



# PUBLIC NOTICE

Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

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

DA 24-1

Released: January 2, 2024

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

**CC Docket No. 02-6**  
**WC Docket No. 10-90**  
**WC Docket No. 21-93**  
**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.<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>

Holyoke RE-1J School District, CO, Application No. 211031257, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 9, 2023)

#### Dismiss to Allow Appeal to be Filed with USAC<sup>4</sup>

---

<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)(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); 54.1718(a)(1)-(2). 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) (*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).

Harlingen Consolidated Independent School District, TX, Application No. 171047074, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2021)

#### Granted<sup>5</sup>

##### *Contract Agreement in Place*<sup>6</sup>

Komarek School District 94, IL, Application No. 221002792, Request for Waiver, CC Docket No. 02-6 (filed July 17, 2022)

##### *Granting Additional time to Respond to USAC with Information During Invoicing*<sup>7</sup>

Blackfoot Charter Community Learning Center, ID, Application No. 221035080, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2023)

Monticello Montessori Charter School, ID, Application No. 221033982, Request for Waiver, CC Docket No. 02-6 (filed Nov. 15, 2023)

##### *Invoicing Certification*<sup>8</sup>

(Continued from previous page) \_\_\_\_\_

<sup>4</sup> 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 Feb. 8, 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 petitioner filed its appeal with the Commission first, we now provide Harlingen Consolidated Independent School District 60 days from the release date of this Public Notice to refile its appeal 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 appeal 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](mailto:Appeals@usac.org).

<sup>5</sup> 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).

<sup>6</sup> See, e.g., *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15532, para. 10 (WCB 2008) (*Barberton City School District Order*) (granting on the merits when petitioners submitted evidence to the Commission demonstrating that they had a valid, signed contract in place at the time it submitted its FCC Forms 471 to USAC).

<sup>7</sup> See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Accomack County Public School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 23-48, para. 14 (WCB Jan. 19, 2023) (*Accomack County Public School Order*) (granting requests for review of applicants that had been denied funding during invoicing because they failed to respond to USAC's request for information within the USAC-specified time frame).

<sup>8</sup> Hampton-Dumont CSD's timely-filed invoices were denied because its BEAR service certifications were signed by a representative from the service provider and not an authorized user from the school district. Although Hampton-Dumont CSD appealed this funding denial with USAC, its appeal was mistakenly dismissed because the

(continued....)

Hampton-Dumont CSD, IA, Application No. 201018289, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2022)

*Ministerial and/or Clerical Errors*<sup>9</sup>

Midwest Comm Unit School District 191, IL, Application No. 221035027, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Oct. 20, 2022)

MS Delta-Leflore Legacy Academy, MS, Application No. 221019659, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Nov. 7, 2023, supplemented Nov. 27, 2023)

*Ministerial and/or Clerical Errors – Invoicing*<sup>10</sup>

Missouri Network Alliance, LLC (Illinois Department of Innovation and Technology Consortium), MO, Application No. 201032355, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2022)

State of Nebraska Department of Administration Services, Office of the CIO, NE, Application No. 211016541, Request for Waiver, CC Docket No. 02-6 (filed Nov. 9, 2022)

*Permissible Service Implementation Delay*<sup>11</sup>

Anderson Public Library, IN, Application No. 221037782, Request for Waiver, CC Docket No. 02-6 (filed Nov. 27, 2023)

(Continued from previous page) \_\_\_\_\_

USAC reviewer believed it was an invoice deadline waiver request. Hampton-Dumont CSD subsequently filed an appeal with the Commission attaching the invoices with the proper signatures.

