



# PUBLIC NOTICE

Federal Communications Commission  
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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. 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.<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**

**Dismissed on Reconsideration**<sup>3</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) and 54.1718(a)(2) 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)54.1718(a)(3). In this Public Notice, we have reclassified as Requests for Waiver any 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 any appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

<sup>3</sup> See, e.g., *Requests for 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).

On reconsideration, the Petitioner, Torat Hayim Hebrew Academy d/b/a Tashbar Sephardic Yeshiva Katana, argues that the COVID-19 pandemic contributed to the late filing of its appeal and raises a new argument that it did not raise in its previous filing. The Petitioner now argues that its application should not have been denied because the FCC Form 471 application was filed before it was placed on red light status, and the revised funding commitment

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Mullica Township School District, NJ, Application No. 221003128, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 6, 2022)

Torat Hayim Hebrew Academy d/b/a Tashbar Sephardic Yeshiva Katana, NY, Application No. 191002622, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 28, 2022)

#### Granted<sup>4</sup>

##### *Competitive Bidding – Bid Evaluation*<sup>5</sup>

Grand Prairie Independent School District, TX. Application No. 191030287, Request for Waiver, CC Docket NO. 02-6 (filed Oct. 7, 2020)

##### *Demonstrating Extraordinary Circumstances Warranting Invoice Rule Waiver*<sup>6</sup>

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decision letter dismissing its application was dated after the debt was paid. Our rules state that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission. Because the Petitioner was aware when it first filed the waiver request with the Commission that the COVID-19 pandemic contributed to the submission of its late appeal, we dismiss the petition because it relies on a known fact that should have been raised earlier. See 47 CFR § 1.106(b)(2), (c)(2) (stating that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission, unless it is required in the public interest). As an alternative and independent basis for rejecting this petition, we also deny the petition on the merits. The Commission has held that under the red light rule, USAC will withhold action on any pending applications and dismiss those applications if the debt is not paid within 30 days. In this instance, there was a pending application being reviewed by USAC and, while this application was pending, the Petitioner owed a debt that was not paid within 30 days. Therefore, USAC properly dismissed the pending application pursuant to the Commission's red light rule. See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc., Wheeling School District 21, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13122, 13126, para. 6 (WCB 2013) (*Net56 Order*) (stating that Commission rules specify that entities must pay debts within 30 days of receiving notice of the debt and that failing to do so results in the dismissal of applications); see also *Metropolitan Nashville Public Schools, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 12334, para. 5 (WCB 2018) (explaining that USAC will withhold action on any pending E-Rate application and dismiss that application if the debt is not paid within 30 days). We further note that subsequent repayment of the delinquent amount that is in violation of the red light rule does not reverse the dismissal of the any pending application(s). See *Net56 Order*, 28 FCC Rcd at 13126, para. 6 (denying funding of applications for E-Rate funding that were dismissed because of the red light rule even if the debt is later satisfied). For these reasons, we dismiss this Petition for Reconsideration.

<sup>4</sup> We remand these applications to USAC and direct USAC to complete its review of the applications and issue funding decisions based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>5</sup> See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5326-27, paras. 22-23 (2006) (directing USAC to provide applicants with an opportunity to cure ministerial and clerical errors on FCC Forms); see also *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, paras. 1-2 (WCB 2010) (*Ann Arbor Order*) (permitting applicants to correct certain ministerial and clerical errors that do not constitute violations of the competitive bidding rules); *Petitions for Reconsideration by Lake Pend Oreille School District*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 1103, 1105-06, para. 3 (WCB 2013) (finding that the competitive bidding rules require that all potential bidders and service providers have access to the same information and are treated in the same manner throughout the procurement process).

