



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 24-296

Released: April 1, 2024

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

CC Docket No. 02-6
WC Docket No. 02-60

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

Dismiss as Moot³

Lansing School District, MI, Application No. 201031854, Request for Waiver, CC Docket No. 02-6 (filed Feb. 23, 2021)

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) 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 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.

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) (*Al-Noor High School Order*) (dismissing as moot requests for review where USAC had taken the action the petitioner requested and issued new decisions approving funding).

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements⁴

St. Agnes Elementary School, CA, Application No. 221021625, CC Docket No. 02-6 (filed Feb. 26, 2024)

Dismissed on Reconsideration⁵

Fairfield Community School District, IA, Application No. 191038832, Petition for Reconsideration, CC Docket No. 02-6 (filed Feb. 22, 2021)

Salina Unified School District, KS, Application No. 191031915, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 18, 2021)

⁴ The Bureau will not consider requests for review or waiver without reference to the relevant FCC Form 471 application number and supporting documentation. *See* 47 C.F.R. § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, including the requirement to provide 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) (*Alternative Phone, Inc. Order*) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

⁵ *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) (*Allan Shivers Library Order*) (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).

Previously, we found that Salina Unified School District requested E-Rate program funding without posting a new FCC Form 470 for the services, in violation of our competitive bidding rules. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6; WC Docket Nos. 02-60, 06-122; Public Notice, DA 21-215 (WCB Feb. 26, 2021). On reconsideration, Salina Unified School District raises a new argument that it did post a new FCC Form 470 for its services but mistakenly listed the previous FCC Form 470 number on its FCC Form 471 and categorized the services as contractual, when it really was receiving the services on a month-to-month basis. They argue that this ministerial and clerical error gave the appearance that the school district did not post an FCC Form 470 for the services they were seeking. 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 did not make this argument when it first filed the waiver request with the Commission on January 3, 2020, we dismiss the petition because it relies on an argument that was not raised previously. *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 procedural grounds. Because Salina Unified School District knew of the ministerial and clerical error on its FCC Form 471 when its funding was initially denied, it is now time-barred from filing a waiver request on this issue. *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*

(continued...)

Dismissed to Allow Appeal to be Filed with USAC⁶

Centro de Aprendizaje Individualizado, PR, Application No. 201019237, Request for Waiver, CC Docket No. 02-6 (filed Dec. 7, 2020)

Wagner Community School, SD, Application No. 171038593, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2020)

Granted⁷*Competitive Bidding – Price as Primary Factor⁸*

Capital City Public Charter School, DC, Application Nos. 191027841, 201017928, 221008544, Request for Waiver, CC Docket No. 02-6 (filed Feb. 23, 2024)

Support Mechanism, CC Docket No. 02-6, Order, 29 FCC Rcd 5823, 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). For these reasons, we dismiss this Petition for Reconsideration.

⁶ See *Petitions for Reconsideration by Little Falls Township School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, DA 23-110, para. 10 (WCB 2023) (*Little Falls Township Order*) (dismissing without prejudice appeals that are filed with the Commission before being reviewed at USAC and waiving the 60-day appeal filing deadline to allow the party to refile its appeal at USAC and have it considered on the merits).

Parties seeking review of USAC decisions must first file an appeal with USAC. See 47 CFR § 54.719(a). Because the petitioners filed their appeals with the Commission first, we now provide Centro de Aprendizaje Individualizado and Wagner Community School 60 days from the release date of this Public Notice to refile their appeals at USAC. Pursuant to the *Little Falls Township Order*, we also waive the 60-day appeal filing deadline, 47 CFR § 54.720(a), to allow the appeals to be considered on the merits by USAC without being considered late. See *Little Falls Township Order* at para. 10. Appeals for funding year 2016 and forward should be filed in the E-Rate Productivity Center portal, found here: [EPC](#). Appeals from funding year 2015 and prior funding years should be filed by email to Appeals@usac.org.

⁷ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision 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).

⁸ 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, 6114-15, para. 9 (WCB 2011) (*Allendale County School District Order*) (granting appeals where the record demonstrated that applicants gave the most weight to price during the bid evaluation process).