<sup>9</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools*, CC Docket No. 02-6, Order, 25 FCC Rcd at 17319, 17319-20, para. 2, nn. 5, 15, 17, 20 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting waivers where the applicant or USAC entered the wrong discount rate, selected the wrong category of service on its FCC Form 471 or the applicant omitted entities or services from source documents onto its FCC Form 471); *Requests for Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227, 19228-29, paras. 3-4 (WCB 2007) (*Joseph Jingoli & Son Order*) (granting petitioners' request to correct a mistaken cancellation of a funding request); *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) (*Archer Public Library Order*) (permitting applicant to correct a mischaracterization of the nature of a recipient of service on form 471); *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket 13-184, 29 FCC Rcd 8870, 8955-56, para 218 (2014) (*First 2014 E-Rate Modernization Order*) (finding that "an applicant can add eligible schools within its district that were inadvertently omitted from its applications, even after the deadline for making changes to the FCC Form 471.").

<sup>10</sup> See *Accomack County Public School Order*, DA 23-48, para. 7-9 (granting waivers where the E-Rate invoice filers entered the wrong service start date, application number, funding request number, customer bill date or inadvertently requested an invoice filing deadline extension for the wrong funding request number). We also waive section 54.720 of the Commission's rules in cases where the petitioners filed their waiver request within 60 days of discovering or receiving notice of the ministerial or clerical error. See *id.* at para. 12 (waiving section 54.720 of the Commission's rules).

<sup>11</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 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).

*Price as Primary Factor*<sup>12</sup>

Monmouth County Vocational School District, NJ, Application No. 211008516, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2022)

National Heritage Academies, MI, Application No. 221015410, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2022)

Walnut Springs Independent School District, TX, Application No. 201047260, Request for Waiver, CC Docket No. 02-6 (filed Oct. 25, 2023)

*Price as Primary Factor—Full Compliance with Rules*<sup>13</sup>

Alamogordo Public Schools, NM, Application No. 191001089, Request for Review, CC Docket No. 02-6 (filed Feb. 6, 2020)

*Service Provider Eligible at Invoicing Stage*<sup>14</sup>

Floyd Municipal School District, NM, Application No. 579663, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2023)

*Signed Contract Requirement*<sup>15</sup>

Yuba City Unified School District, CA, Application No. 231023682, Request for Review, CC Docket No. 02-6 (filed Dec. 3, 2023)

*SPIN Change*<sup>16</sup>

---

<sup>12</sup> *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).

<sup>13</sup> *Id.* (granting appeals where the record demonstrated that the petitioners selected their respective vendors using price as the primary consideration in accordance with E-Rate program rules).

<sup>14</sup> USAC denied Floyd Municipal School District's request for reimbursement because it found that the service provider was "no longer active" in USAC's system. 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 find that the service provider, while not in USAC's system at the time of invoicing in 2018, provided the services at issue and appears to have been in good standing with USAC in the funding year at issue when the services were delivered. See, e.g., *Request for Review of a Decision of the Universal Service Support Mechanism by Grand Rapids Public Schools*, CC Docket No. 02-6, 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).

<sup>15</sup> See, e.g., *Barberton City School District Order*, 23 FCC Rcd at 15528, para. 5 (granting appeals on the merits because petitioners demonstrated that they had contracts in place that met the Commission's rules and procedures when submitting their FCC Forms 471).

<sup>16</sup> See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Academy of Detroit West et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 1960, 1961-66, paras. 5-8, 15 (WCB 2020) (finding that when the new provider of service is unable to provide service, the applicant may receive support for service from the incumbent provider).

Cotter Schools, MN, Application No. 221038420, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Oct. 22, 2023)

French American School of New York, NY, Application No. 231035159, Request for Waiver and/or Review, CC Docket No. 02-6 (filed Oct. 12, 2023, supplemented Dec. 6, 2023)

*Waiver of Appeal Filing Deadline*<sup>17</sup>

Archdiocese of Atlanta, GA, Application No. 201029131, Request for Waiver, CC Docket No. 02-6 (filed Oct. 28, 2022)

St. Raphael Catholic School, FL, Application No. 201013609, Request for Waiver, CC Docket No. 02-6 (filed Oct. 28, 2022)

*Waiver of FCC Form 471 Deadline Due to Natural Disaster*<sup>18</sup>

Fort Myers Beach Free Public Library, FL, Application No. 231039785, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2023)

*Waiver of the Competitive Bidding 28-Day Rule*<sup>19</sup>

Desoto County Schools, MS, Application No. 221021087, Request for Waiver, CC Docket No. 02-6 (filed July 15, 2022)

Denied

*Discount Calculation*<sup>20</sup>

---

<sup>17</sup> 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*) (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 back to USAC to make a determination on the merits. See *supra* note 5.