Charter Communications, Inc. (Desert Sands Unified School District *et al.*), CA, Application Nos. 201000573 *et al.*, Request for Waiver, CC Docket No. 02-6 (filed Dec. 6, 2022)

*Discount Calculation*<sup>7</sup>

Annapolis Christian Academy, TX, Application Nos. 221039113, 221030076, Request for Review, CC Docket No. 02-6 (filed May 31, 2022)

Search Day Program, NJ, Application No. 211006928, Request for Review, CC Docket No. 02-6 (filed Dec. 12, 2022)

South Florida Jewish Academy, FL, Application No. 221027115, Request for Review, CC Docket No. 02-6 (filed Dec. 21, 2022)

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

Beacon College Preparatory School, TN, Application No. 221001645, Request for Waiver, CC Docket No. 02-6 (Aug. 8, 2022, supplemented Jan. 5, 2023)

Goochland County Public Schools, VA, Application No. 221032688, Request for Waive, CC Docket No. 02-6 (Jan. 3, 2023)

Imagine Schools at Rosefield, AZ, Application No. 221021180, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 16, 2022)

Port Huron Area School District, MI, Application No. 221023703, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 22, 2022)

Regional Educational Cooperative #6, NM, Application No. 211002748, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 16, 2022)

St. Helen Elementary School, OH, Application No. 221035478, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 19, 2022)

*Service Implementation Delay*<sup>9</sup>

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<sup>6</sup> See, e.g., *Petition for Reconsideration of a Decision of the Wireline Competition Bureau by Sunesys, LLC (Montebello Unified School District), Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 34 FCC Rcd 7766, 7768, para. 6 (WCB 2009) (granting an invoice filing deadline extension when the petitioner demonstrated extraordinary circumstances outside of its control).

<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) (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).

<sup>8</sup> See, e.g., *Ann Arbor Order*, 25 FCC Rcd at 17319-20, nn. 13, 17, 19, 24 (granting waivers where the applicant entered the wrong price or omitted a service from its source document, mischaracterized the discount price as the pre-discounted price, or mischaracterized the allocation of services among the recipients of service on its FCC Form 471).

<sup>9</sup> See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC

(continued....)

Flexile Multimedia Systems Inc. (Carrizo Springs Consolidated Independent School District), TX, Application No. 211034256, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Jan. 3, 2023)

*Signed Contract Requirement*<sup>10</sup>

Laurens County School District 56, SC, Application No. 221028717, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2022)

Laurens County School District 56, SC, Application No. 221028708, Request for Waiver, CC Docket No. 02-6 (filed Dec. 21, 2022)

Streator Township High School, IL, Application No. 211009997, Request for Waiver, CC Docket No. 02-6 (filed Dec. 14, 2022)

*USAC Decision Issued After Invoice Deadline*<sup>11</sup>

5280 Consortium, CO, Application No. 201038263, Request for Review, CC Docket No. 02-6 (filed Nov. 29, 2022)

Archdiocese of Atlanta, GA, Application No. 201045217, Request for Review, CC Docket No. 02-6 (filed Oct. 27, 2022)

Immanuel Lutheran School, IL, Application No. 201026816, Request for Waiver, CC Docket No. 02-6 (filed Oct. 28, 2022)

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Rcd 13652, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions).

Consistent with precedent, we also allow Carrizo Springs Consolidated Independent School District to change its terms of service on its E-Rate application from month-to-month to a contracted service. *See, e.g., Ann Arbor Order*, 25 FCC Rcd at 17320, n.19 (permitting applicants to correct clerical errors like indicating the wrong terms of service on FCC Form 471)

<sup>10</sup> *See, e.g., Request for Waiver of the Decision of the Universal Service Administrator by Barborton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15529-30, para. 7 (WCB 2008); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Amphitheater Unified School District 10 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 7536, 7536-37, para. 2 (WCB 2013) (granting waivers of the signed contract requirement in instances where applicants misunderstood the program rules and submitted their FCC Form 471 applications before signing a contract).

<sup>11</sup> *See Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (authorizing the Bureau to grant a waiver in instances where an E-Rate participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

Consistent with precedent, we also waive the appeal filing deadline for 5280 Consortium. *See, e.g., 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 the deadline for filing appeals and waiver requests because they submitted their appeals/requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision).