Capital City Public Charter School's appeal was filed with the Commission more than 60 days after the date of the revised funding commitment decision letter for SLD No. 201017928. Consistent with precedent, we 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 an adverse USAC decision. See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by ABC Unified School District*, 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).

*Discount Calculation—Information Submitted Outside Permitted Time Period*⁹

Flagstaff Arts and Leadership Academy, AZ, Application No. 231021192, Request for Waiver, CC Docket No. 02-6 (filed Mar. 6, 2024)

*Incorrect Service Start Date on FCC Form 486*¹⁰

Coleman Public Library, TX, Application No. 318645, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2020)

*Ministerial and/or Clerical Errors*¹¹

San Juan Unified School District, CA, Application No. 191000968, Request for Review, CC Docket No. 02-6 (filed Mar. 5, 2021)

*New Entity Within Scope of FCC Form 470*¹²

Gainesville City School District, GA, Application No. 201008705, Request for Review, CC Docket No. 02-6 (filed Feb. 21, 2021)

⁹ 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) (*Academia Claret Order*) (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).

¹⁰ *Request for Review and/or Waiver by Glendale Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 1040 (WCB 2006) (granting waiver request when the applicant inadvertently listed the wrong service start date on the FCC Forms 486); see also *Request for Waiver by Harvey Public Library District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15419 (WCB 2008) (*Glendale Unified School District Order*) (same).

¹¹ See, e.g., *Request for Waiver and Review of Decisions of the Universal Service Administrator by Erie I BOCES et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13381 (WCB 2013) (*Erie I BOCES Order*) (granting waivers of the Commission's E-rate rules to correct ministerial or clerical errors on petitioners' E-Rate applications or associated forms).

¹² Gainesville City School District sought bids for its entire school district on its FCC Form 470 and entered into a multiple-year contract with its service provider under an agreement which allowed for additional sites to be opened (and specifically referenced the then-unopened school at issue in this appeal). USAC denied funding for the additional entity because a new FCC Form 470 should have been posted to the USAC website prior to adding the new site. We find in this instance that the competitive bidding process was not harmed by the subsequent opening of one additional school and that a new FCC Form 470 did not need to be posted.

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 CFR § 54.723. Based on the facts and circumstances of this case, we disagree with USAC's conclusion and find that the new entity does not require the filing a new FCC Form 470. See, e.g., *Request for Review of a Decision of the Universal Service Support Mechanism*, CC Docket No. 06-6, Order, 23 FCC Rcd 15413, 15416, para. 6 (WCB 2008) (conducting de novo review of the facts and circumstances to determine that USAC's decision was in error).

*Permissible Service Implementation Delay*¹³

Cocke County School District, TN, Application No. 201036751, Request for Waiver, CC Docket No. 02-6 (filed Jan. 18, 2022)

*Reconsidering Bureau Decision and Granting on the Merits*¹⁴

Capital City Public Charter School, DC, Application No. 231030634, Request for Waiver, CC Docket No. 02-6 (filed Feb. 6, 2024)

*Remand to Determine Eligibility of Services*¹⁵

Licking Valley Local Schools, OH, Application No. 201022855, Request for Review, CC Docket No. 02-6 (filed Jan. 27, 2021; supplemented Jan. 29, 2021)

¹³ 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 Rcd 13652, 13652-3, para. 2 (WCB 2014) (*Accelerated Charter Order*) (granting late-filed extensions of the service implementation deadline 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 in a timely manner).