<sup>18</sup> Because of the devastation caused by Hurricane Ian in September 2022, we find it is in the public interest to grant a waiver of the funding year 2023 FCC Form 471 application filing window deadline to Fort Myers Beach Free Public Library. We emphasize the limited nature of this decision. The Commission's filing deadlines and procedural rules are necessary for the efficient administration of the E-Rate program and we are granting this waiver request due to the unique nature of the library's proximity to the destruction caused by Hurricane Ian. See *Requests for Waiver of Section 54.504(C), 54.504(F), 54.507(C), and 54.507(G) of the Commission's Rules; State of Louisiana Department of Education, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 1653, 1658, para. 9 (2010) (*State of Louisiana Department of Education Order*) (granting a limited waiver of the Commission's filing deadlines and procedural rules to school districts affected by the devastation caused by Hurricane Katrina). Consistent with precedent, 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 an adverse USAC decision. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

<sup>19</sup> See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007) (*Aberdeen School District Order*) (granting waivers of violations of the 28-day waiting period rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time).

River Dell Regional High School, NJ, Application No. 221006666, Request for Review, CC Docket No. 02-6 (filed July 12, 2022)

*FCC Form 470 Waiver Denial*<sup>21</sup>

Scholarship Preparatory School Santa Ana 1, CA, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Mar. 1, 2023)

Scholarship Preparatory School Santa Ana 2, CA, No Application Filed, Request for Waiver, CC Docket No. 02-6 (filed Mar. 1, 2023)

*Late-Filed FCC Form 471 Applications*<sup>22</sup>

Honey Grove Independent School District, TX, Application No. 231040024, Request for Waiver, CC Docket No. 02-6 (filed Dec. 12, 2023)

Maple Street School, VT, Application No. 231040013, Request for Waiver, CC Docket No. 02-6 (filed Dec. 8, 2023)

Notre Dame Academy, ME, Application No. 231039311, Request for Waiver, CC Docket No. 02-6 (filed Apr. 18, 2023)

*Late-Filed Invoice or Invoice Deadline Extension*<sup>23</sup>

Columbus City Schools, OH, Application No. 221031913, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2023)

(Continued from previous page) \_\_\_\_\_

<sup>20</sup> We deny River Dell Regional High School's appeal because it is using data from 2019, which is more than two years out from FY 2022. The most recent discount calculation data supports the lower discount amount. *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).

<sup>21</sup> Because there is no deadline for the FCC Form 470, we deny the petitioner's request for a deadline waiver of an FCC Form 470 that was not filed with enough time to allow for the 28-day competitive bidding period to run before timely filing the FCC Form 471. *See, e.g., Request for Waiver by Cotton Center ISD; 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, 17 FCC Rcd 643, 645, n.14 (CCB 2002) (*Cotton Center ISD Order*) (noting that "The FCC Form 470 merely initiates the process of requesting bids, and unlike the FCC Form 471 application, is not subject to a specified filing period and firm deadline.").

<sup>22</sup> *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science, et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (*Academy of Math and Science Order*) (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

<sup>23</sup> 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); *see also First 2014 E-Rate Modernization Order*, 29 FCC Rcd at 8966, para. 240 (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances).