SnowCloud Services (Hoonah City School District), AK, Application No. 211005879, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2022)

St. Raphael Catholic School, TX, Application No. 201018340, Request for Waiver, CC Docket No. 02-6 (filed Oct. 28, 2022)

*Waiver of Special Construction Service Delivery Deadline*<sup>12</sup>

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 201032787, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 2, 2022, supplemented Jan. 25, 2023)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 201030231, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 29, 2022)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 201031673, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 21, 2022)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 201021597, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 15, 2022)

CENIC-Corporation for Education Network Initiatives in California, CA, Application No. 191025165, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 14, 2022)

*Waiver of Appeal Filing Deadline*<sup>13</sup>

LVC Companies, Inc. (Menomonie Area School District), WI, Application No. 201015624, Request for Waiver, CC Docket No. 02-6 (filed Nov. 8, 2022)<sup>14</sup>

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<sup>12</sup> See, e.g., *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) (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).

We find that the Petitioner was unable to complete implementation for reasons beyond its and their service provider's control and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive the special construction service delivery deadline and direct USAC to provide the Petitioner until June 30, 2023 to complete their special construction projects or, in instances where the installation is complete, direct USAC to process the requests for reimbursement for work completed after the June 30, 2022 deadline.

For these petitioners, we also waive any associated administrative or procedural deadlines, including section 54.514(a), that might be necessary to effectuate our ruling. See *supra* note 4.

<sup>13</sup> See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of the deadline for filing appeals and waiver requests because they submitted their appeals/requests only a few days late or 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 also *supra* note 4.

<sup>14</sup> LVC Companies, Inc.'s requests for reimbursement were denied in October and November of 2021 because the service provider had not certified its FCC Form 473 for the funding year. We now remand this application back to

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Snyder Independent School District 4, OK, Application No. 201033394, Request for Review, CC Docket No. 02-6 (filed Dec. 12, 2022)

Tucson Unified School District, AZ, Application No. 221016722, Request for Waiver, CC Docket No. 02-6 (filed Nov. 23, 2022)

### Denied

#### *Discount Calculation*<sup>15</sup>

Alloway Township School District, NJ, Application Nos. 211010814, 211019466, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2021 and USAC referral of appeal to the FCC Dec. 8, 2022)

#### *Failure to Satisfy Debt/Red Light Rule*<sup>16</sup>

Elk Hill Farm School, VA, Application Nos. 211021204, 211023014, Request for Waiver, CC Docket No. 02-6 (filed Feb. 18, 2022)

Newkirk Public Library, OK, Application No. 221033648, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2022)

#### *Late-Filed FCC Form 471 Applications*<sup>17</sup>

THRIVE Community School, NM, Application Nos. 221040773, 221040788, Request for Waiver, CC Docket No. 02-6 (filed Aug. 5, 2022)

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USAC to make a determination on the merits of those decisions, noting that the service provider has now filed its FCC Form 473.

<sup>15</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Enterprise City Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2372 (WCB 2012) (finding that the applicants did not provide sufficient documentation to support their requested discount rate). Specifically, the applicant did not provide any evidence to change its urban designation to rural as requested.

<sup>16</sup> See, e.g., *Net56 Order*, 28 FCC Rcd at 13126, para. 6 (denying E-Rate applicant's request for a waiver of the red light rule and dismissing their FCC Form 471 application). The Petitioners argue that their applications should be funded because, even though they were placed on red light status when they applied for funding, they eventually repaid the owed debts. We note that subsequent repayment of the delinquent amount that is in violation of the red light rule does not reverse the dismissal of the any pending application(s). See *id.* (denying funding of applications for E-Rate funding that were dismissed because of the red light rule even if the debt is later satisfied).

<sup>17</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

*Late-Filed Invoice or Invoice Deadline Extension*<sup>18</sup>

Chequamegon Communications Cooperative Inc. (Maple School District), WI, Application No. 211033997, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2022)

Goldfield Telecom (Waterloo Community School District), IA, Application No. 201016675, Request for Waiver, CC Docket No. 02-6 (filed Dec. 6, 2022)

Marion Public Library, MI, Application No. 211008648, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2022)

Mercyhurst Preparatory School, PA, Application No. 211031089, Request for Waiver, CC Docket No. 02-6 (filed Nov. 17, 2022)

Norvado, Inc. (Ashland School District), WI, Application No. 211007560, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2022)

Pine Cove Consulting, LLC (Polson School District 23), MT, Application No. 201030210, Request for Waiver, CC Docket No. 02-6 (filed Dec. 19, 2022)