¹⁴ In the *March 2024 USF Streamlined Resolution PN*, we denied an appeal filed by Capital City Public Charter School on procedural grounds as being late-filed. See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, and 21-93, Public Notice, DA 24-176 (WCB March 1, 2024) (*March 2024 USF Streamlined Resolution PN*). We now reconsider on our own motion the denial of that appeal. 47 CFR § 1.113(a). Because the Wireline Competition Bureau's (Bureau's) decision dismissing the appeal was released 31 days ago, we also waive the section 1.113 of the Commission's rules that requires any sua sponte reconsideration of an action taken under delegated authority occur within 30 days of that action. See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Archdiocese of San Antonio et al.; Schools and Libraries Universal Service Support Mechanism; Establishing Emergency Connectivity Fund to Close the Homework Gap*, CC Docket No. 02-6, WC Docket No. 21-93, Order, DA 22-399, para. 11 (WCB 2022); *Requests for Review of the Decision of the Universal Service Administrator by Pioneerland Library System; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Assoc.*, CC Docket Nos. 96-45, 97-21, Order on Reconsideration, 16 FCC Rcd 3428 (2001) (waiving section 1.113 of the Commission's rules to permit the reconsideration of a more-than-30-day Bureau denial because it was warranted in that case). We now find that Capital City Public Charter School demonstrated that its competitive bidding process was in compliance with Commission rules and procedures. See, e.g., *Allendale County School District Order*, 26 FCC Rcd at 6114-15, para. 9 (granting appeals where the record demonstrated that applicants gave the most weight to price during the bid evaluation process).

¹⁵ In processing Licking Valley Local Schools' request on remand, we direct USAC to apply the test described in the *Tennessee Order* to determine whether the services Licking Valley Local Schools characterized as on-premise category one service were properly characterized as such. See *Request for Review of the Decision of the Universal Service Administrator by New Albany-Floyd County Consolidated School Corporation; Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 16 FCC Rcd 3881, 3883, para. 7 (CCB 2001) (*New Albany-Floyd County Consolidated School Corporation Order*) (remanding application to USAC to determine service eligibility under the *Tennessee Order* test when it is unclear whether USAC already performed this analysis); *Request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator, Request for Review by Integrated Systems and Internet Solutions, Inc., of the Decision of the Universal Service Administrator, Request for Review by Education Networks of America of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45 and 97-21, Order, 14 FCC Rcd 13734 (1999) (*Tennessee Order*) (establishing criteria to consider whether certain facilities on school premises could be properly considered Internet access, rather than internal connections). We make no finding on the underlying issues in these appeals and remand these applications to USAC to make a determination on the merits. See *supra* note 7.

*Remand to Obtain Additional Information on Services Delivered*¹⁶

St. Catharine Academy, NY, Application No. 201046169, Request for Waiver, CC Docket No. 02-6 (filed Feb. 23, 2021)

*Signed Contract Requirement*¹⁷

Indian River County School District, FL, Application No. 171037694, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2020)

*Waiver of Appeal Filing Deadline*¹⁸

American Samoa SEA, AS, Application No. 171025640, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2020)

Great Rivers Education Services Cooperative, AR, Application No. 171039611, Request for Waiver, CC Docket No. 02-6 (filed Oct. 6, 2020)

Little Singer Community School, AZ, Application No. 867676, Request for Waiver, CC Docket No. 02-6 (filed Sept. 25, 2020)

Noble Network of Charter Schools, IL, Application No. 1048372, Request for Waiver, CC Docket No. 02-6 (filed Jan. 13, 2021)

YMCA of the East Bay, CA, Application No. 1032781, Request for Review, CC Docket No. 02-6 (filed Jan. 27, 2021)¹⁹

¹⁶ Consistent with our obligation to conduct a de novo review of appeals of decisions made by USAC, we find that additional information would assist in resolving this matter and remand this request for review back to USAC for additional outreach. *See* 47 CFR § 54.723. Based on the facts and circumstances of this case, we agree with USAC's conclusion that St. Catharine Academy, based on the documentation submitted, did not demonstrate that the additional amount of funding it requested for FRN 2099085025 was warranted. On remand, USAC should reach out again to St. Catharine Academy for additional evidence demonstrating that the contract with its service provider included more bandwidth for an additional \$60.20 per month for the period of time the applicant claims.

¹⁷ *Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6019, 6022-23, paras. 9 (2007) (*Adams County School District 14 Order*) (granting a waiver of the Commission's contract rule for applicants unable to sign a legally binding agreement prior to filing their FCC Form 471 because they needed their commitments with service providers approved by their governing boards before they could legally enter into the contract).

¹⁸ *See, e.g., ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of appeal filing deadline when the petitioners submitted their appeals or waiver 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 to USAC to make a determination on the merits. *See supra* note 7.

¹⁹ YMCA of the East Bay continued to work with USAC on its Category 2 cost allocation until it realized that its changes had not been made and funding was denied. On remand, USAC should work with YMCA of the East Bay using the FCC Form 500 the school included in its appeal to the FCC.