Harwood Unified Union School District, VT, Application Nos. 221029215, 221029254, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2023)

Jamestown Networks (Naselle-Grays River District 155, Yakima Valley Libraries), WA, Application Nos. 221016918, 221034762, Request for Waiver, CC Docket No. 02-6 (filed Dec. 7, 2023)

Midrash L'man Achai, NY, Application No. 221034069, Request for Waiver, CC Docket No. 02-6 (filed Nov. 16, 2023)

Ross County Christian Academy, OH, Application Nos. 211001993, 221007509, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2023)

Sierra Communications, Inc. (New Mexico State Library), NM, Application No. 221030628, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2023)

*Untimely Filed Appeals or Waiver Requests*<sup>24</sup>

Accion Social de Puerto Rico, Inc., PR, Application Nos. 201004612, 201025357, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2023)

All My Children Day Care & Nursery School 10, NY, Application No. 171028816, Request for Waiver, CC Docket No. 02-6 (filed Nov. 23, 2023)

James E. Sampson Memorial School, FL, Application No. 211031473, Request for Waiver, CC Docket No. 02-6 (filed Dec. 4, 2023)

Peoples Elementary School, NY, Application Nos. 171018612, 171048201, Request for Waiver, CC Docket No. 02-6 (filed Nov. 23, 2023)

Sacred Heart School, IA, Application No. 221033401, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2023)

School Admin District 17, ME, Application No. 231025250, Request for Waiver, CC Docket No. 02-6 (filed Nov. 17, 2023)

The Ergonomic Group, Inc. (Town Of Brookfield), CT, Application No. 221036653, Request for Review, CC Docket No. 02-6 (filed Dec. 5, 2023)

**High-Cost Program (Connect America Fund)**

**WC Docket No. 10-90**

---

<sup>24</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, 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).

Granted*Letter of Credit*<sup>25</sup>

Declaration Network Group Inc.'s Petition for Extension of Temporary Waiver of Section 54.315(c)(2)(i)(B), WC Docket Nos. 10-90, 17-182 (filed Nov. 30, 2023)

**Emergency Connectivity Fund Program**  
**WC Docket No. 21-93**Dismiss as Moot – USAC Took Action Requested<sup>26</sup>

Shearim Torah High School, Inc., AZ, Application No. ECF202105618, Request for Waiver, WC Docket No. 21-93 (Nov. 20, 2023)

Granted<sup>27</sup>*Early Delivery*<sup>28</sup>

Cesar Chavez Public Charter Schools, DC, Application No. ECF202209780, Request for Waiver, WC Docket No. 21-93 (filed Nov. 27, 2023)

Girls Global Public Charter Schools, DC, Application No. ECF202203946, Request for Waiver, WC Docket No. 21-93 (filed Dec. 8, 2023)

Puyallup School District 3, WA, Application No. ECF202207072, Request for Waiver, WC Docket No. 21-93 (filed Dec. 6, 2023)

---

<sup>25</sup> Declaration Network Group (DNG) seeks an extension of the temporary waiver of the Connect America Fund Phase II (CAF II) Auction Letter of Credit rules, which require a recipient of CAF II support to maintain a Letter of Credit (LOC) with a bank that maintains a Weiss safety rating of B- or better. We previously granted DNG a waiver of this rule until December 15, 2023. *Streamlined Resolution of Requests Related to the Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 21-93, Public Notice, DA 23-756, at 22 & n.52 (WCB Aug. 31, 2023) (*August 2023 Streamlined Public Notice*).

DNG now seeks a waiver of an additional 12 months, until December 15, 2024. While we decline to grant DNG an additional 12 months to obtain a new LOC, we partially grant DNG's petition and extend its existing waiver until February 29, 2024. This extends DNG's waiver to a total of six months, in line with previous waiver grants. *See Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 37 FCC Rcd 10271 (WCB 2022) (Point Broadband Order); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 23-419 (WCB May 17, 2023) (ECFiber Order); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 23-513 (WCB June 14, 2023) (DoCoMo Order); *August 2023 Streamlined Public Notice*; *Streamlined Resolution of Requests Related to the Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 20-34, 21-93, Public Notice, DA 23-1104, at 12 & n. 39 (WCB Dec. 1, 2023) (*December 2023 Streamlined Public Notice*).

<sup>26</sup> *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).

<sup>27</sup> *See supra* note 5.

<sup>28</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, 37 FCC Rcd 7445, 7459 n.25 (WCB 2022) (granting requests for waivers for equipment delivered before the start of the approved funding year).

