Order, 36 FCC Rcd 5759 (WCB 2021) (finding good cause for a limited waiver of the LIRE allowing filers to continue contributing solely on their interstate revenue). To the extent Tata Communications (America), Inc., and Tata Communications (Guam), L.L.C. seek a waiver for revenue reporting year 2023, they must file a request to renew or extend this waiver, accompanied by the requisite showings supporting their request, consistent with the Commission's waiver rule and precedent.

<sup>13</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. 17-21 (WCB 2017) (finding good cause to waive certain rules and deadlines for contributors whose operations were substantially impacted by hurricanes and thus prevented from meeting filing deadlines).

<sup>14</sup> *See, e.g., Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company, Request for Waiver of Filing Deadline Due to Coronavirus (COVID-19)*, WC Docket No. 06-122, et al., Public Notice, 35 FCC Rcd 14814, 14823 (WCB 2020); *Schools and Libraries Universal Support Mechanism et al.*, CC Docket No. 02-6, WC Docket Nos. 02-60, 11-42, 06-122, Order, 32 FCC Rcd 7456, 7461-63, para. 18 (WCB 2017) (extending Form 499-Q filing deadline to allow USAC to recalculate the contribution obligations for providers affected by the Hurricanes).

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

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