Denied*Competitive Bidding Violation – 28-Day Rule*²⁰

Ben Porat Yosef School, NJ, Application No. 201042893, Request for Review, CC Docket No. 02-6 (filed Jan. 19, 2021)

*Competitive Bidding Violation – Applicant Failed to Consider All Bids Submitted*²¹

Centerville School District 60-1, SD, Application No. 161048523, Request for Waiver, CC Docket No. 02-6 (filed Dec. 17, 2020)

*Competitive Bidding Violation – Price Not Primary Factor in Vendor Selection*²²

Delta Schoolcraft Consortium, WI, Application Nos. 181039397, 191002221, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 18, 2020)

*Cost-effectiveness*²³

Monsey Beis Chaya Mushka, NY, Application No. 962556, Request for Review, CC Docket No. 02-6 (filed Jun. 22, 2015)

Yeshiva Yagdil Torah, NY, Application No. 871421, Request for Review, CC Docket No. 02-6 (filed Oct. 6, 2014)

²⁰ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Albuquerque School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 5878, 5880, para. 4 (WCB 2011) (*Albuquerque School District Order*) (denying appeals where applicants signed their contracts or certified their FCC Forms 471 more than a few days before the allowable contract date, thus violating the requirement that the FCC Form 470 be posted for 28 days before entering into an agreement with a service provider).

²¹ See, e.g., *Request for Review of A Decision of the Universal Service Administrator by Truth or Consequences Municipal Schools*, CC Docket No. 02-6, Order, 27 FCC Rcd 10078 (WCB 2012) (*Truth or Consequences Municipal Schools*) (denying appeal where applicant failed to evaluate all the bids it received); *Requests for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 8630, 8640, para. 22 (WCB 2011) (*Central Islip Free Union School District Order*) (denying appeal where applicant failed to carefully consider all bids submitted in response to its FCC Form 470 posting).

²² See, e.g., *Requests for Review of a Decision of the Universal Service Administrator by Fall River Public School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 7427, 7429, para. 5 (WCB 2013) (*Fall River Public School District Order*) (denying appeal where applicant failed to consider price as primary factor in its vendor selection process and where it was not clear from the record that applicant selected the most cost-effective service offering).

²³ *Request for Review by Ysleta Independent School District of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26432, para. 54 (2003) (*Ysleta Independent School District Order*) (explaining that a request for routers at prices two or three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances).

*Late-Filed Invoice or Invoice Deadline Extension*²⁴

Brownsville Independent School District, TX, Application Nos. 181039492, 181038087, Request for Waiver, CC Docket No. 02-6 (filed Dec. 3, 2020)

Claverack Free Library and Reading Room Association, NY, Application No. 221039349, Request for Waiver, CC Docket No. 02-6 (filed Feb. 13, 2024)

McCurdy Charter School, NM, Application No. 191032210, Request for Waiver, CC Docket No. 02-6 (filed Mar. 18, 2021)

MSGR McClancy High School, NY, Application No. 221020112, Request for Waiver, CC Docket No. 02-6 (filed Feb. 27, 2024)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-Rate Services Later Requested*²⁵

Audubon Community Schools, IA, Application No. 201013647, Request for Waiver, CC Docket No. 02-6 (filed Oct. 16, 2020)

Special Education Services, Inc., IL, Application No. 181039584, Request for Waiver, CC Docket No. 02-6 (filed Mar. 5, 2021)

*Untimely Filed Appeals or Waiver Requests*²⁶

Aspiranet DbA Fusion Charter School, CA, Application Nos. 181028269, 181036146, Request for Waiver, CC Docket No. 02-6 (filed Feb. 20, 2024)

Beth Chana School for Girls, NY, Application No. 881989, Request for Waiver, CC Docket No. 02-6 (filed Dec. 8, 2020)

Biblioteca Revndo Eleuterio Feliciano Crespo, PR, Application No. 161040723, Request for Waiver, CC Docket No. 02-6 (filed Dec. 22, 2020)

²⁴ 47 CFR § 54.514. See also, 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).

