



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 21-1609

Released: December 28, 2021

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

CC Docket No. 02-6
WC Docket No. 21-93
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.¹ 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.²

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Granted³

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). Sections 54.719(b) and 54.1718(a)(1) 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) and 54.1718(a)(3) 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) and 54.1718(a)(1), (3). 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 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).

*Appeal Not Late-Filed*⁴

Louisiana IT Consortium, LA, Application No. 978206, Request for Review, CC Docket No. 02-6 (filed Sep. 27, 2017)

*Appeals Not Late-Filed – Incorrect Date Calculation*⁵

Dillingham City School District, AK, Application No. 201021500, Request for Waiver, CC Docket No. 02-6 (filed Nov. 4, 2020)

Maple Run Unified School District, VT, Application No. 181027236, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2020)

Murrieta Valley Unified School District, CA, Application No. 181023118, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2020)

Ridgewood Public Schools, NJ, Application No. 181029586, Request for Waiver, CC Docket No. 02-6 (filed Mar. 25, 2021)

Sumner-Bonney Lake School District, WA, Application No. 191028763, Request for Waiver, CC Docket No. 02-6 (filed Dec. 14, 2020)

Yeled Vyalda Early Childhood Center, NY, Application No. 181024801, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2020)

⁴ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Sundale Elementary School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 4124 (WCB 2014) (remanding an appeal to USAC that was timely filed); 47 CFR § 54.720(a). 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 3.

⁵ We find that USAC erred in dismissing these appeals as untimely because the petitioners' appeals to USAC were timely based on the date of the invoice denial. We note that USAC used the date of the earlier funding commitment decision letter to determine timeliness, instead of the date of the invoice denial. See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Calhoun School*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 356, paras. 8-9 (WCB 2003) (finding that an appeal was not untimely because petitioner was seeking review of a different decision than the one USAC was using to determine whether the appeal was timely filed). 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 3.

While Sumner-Bonney Lake School District's appeal to USAC was not untimely, its waiver request to the Commission was untimely. However, we waive the appeal filing deadline in this instance to allow USAC to consider the matter on the merits. 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, at para. 1 (WCB 2010) (*Ann Arbor Order*) (granting waivers of appeal filing deadlines because the appeal involved errors by USAC).

⁶ See, e.g., *Petition for Reconsideration by Fall River Public School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 14650, 14652, para. 4 (WCB 2013) (reversing a prior Bureau decision where evidence provided on reconsideration did not support the previous determination). While we reverse the Bureau's denial on reconsideration, the Bureau defers to USAC on the question of whether the requested service was within the scope of the contract and the approved funding request. We therefore remand this matter to USAC to determine the eligibility of the product and service at issue and

(continued....)

*Grant on Reconsideration – Services Within Scope of Approved Funding*⁶

Akron City School District, OH, Application No. 18105274, Petition for Reconsideration, CC Docket No. 02-6 (filed July 28, 2021)

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

Carbondale Community School Consortium, GALS Boys Consortium, New Legacy Charter School, CO, Application Nos. 211039979, 211039980, 211039982, 211039985, 211039984, 211039983, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2021)

*Ministerial and/or Clerical Errors*⁸

Licking Heights School District, OH, Application No. 211035894, Request for Waiver, CC Docket No. 02-6 (filed Nov. 19, 2021)

Lutheran Social Services of New York, Inc., NY, Application No. 161031141, Request for Waiver, CC Docket No. 02-6 (filed May 7, 2018)

Moreno Valley Unified School District, CA, Application No. 211029087, Request for Waiver, CC Docket No. 02-6 (filed Nov. 15, 2021)

Summers County School District, WV, Application No. 211018067, Request for Waiver, CC Docket No. 02-6 (filed Nov. 19, 2021)

*State-provided Funds Discount*⁹

whether they are within the scope of the approved funding request. *See, e.g., Requests for Review of the Decisions of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5186, 5188, para. 4 (WCB 2012) (granting the appeal of a USAC invoicing decision where the requested service was within the scope of the contract and the approved funding request).

⁷ *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (finding special circumstances 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 the date 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 appeal filing deadline for petitioners that filed an appeal within a reasonable period of time after receiving actual notice of the mistake).

⁸ *See, e.g., Ann Arbor Order*, 25 FCC Rcd at 17319-20, nn.7, 9 (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 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 wrong discount rate that was indicated on its FCC Form 471); *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 correct their mistaken cancellations of funding requests).