Silver Falls School District 4J, OR, Application No. 211028563, Request for Waiver, CC Docket No. 02-6 (filed Nov. 10, 2022, Supplement filed Dec. 22, 2022)

St. Joseph County Public Library, IN, Application No. 211022997, Request for Waiver, CC Docket No. 02-6 (filed Dec. 2, 2022)

*Untimely Filed Appeals or Waiver Requests*<sup>19</sup>

The Safe Zone Network (Yeshiva Kehilath Yakov School), NY, Application Nos. 161028060, 171029635, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 19, 2019)<sup>20</sup>

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<sup>18</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, 3836, para. 8 (WCB 2016) (*Ada School District Order*) (denying requests for waiver of the Commission's invoice filing deadline 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>19</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, 5688, para. 6 (WCB 2010) (*Agra Public Schools Order*); *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, para. 1 (WCB 2014) (*Bound Brook School District Order*) (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 demonstrate special circumstances required for the Commission to waive the rule).

<sup>20</sup> In addition to the filings being filed more than a year after the invoice denials, there is no indication that the petitioner filed an appeal with USAC in the first instance as required by section 54.719 of the Commission's rules. 47 CFR § 54.719. 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,

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Veritas Academy, MN, Application No. 221013321, Request for Waiver, CC Docket No. 02-6 (filed Dec. 21, 2022)

**Emergency Connectivity Fund**  
**WC Docket No. 21-93**

Dismissed as Insufficient<sup>21</sup>

Manhattan School District #3, MT, No Application Number Given, WC Docket No. 21-93 (filed Feb. 1, 2022)

Wayfinder Schools, ME, Application No. ECF202103732, Request for Waiver, CC Docket No. 02-6 (filed Feb. 9, 2022)

Granted

*Early Delivery*<sup>22</sup>

West Bend Joint School District 1, WI, Application No. ECF202114180, Request for Waiver, WC Docket No. 21-93 (filed Jan. 9, 2023)

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30 FCC Rcd 4729, 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules). We also further decline to grant a waiver of the invoice filing deadline as the petitioner failed to demonstrate extraordinary circumstances to justify a waiver of this rule. *See, e.g., Ada School District Order*, 31 FCC Rcd at 3836, para. 8 (denying requests for waiver of the Commission's invoice filing deadline 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>21</sup> *See* 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); *see also Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules, which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules. *See* 47 CFR § 54.1718(c).

<sup>22</sup> *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 06-122, Public Notice, DA 22-658, 2022 WL 2399676, n.25 (WCB 2022) (granting requests for waivers for equipment delivered before the start of the approved funding year). *See also* 47 CFR § 54.1708(b).



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

Alliance for Community Empowerment, Inc., CT, Application No. ECF202205135, Request for Waiver, WC Docket No. 21-93 (filed Dec. 26, 2022)

Cortland County Community, NY, Application No. ECF202207553, Request for Waiver, WC Docket No. 21-93 (filed Dec. 26, 2022)

Holy Cross Head Start, NY, Application No. ECF202209285, Request for Waiver, WC Docket No. 21-93 (filed Dec. 4, 2022)

Johnston-Lee-Harnett Community Action, NC, Application No. ECF202205201, Request for Waiver, WC Docket No. 21-93 (filed Dec. 26, 2022)

Montclair Child Development Center, NJ, Application No. ECF202206188, Request for Waiver, WC Docket No. 21-93 (filed Dec. 26, 2022)

North Jersey Elks Developmental Disabilities Agency (FKA Passaic County Elks CP Center), NJ, Application No. ECF202209706, Request for Waiver, WC Docket No. 21-93 (filed Dec. 26, 2022)

Warren County Head Start Inc., NY, Application No. ECF202206253, Request for Waiver, WC Docket No. 21-93 (filed Dec. 26, 2022)

Western New York Maritime Charter School, NY, Application No. ECF202206252, Request for Waiver, WC Docket No. 21-93 (filed Dec. 4, 2022)

White Earth Head Start Programs, MN, Application No. ECF202206165, Request for Waiver, WC Docket No. 21-93 (filed Dec. 26, 2022)