²⁵ 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, 4541, para. 14 (WCB 2009) (*Albert Lea Schools Order*); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289, 9289-90, para. 5 (WCB 2014) (*Chicago Public Schools Order*) (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).

²⁶ See, e.g., *Agra Public Schools I-134 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 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).

Cambridge School District #432, ID, Application No. 231035539, Request for Waiver, CC Docket No. 02-6 (filed Jan. 9, 2024)

Collegedale Academy, TN, Application No. 201041370, Request for Waiver, CC Docket No. 02-6 (filed Jan. 1, 2021)

Erie 1 BOCES, NY, Application No. 211012094, Request for Waiver, CC Docket No. 02-6 (filed Feb. 21, 2024)

Fulton County School District, GA, Application Nos. 593044, 593102, 752567, Request for Waiver, CC Docket No. 02-6 (filed Feb. 8, 2021)

Vista College Preparatory, AZ, Application No. 161029967, Request for Waiver, CC Docket No. 02-6 (filed Feb. 24, 2021)

*Upholding USAC's Funding Procedures*²⁷

Gifft Hill School, VI, Application No. 201045156, Request for Review, CC Docket No. 02-6 (filed Jan. 25, 2021)

Rural Health Care Program
WC Docket No. 02-60

Granted

*Competitive Bidding*²⁸

²⁷ Gifft Hill School applied for and received a second E-Rate FY2020 FCC Form 471 window funding commitment to help pay for faster Internet service to boost capacity needed during the COVID-19 pandemic. The school's transition date to this more expensive Internet access service was changed by USAC from mid-October to November 1, 2020 because USAC is unable to support partial-month commitments. Although the school was reimbursed the entire month for the less expensive service, Gifft Hill School is now seeking additional E-Rate funding to pay for the more expensive Internet access services it purchased for the latter part of October 2020.

We deny Gifft Hill School's appeal. We find that USAC's internal application processing system is not able, procedurally and systematically, to process partial-month funding commitments. Because the Commission's regulations authorize USAC to establish procedures for the administration of the E-Rate application process in an efficient and effective manner, including procedures for the review of applications, it was authorized to begin the funding commitment transition at the beginning of the following month. *See* 47 C.F.R. §§ 54.701(a), 54.702, 54.705(a)(iii), 54.705(a)(xi); *See also Requests for Review of the Decision of the Universal Service Administrator by Boone County School District; Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, 16 FCC Rcd 21124, 21127, para. 6 (CCB 2001) (*Boone County School District Order*) (finding that USAC properly used its own application review procedures to deny a funding request).

²⁸ *See Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7376, n.186 (2019) (*Promoting Telehealth Report and Order*) (stating that, when no bids are received, the health care provider has the option to "(1) repost the [request for services form] for an additional 28 days to solicit bids; (2) use a current contract as a 'standing bid' to obtain the requested service or equipment; or (3) select a service provider of its choosing"). On October 25, 2019, Community Counseling Services Region VII MH/ID Commission Consortium (CCS) entered into a service agreement with C-Spire for services to begin on February 18, 2021. On December 10, 2020, CCS submitted an FCC Form 461 requesting services for funding year 2021. USAC posted the FCC Form 461 on January 7, 2021, thereby setting an allowable contract selection date (ACSD) of February 5, 2021. CCS received no bids in response to its request for services and, treating its existing agreement as a "standing bid," selected C-Spire

(continued....)

Community Counseling Services Region VII MH/ID Commission Consortium (CCS), MS, Request for Review, WC Docket No. 02-60, Funding Request No. 21131731 (filed Aug. 25, 2022)

*Waiver of the Invoice Filing Deadline*²⁹

Atlantic Metro Communications II, Inc. (Providence St. Joseph Health Consortium), WA, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220012811 (filed Feb. 21, 2024)

CommonSpirit Health, CO, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220012959 (filed March 19, 2024)

CommonSpirit Health, CO, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220012960 (filed March 19, 2024)

Community Hospital Corporation, TX, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220012327 (filed March 19, 2024)

Divine Providence Community Home, MN, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220011139 (filed March 5, 2024)³⁰

Mercury Voice and Data, LLC (La Paz Regional Hospital), AZ, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20234381 (filed Dec. 12, 2024)³¹