Holy Family Catholic School, OH, Application No. 596886, Request for Review, CC Docket No. 02-6 (filed Oct. 13, 2009)

*Untimely Filed Appeal or Waiver Requests*¹⁰

McAlester Public Schools I-80, OK, Application No. 596886, Request for Review, CC Docket No. 02-6 (filed Oct. 13, 2009)

Emergency Connectivity Fund
WC Docket No. 21-93

Dismissed as Moot¹¹

Cass City Public Schools, MI, Application No. ECF202115684, WC Docket No. 02-6 (filed Aug. 30, 2021)

Castroville Public Library, TX, Application No. ECF202115589, Request for Waiver, WC Docket No. 21-93 (filed Aug. 16, 2021)

Dove Schools of Oklahoma, OK, Application No. ECF202114193, Request for Waiver, WC Docket No. 21-93 (filed Sept. 17, 2021)

Hope Elementary School District, CA, Application No. ECF222119274, Request for Waiver, WC Docket No. 21-93 (filed Aug. 18, 2021)

Rural Health Care (RHC)
WC Docket No. 02-60

Granted

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*¹²

(Continued from previous page) _____

⁹ See, e.g., *Federal-State Joint Board on Universal Service et al.*, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, Fourth Order on Reconsideration and Report and Order, 13 FCC Rcd 5318, 5432, para. 196 (1997); 47 CFR §54.505(f) (noting that federal universal service discounts shall be based on the price of a service prior to the application of any state-provided support for schools or libraries). The application number for Holy Family Catholic School was incorrect in a prior public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 21-93, 06-122, Public Notice, DA 21-1331 (WCB Oct. 29, 2021). We include the entry in this public notice with the corrected application number.

¹⁰ See, e.g., *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by ABC Unified School District; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (waiving the appeal filing deadline because the appeals were filed within a reasonable period of time after receiving actual notice of USAC's adverse decision). 47 CFR § 54.720. We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a determination on the merits. See *supra* note 3.

¹¹ See, e.g., *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 02-6, WC Docket Nos. 06-122, 21-93, Public Notice, DA 21-1331, at 6-9 (WCB rel. Oct. 29, 2021); *Request for Waiver by Catholic Memorial School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 19 FCC Rcd 7075 (WCB 2004) (dismissing a request for waiver as moot because USAC received and accepted the required form). We note Hope Elementary School District filed an application during the second Emergency Connectivity Fund Program application filing window, and therefore, we find that their request for waiver of the first application filing window deadline to be moot.

Adventist Health, CA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18202451

Adventist Health, CA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18202441

ADV West – Tehachapi Valley Healthcare, CA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19204651

Arkansas Department of Health, AR, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18442351

Audrain Medical Center – Mexico Internal Medicine, MO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19651641

CHA Broadband Services, CO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19201101

CHA Broadband Services, CO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19201241

Creoks Health Services, Inc., OK, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18199811

East Central Oklahoma Family Health Center, Inc., OK, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19199831

Eastern Nebraska Healthcare Communications Consortium (Methodist Health Systems), NE, *Sua Sponte* Waiver, Docket No. 02-60, Funding Request No. 19197821

Good Samaritan Society, SD, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 17190601

Greeley County Health Services, KS, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19201621

Gunderson Lutheran Consortium, WI, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19202401

Harrison Community Hospital, OH, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19570571

Indiana Telehealth Network, IN, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19182601

Kahoka Dental, MO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19485051

(Continued from previous page) _____

¹² See *Rural Health Care Support Mechanism*, WC Docket No. 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 *sua sponte* 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 later of the release of this Public Notice or the issuance of a funding commitment letter (FCL) to file invoices with USAC.

New England Telehealth Consortium, ME, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19637501

New Health Programs Association, WA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19205011

Northwest Community Health Center – Troy, MT, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19201401

OCHIN, Inc., OR, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19202431

Pocahontas Memorial Hospital, WV, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19191271

Prosser Phd Consortium, WA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18204211

SCL Health Consortium, CO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18964361

Southwest Telehealth Access Grid AZ, NM, TX, CO, CA, NV, UT, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 17198821

Southwest Telehealth Access Grid AZ, NM, TX, CO, CA, NV, UT, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19198801

St. Bernard’s Hospital, AR, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18178801

St. Joseph’s Hospital d/b/a Physicians of St. Joseph, WV, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19485301

Sutter Health, CA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18201011

Sutter Health, CA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19201021

The Memorial Hospital, CO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19650831

UAMS E-Link Network, AR, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19558451

Wahkiakum County Human Services, WA, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19584821

Western New York Rural Area Health Education Center, Inc., NY, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19636101

Contribution Methodology
WC Docket No. 06-122

Dismissed on Reconsideration

*Petition for Reconsideration*¹³

M2nGage Telecommunications II Corp., Petition for Reconsideration, WC Docket No. 06-122 (filed Sept. 28, 2021)

Denied*Request for Waiver of FCC Form 499-A Filing Deadline*¹⁴

MAW Communications, Request for Review of a Decision of USAC and Waiver of Filing Deadline, WC Docket No. 06-122 (filed Sept. 23, 2021)

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 -

¹³ 47 CFR §1.106(p); 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, 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). M2nGage II continues to rely on inapposite Bureau decisions granting waiver of the 499-Q revision deadline, which is distinguishable from the instant request seeking a waiver of the one-year revision deadline for FCC Forms 499-A.

¹⁴ 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); *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) (finding that good cause was not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC Form 499 instructions).