



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. 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 release of this Public Notice.²

Schools and Libraries (E-Rate)

CC Docket No. 02-6

Dismissed as Moot³

David Posnack Jewish Day School, FL, Application No. 171015724, Request for Review, CC Docket No. 02-6 (filed July 30, 2019)

Home Tech Charter School, CA, Application No. 191007698, Request for Waiver, CC Docket No. 02-6 (filed Jan. 6, 2020)

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 Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al-Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC had taken the action the petitioner requested).

Robeson County Public Schools, NC, Application No. 728614, Request Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 2, 2019)

Dismissed as Moot⁴

Berlin Township School District, NJ, Application No. 161003814, Request for Review, CC Docket No. 02-6 (filed Oct. 18, 2019)

Granted⁵

*Discount Calculation*⁶

Miami Union Academy, FL, Application No. 191018189, Request for Review, CC Docket No. 02-6 (filed Aug. 15, 2019)

*Improper Service Provider Involvement – Potential Conflict of Interest (Similarities Across RFPS and Form 470s)*⁷

United Systems Inc. (Maud Independent School District 117, Application No. 537025; Oklahoma School for the Deaf, Application No. 515722; Paden Independent School District 14, Application No. 526207; Wewoka Independent School District 2, Application No. 534555; Agra Independent School District 134, Application No. 532144; Boley Independent School District 1-13, Application No. 535035; Graham Independent School District 32, Application No. 506420; Millwood Independent School District 37, Application No. 523599), OK, Request for Review, CC Docket No. 02-6 (filed Nov. 19, 2007).

⁴ We dismiss this request for review and waiver because the relief sought has already been granted by the Bureau. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, 33 FCC Rcd 2908 (WCB 2018).

⁵ 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).

⁶ *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).

⁷ *See Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 2784, 2788-89, para. 12-14 (WCB 2008) (finding no violation of the competitive bidding rules where service provider mailed FCC Form 470 on behalf of applicants, but otherwise played no other role with respect to the applicants' FCC Forms 470, and where applicants provided evidence of no improper service provider involvement, including sworn statements under penalty of perjury that the service provider did not assist with the preparation of the FCC Form 470).

*Ministerial and/or Clerical Errors*⁸

Centerville School District 60-1, SD, Application No. 1041346, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Feb. 28, 2020)

Midlothian School District 143, IL, Application No. 191021884, Request for Review, CC Docket No. 02-6 (filed Feb. 3, 2020)

Mid York Library System, NY, Application No. 181020948, Request for Review, CC Docket No. 02-6 (filed Jan. 30, 2020)

Strongsville City School District, OH, Application No. 181016278, Request for Review, CC Docket No. 02-6 (filed Jan. 14, 2020)

*Timely-Filed Appeal*⁹

North Lyon County School District 251, KS, Application No. 181035603, Request for Review, CC Docket No. 02-6 (filed Feb. 3, 2020)

*Waiver of Late-filed Waiver Request*¹⁰

Avent Technology Group, Inc. (Biblioteca Publica de Arroyo), VA, Application No. 191020729, Request for Waiver, CC Docket No. 02-6 (filed Feb. 18, 2020)

Cissna Park Community Unit School District No. 6, IL, Application No. 171002760, Request for Waiver, CC Docket No. 02-6 (filed Feb. 21, 2020)

Compass Community Charter Schools, TN, Application No. 191038107, Request for Waiver, CC Docket No. 02-6 (filed Jan. 24, 2020)

⁸ See, e.g., *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, 15520-21, para. 5-6, n.19 (WCB 2008) (permitting applicant to correct clerical and ministerial errors in their discount rates); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320-21, para. 2 & n.8, 20 (WCB 2010) (permitting applicant to correct an incorrect SPIN and a mislabeling of a service category or term of service on its FCC Form 471).

Consistent with precedent, we also grant a waiver of the appeal filing deadline for Midlothian School District 143 and Mid York Library System. 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, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or submitted their appeals within a reasonable period after receiving actual notice of USAC's adverse decision).

⁹ 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).

¹⁰ See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or because they submitted their appeals or waiver requests 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 5.

Evanston Township High School District 202, IL, Application No. 191038524, Request for Waiver, CC Docket No. 02-6 (filed Feb. 18, 2020)

*Waiver of Special Construction Service Delivery Deadline*¹¹

La Grange Independent School District, TX, Application No. 181027135, Request for Waiver, CC Docket No. 02-6 (filed Jan. 6, 2020)

Santa Fe Public Schools, NM, Application No. 171013209, Request for Waiver, CC Docket No. 02-6 (filed Dec. 20, 2019)

Rural Health Care Program
WC Docket No. 02-60

Granted in Part

*Waiver of the Invoice Filing Deadline*¹²

Brazos Valley Council of Governments, Request for Waiver, WC Docket No. 02-60, Funding Request No. 16819841 (filed Nov. 18, 2019)

Contribution Methodology
WC Docket No. 06-122

Dismissed on Reconsideration¹³

¹¹ See *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). These applicants were unable to complete implementation for reasons beyond their control and made good faith efforts to comply with Commission rules and procedures. Accordingly, we waive the respective special construction service delivery deadline and direct USAC to set a new service delivery deadline of June 30, 2020 and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling.

¹² We grant in part this request for waiver of the invoice filing deadline for funding request number (FRN) 16819841 and allow Brazos Valley Council of Governments (BVCOG) to file invoices within 180 days of the release date of this Public Notice for equipment committed under FRN 16819841. See *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, DA 20-244, para. 1 (rel. Mar. 4, 2020) (granting a waiver to applicants who received an incorrect invoice filing deadline because of a system error beyond their control and allowing affected applicants to file invoices within 180 days of the Order's release); see also *Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 34 FCC Rcd 1015, 1018, para. 7 (WCB 2019) (finding that the public interest would not be served if the affected parties lost the universal service funding because they relied on and complied with the incorrect invoice deadlines based on USAC system error which was beyond their control). Due to a USAC system error, BVCOG could not access an FCC Form 463 to invoice USAC under FRN 16819841 and was notified that the invoice filing deadline was in December 20, 2017 even though the invoice filing deadline was actually December 31, 2019. BVCOG stopped invoicing because it was informed that the invoice filing deadline had lapsed. We deny the waiver request to the extent it seeks an extension of the end date of the funding commitment because BVCOG has not demonstrated special circumstances meriting such a waiver or that such a waiver would be in the public interest. *Request for Waiver by Finger Lakes Community Health on behalf of NY Community Broadband Partnership*, Rural Health Care Universal Service Support Mechanism, WC Docket 02-60, Order, DA 20-264 (rel. Mar. 12, 2020) (denying a request to extend a funding commitment end date).

¹³ 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*, (continued....)

Petition for Reconsideration by AppSmart TGN, Inc. (f/k/a Telegration, Inc.) of a Decision of the Wireline Competition Bureau and Request for Waiver of Deadline for Filing Revisions to FCC Form 499-A, WC Docket No. 06-122 (filed Feb. 28, 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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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).