



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

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 for Failure to Comply with the Commission's Basic Filing Requirements³

Region 5 Education Service Center (Ysleta Independent School District), TX, No Application
No. Given, CC Docket No. 02-6 (filed Jan. 9, 2025)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Sections 54.719(b) and 54.1718(a)(1) of the Commission's rules provide that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Sections 54.719(c) and 54.1718(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 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 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

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Granted⁴*Demonstrating Extraordinary Circumstances Warranting Invoice Rule Waiver*⁵

Monterey Peninsula Unified Schools, CA, Application No. 231018858, Request for Waiver, CC Docket No. 02-6 (filed Jan. 8, 2025)

*Granting on Reconsideration – Untimely Filed Appeal*⁶

American Internet Group, LLC (Detroit Edison Public School Academy), NY, Application Nos. 231033515, 231035768, Petition for Reconsideration, CC Docket No. 02-6 (filed July 1, 2024)

*Granting On Our Own Reconsideration – Late-Filed Appeal*⁷

New World Educational Center, AZ, Application No. 241029752, Request for Waiver, CC Docket No. 02-6 (filed Oct. 23, 2024)

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).

⁴ 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 equipment/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 rule).

⁵ *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 deadline extension when the petitioner demonstrated extraordinary circumstances outside of its control).

⁶ *See, e.g., Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (*Callisburg Independent School District Order*) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination). We find that American Internet Group, LLC was reaching out to the school district and working with USAC to resolve the issues with applications that were canceled. When the service provider finally made contact with all parties, it immediately filed its appeal once it realized the appeal was necessary. *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by ABC Unified School District, 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 USAC or the Commission within a reasonable period after receiving actual notice of USAC's adverse decision). We make no finding on the underlying issues in this appeal and remand these applications to USAC to make a determination on the merits. *See supra* note 4.

⁷ The Wireline Competition Bureau (Bureau) denied New World Educational Center's request for waiver in the *December 2024 USF Streamlined Public Notice*. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 02-60, 06-122, Public Notice, DA 24-1169 (WCB Dec. 2, 2024) (*December 2024 USF Streamlined Public Notice*). On our own motion, we now reconsider the Bureau's denial. *See* 47 CFR § 1.113(a) (allowing a bureau to set aside or modify its own actions within 30 days). Because the Bureau's decisions dismissing the waiver and petition were released more than

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*Late-Filed FCC Form 486 Filed Before Invoice Deadline*⁸

Appalachia Intermediate Unit 8 Consortium, PA, Application No. 231029053, Request for Waiver, CC Docket No. 02-6 (filed Dec. 10, 2024)

Appalachia Intermediate Unit 8 Consortium, PA, Application No. 231028893, Request for Waiver, CC Docket No. 02-6 (filed Dec. 10, 2024)

CIVA Charter School, CO, Application No. 231035839, Request for Waiver, CC Docket No. 02-6 (filed Dec. 11, 2024)

Denied*Untimely Filed Appeals or Waiver Requests*⁹

PenTeleData Limited Partnership I (Wilkes-Barre Area School District), PA, Application No. 231024948, CC Docket No. 02-6 (filed Jan. 13, 2025)

30 days ago, we waive the section 1.113 requirement that 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 Apr. 11, 2022) (*Archdiocese of San Antonio Order*); *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) (*Pioneerland Library System*) (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). After further review, we find that New World Educational Center's appeal to USAC was timely filed. Looking at the merits of the appeal, New World Educational Center's application should be remanded back to USAC for a re-examination of its discount calculation using the documentation it provided. *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, 10709, para. 13 (WCB 2006) (*Academia Claret Order*) (granting discount calculation appeals and remanding them back to USAC for further processing when it appears the applicant fully complied with USAC's procedures).

⁸ *See, e.g., Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11750, para. 10 (WCB 2016) (*Archdiocese of New Orleans Order*) (ensuring that the late filing of the FCC Form 486 did not frustrate the timely submission and payment of invoices by granting relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicant demonstrated good cause for the late filing).

Although petitioners filed their FCC Form 486 more than 120 days after the last day to receive service, we find good cause to grant these appeals. The rationale for adopting the *Archdiocese of New Orleans Order* FCC Form 486 relief standard was to ensure that a late-filed FCC Form 486 would not dictate the deadline for E-rate invoices. *Id.* at 11750, para. 8. The Bureau noted that a failure to timely file an FCC Form 486 prevents USAC from issuing the relevant FCC Form 486 notification letter and therefore could frustrate the timely submission and payment of invoices, pursuant to the Commission's invoice rules. *Id.* at 11750, para. 10. In fact, the standard the Bureau created for relief was based on the invoice filing deadline to ensure that the invoicing process would not be delayed by tardy FCC Forms 486. *Id.* In the instant cases, petitioners' invoice filing deadlines have not yet occurred. We therefore grant these appeals because, in these instances, the late filing of the FCC Form 486 did not frustrate the timely submission and payment of invoices as the forms were filed before the invoice filing deadline.

⁹ *See, e.g., Requests for Review of the Decisions of the Universal Service Administrator by Agra Public Schools I-134; Schools and Libraries Universal Service Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684, 5688,

(continued....)

Emergency Connectivity Fund Program
WC Docket No. 21-93

Granted¹⁰

*Early Delivery*¹¹

525 Technologies (Bullock County School District), GA, Application No. ECF202201644, Request for Waiver, CC Docket No. 02-6 (filed Dec. 23, 2024)

*Waiver of Service Delivery Date*¹²

Neshannock Township School District, PA, Application No. ECF202201800, Request for Waiver, WC Docket No. 21-93 (filed Aug. 12, 2024)

Jenks Independent School District 5, OK, Application No. ECF202201284, Request for Waiver, WC Docket No. 21-93 (filed Oct. 14, 2024)

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; Schools and Libraries Universal Service 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).

¹⁰ 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 54.1711(d) and (e) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 CFR § 54.1711(d)-(e) (codifying the invoice filing deadline and establishing the service delivery dates for equipment, other non-recurring services, and recurring services).

¹¹ *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 period).

¹² *See, e.g., Requests 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, 13652-53, para. 2 (WCB 2014) (*Accelerated Charter Order*) (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). Because the ECF program sunset on June 30, 2024, participants are statutorily required to "purchase" eligible equipment and/or services by no later than that date in order to be eligible for reimbursement through the ECF program. *See* H.R. 1319, tit. VII, § 7402(a) and (d)(5)(B). The Commission cannot waive or extend this date to provide applicants with additional time to purchase eligible equipment and/or services beyond June 30, 2024. Here, applicants purchased the equipment and entered into a mutually binding agreement with its service provider to provide the equipment prior to the June 30, 2024 statutory deadline. Therefore, we are waiving the delivery deadline and direct USAC to adjust any associated administrative or procedural deadlines, including the invoice filing deadline, that might be necessary to effectuate our ruling. *See also supra* note 10.

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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