Fiber Communications of Columbus, LLC (Eastern Kansas Health Network), KS, Request for Waiver, WC Docket No. 02-60, Funding Request No. 20868221 (filed March 6, 2024)

as its service provider on February 11, 2021 – six days after the ACSD but seven days before service commenced. RHC Program applicants are typically permitted to treat existing contracts as standing bids only when choosing to continue service under the existing contract, among other requirements. *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Public Schools, Kalamazoo, Michigan, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order on Reconsideration, 17 FCC Rcd 22154, 22157-58 (WCB 2002); *see also Request for Review, Franciscan Skemp Waukon Clinic, Waukon, Iowa, Rural Health Care Universal Service Support Mechanism*, WC Docket No. 02-60, Order, 29 FCC Rcd 11714, 11717 (WCB 2014). We find, however, that because CCS received no bids in response to its FCC Form 461, it was permitted to select a service provider of its choosing after the ACSD. *See Promoting Telehealth Report and Order*, 34 FCC Rcd at 7376, n.186. We therefore grant CCS's appeal and remand its funding request to USAC for further action.

²⁹ *See Requests for Waiver or Review of Decision of the Universal Service Administrator by Indiana Telehealth Network*, WC Docket No. 02-60, Order, 33 FCC Rcd 12341, 12342, para. 4 (WCB 2018) (granting a waiver of the invoice filing deadline when the petitioner missed the deadline due to technical issues outside of its control) (*Indiana Telehealth Network Order*). We waive the petitioners' invoice filing deadlines and allow them 120 days from the release of this Public Notice to file invoices.

³⁰ *See id.* *See also Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District, Abbotsford, Wisconsin, et al.*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (*Abbotsford School District Order*) (waiver of invoice filing deadline due to delays beyond the control of the entities requesting a waiver).

³¹ *See Indiana Telehealth Network Order*, 33 FCC Rcd 12341; *see also Abbotsford School District Order*, 27 FCC Rcd 15299.

*Waiver of the Invoice Filing Deadline—Sua Sponte Waiver*³²

Ascension Health, MO, *Sua Sponte Waiver*, WC Docket No. 02-60, Funding Request No. 19293161

Midwest Medical Center, IL, *Sua Sponte Waiver*, WC Docket No. 02-60, Funding Request No. 18452711

*Waiver of Service Provider Identification Number Deadline*³³

Atlantic Metro Communications II, Inc. (Providence St. Joseph Health Consortium), WA; CenturyLink CenturyTel of Central Louisiana (Willis-Knighton Health System), LA; Eastern Oregon Net, Inc. (Grande Ronde Hospital), OR; PriorityOne Telecommunications, Inc. (Wallowa County Health Care District), OR, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. RHC20220012811, RHC20220001356, RHC20220001630, RHC20220004941, RHC20220004944, RHC20220006243, RHC20220006244, RHC20220004809 (filed Feb. 26, 2024)

Mosaic Medical - Madras High-School Based Health Center (Centro Escolar) & Mosaic Medical Consortium, OR; Crittenden County Health Dept., Livingston County Health Dept., Lyon County Health Dept., KY, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. RHC20220009548, RHC20220009541, RHC20220009547, RHC20220008567, RHC20220008562, RHC20220008570 (filed Feb. 16, 2024)

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 -

³² 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 petitioner's invoice filing deadline and allow it 120 days from the later of the release of this Public Notice or the issuance of a Funding Commitment Letter to file invoices with USAC.

³³ See *Requests for Review of Decisions of the Universal Service Administrator by Bay Shore Union Free School District, et al., Schools and Libraries Universal Service Support Mechanism, et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15537, 15543, para. 11 (WCB 2008) (waiving the service provider identification number (SPIN) change deadline when applicants were unaware of the need for a SPIN change until after the deadline). We direct USAC to coordinate with the applicants on filing SPIN change requests and make no finding as to the merits of the request. We also dismiss any requests for waivers of the invoice deadline as moot because, if a SPIN change is granted, USAC will set a new invoice deadline of 120 days from the date of the revised funding commitment letter approving the SPIN change. See 47 CFR § 54.627(a)(2).