Y & S Technologies (Bais Chana Heritage School, Cheder Menachem Mendel, Harkham Hillel Hebrew Academy, Maimonides Academy, Samuel A Fryer Yavneh Hebrew Academy), NY, Application Nos. ECF202113229, ECF222120973, ECF202111777, ECF222120657, ECF202111716, ECF222120372, Request for Waiver, WC Docket No. 21-93 (filed Sept. 29, 2022)

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<sup>23</sup> See, e.g., *Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6; *Bound Brook School District Order*, 29 FCC Rcd at 5823, para. 1 (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 the required timeframe; or failed to submit their waiver requests to the Commission within the required deadline set forth by the Commission's rules; and (2) did not demonstrate special circumstances necessary for the Commission to waive the rule). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules. We note that the Commission adopted a shortened waiver and appeal timeframe of 30 days in the Emergency Connectivity Fund Program due to the short-term, emergent nature of the program. See 47 CFR 54.1718; *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8740, 8746, paras. 90, 107. As such, absent special circumstances, appeals of USAC's decisions or requests for waiver of Emergency Connectivity Fund Program rules that are filed later than 30 days as required by section 54.1718 of the Commission's rules will be denied.

Y & S Technologies (Bais Chana Heritage School), NY, Application No. ECF222120774,  
Request for Waiver, WC Docket No. 21-93 (filed Oct. 27, 2022)

**Rural Health Care Program**

**WC Docket No. 02-60**

Granted

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*<sup>24</sup>

Adventist Health System (Florida), FL, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 18255051

Fairview Regional Broadband Network, MN, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19663501

Parkview Consortium, IN, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 20869671

**Contribution Methodology**

**WC Docket No. 06-122**

Granted

*Request for Waiver of the Limited International Revenue Exemption Threshold for April 1, 2023 – December 31, 2023*<sup>25</sup>

Telxius Cable USA, Inc., Telefónica Global Solutions USA, Inc., and Telefónica Larga Distancia de Puerto Rico, Inc., Petition for Waiver of the Limited International Revenue Exemption, WC Docket No. 06-122 (filed Nov. 8, 2022)

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<sup>24</sup> See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020) (*Funding Year 2018 Invoice Waiver Order*); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (*Funding Year 2016 Invoice Waiver Order*) (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 petitioners' invoice filing deadlines and allow 180 days from the later of the release date of this Public Notice or the issuance of a funding commitment letter (FCL) to file the invoices with USAC.

<sup>25</sup> 47 CFR § 54.706(c). *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 limited international revenue exemption (LIRE) allowing filers to continue contributing solely on their interstate revenue). To the extent petitioners seek a waiver of the LIRE threshold beyond December 31, 2023, they must file a request to renew or extend this waiver, accompanied by the requisite showing supporting the request, consistent with the Commission's waiver rule and precedent.

*Request for Waiver of Contributions Obligations on Interstate Loop Revenue for 2023 Form 499-A*<sup>26</sup>

Mark Twain Rural Telephone Company, Request for Waiver, WC Docket No. 06-122 (filed Jan. 10, 2023)

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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<sup>26</sup> *Universal Service Contribution Methodology, Gtek Computers & Wireless L.L.C., Request for Review and Contingent Request for Waiver and Renewed Request for Review and Contingent Request for Waiver; NextMetro, LLC d/b/a BroadAspect, Request for Review and Request for Waiver of USAC Decision*, Order, WC Docket No. 06-122, DA 22-406 (WCB rel. Apr. 13, 2022) (finding that petitioners could have reasonably read the Instructions as exempting them from the 499-A filing requirements, thus warranting a waiver of the Commission's contributions rules for the years at issue); *see also Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Dockets Nos. 21-93, 06-122, 18-213, Public Notice (WCB rel. Nov. 30, 2022) (granting in part Mark Twain's request for waiver of contributions obligations on interstate loop revenue for 2018-2022). We also dismiss at the Petitioner's request, the similar request for waiver filed on December 23, 2022 due to errors in the original waiver request that were corrected by the subsequent filing. *See* Mark Twain Rural Telephone Company Request for Waiver, WC Docket No. 06-122, at 1 n.2 (filed Jan. 10, 2023).