*Granting Additional Time to Respond to USAC's Request for Information*<sup>29</sup>

Quality Education and Development LLC (Waldwick SDA School), NY, Application No. ECF202107506, Request for Waiver, WC Docket No. 21-93 (filed Nov. 8, 2023)

*Waiver of Service Delivery Date*<sup>30</sup>

ACADIA Academy, ME, Application No. ECF202107980, Request for Waiver, WC Docket No. 21-93 (filed Dec. 7, 2023)

Denied*Service Substitution*<sup>31</sup>

Alachua County School District, FL, Application No. ECF222120432, Request for Waiver, WC Docket No. 21-93 (filed Aug. 23, 2023)

**Rural Health Care Program**  
**WC Docket No. 02-60**Granted

---

<sup>29</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007) (*Alpaugh Unified School District Order*); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (*Ben Gamla Palm Beach Order*) (granting requests for review for applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame). 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.

<sup>30</sup> See, e.g., *Accelerated Charter Order*, 29 FCC Rcd at 13652-53, para. 2 (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond their control and made significant efforts to secure the necessary extensions). Consistent with the six-month extension granted to some applicants on May 12, 2023, we waive the service delivery deadline and direct USAC to set a new service delivery deadline of June 30, 2024, and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 23-405 (WCB May 12, 2023) (extending the deadline of equipment funding requests from the first and second application filing window by 180 days, but not to exceed beyond June 30, 2024). We also waive any associated administrative or procedural deadlines that might be necessary to effectuate our ruling. See *supra* note 5. 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 this petition for waiver of the Emergency Connectivity Fund program rules.

<sup>31</sup> See, e.g., *State of Louisiana Department of Education Order*, 25 FCC Rcd at 1668, para. 18 (denying a service substitution request when it does not meet the Commission's requirements for granting a service substitution). 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 this petition for waiver of the Emergency Connectivity Fund program rules. See also 47 CFR § 54.1710(b)(2).

*Waiver of the Service Provider Identification Number Change Deadline*<sup>32</sup>

Colorado Hospital Association Broadband Services, CO, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 21177081, 21128091 (filed Oct. 20, 2022)

Colorado Hospital Association Broadband Services, CO, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 21117301, 21177611 (filed Dec. 13, 2022)

Colorado Hospital Association Broadband Services, CO, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220011725 (filed Dec. 18, 2023)

Hendrick Health System, TX; Neosho Memorial Regional, KS; Greenwood County Hospital – Howard, KS; NMRMC Erie Family Care Clinic, KS; Adventist West – Lodi Health Physicians, Galt Family Care, CA; Salina Regional Health Center, KS; Adventist Health, CA, Request for Waiver, WC Docket No. 02-60, Funding Request Nos. 21976721, 21997891, 21951591, 21951891, 21936421, 21892871, 21979451, 21922261, 21922381, 21916851, 21952851 (filed Nov. 30, 2022)

Texas Telehealth Consortium, TX, Request for Waiver, WC Docket No. 02-60, Funding Request No. 21161121 (filed Feb. 24, 2023)

Denied*Service Provider Identification Number Change Request*<sup>33</sup>

Palmetto State Providers Network, SC, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20220012612 (filed Nov. 14, 2023)

---

<sup>32</sup> 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).

<sup>33</sup> See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Academy of Detroit West et al; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 1960, 1968-69, paras. 20-21, (WCB 2020) (denying appeal regarding an operational SPIN change request on the grounds that changing providers after competitive bidding to secure a lower price is not a legitimate reason to qualify for an operational SPIN change). See also 47 CFR § 54.625(b)(1)-(2) (“The applicant has a legitimate reason to change providers (e.g., breach of contract or the service provider is unable to perform)” and the “applicant’s newly selected service provider received the next highest point value in the original bid evaluation, assuming there were multiple bidders”); see also *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7426-27, paras. 197-99 (WCB 2019) (asserting that legitimate operational SPIN changes include circumstances such as breach of contract or the service provider is unable to perform and, where there were multiple bidders, the newly selected service provider was the next highest scoring bidder).

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

- FCC -