

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Requests for Review and/or Requests for Waiver)
of Decisions of the)
Universal Service Administrator by)
Bonnie Brae Educational Center School) File Nos. SLD-625470, et al.
Syracuse, New York, et al.)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER

Adopted: February 8, 2012

Released: February 8, 2012

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with the Commission's Boston School Order,1 we deny 23 appeals of decisions made by the Universal Service Administrative Company (USAC) that reduce or deny funding2 from the schools and libraries universal service support mechanism (also known as the E-rate program) for various funding years on the grounds that the petitioners failed to submit their requests for review or waiver either to the Commission or to USAC within 60 days as required by the Commission's rules.3 Based on our review of the record, we deny the 23 appeals listed in the appendix because the petitioners have failed to show special circumstances necessary for the Commission to waive the deadline.4

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to the authority delegated in sections 0.91, 0.291 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291 and 54.722(a), that the Requests for Review and/or Requests for Waiver by the petitioners as listed in the Appendix ARE DENIED.

1 Request for Review of the Decision of the Universal Service Administrator by Boston Renaissance School, Boston, MA, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-735147, et al., CC Docket No. 02-6, Order, 26 FCC Rcd 10405, DA 11-1240 (Wireline Comp. Bur. 2011) (Boston School Order) (denying appeals on the grounds that petitioners failed to submit their appeals either to the Commission or to USAC within 60 days as required by the Commission's rules).

2 Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c) (2011).

3 See 47 C.F.R. § 54.720 (2011).

4 The Commission may waive any provision of its rules for good cause shown. 47 C.F.R. § 1.3 (2011).

3. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. §1.102(b)(1), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

APPENDIX

Appeals/Waivers Filed Untimely

Petitioner	Application Number	Funding Year	Appeal Filed with the Commission
Bonnie Brae Educational Center School Syracuse, New York	625470	2008	8/1/2011
Brown Local School District Malvern, Ohio	821821, 821831	2011	10/31/2011
El-Hajj Malik El-Shabazz Public School Academy Lansing, Michigan	620984	2008	10/12/2010
Erick Independent School District 51 Ada, Oklahoma	627982	2008	11/17/2011
Fort Plain Central School District Fort Plain, New York	769563	2010	12/2/2011
Immaculate Heart of Mary School Towson, Maryland	754914	2010	10/7/2011
Jets Jewish Educational Trade School Coconut Creek, Florida	755100	2010	10/19/2011
Lake County Education Service District Lakeview, Oregon	806204	2011	12/15/2011
Lenox Elementary School Lenox, California	538189	2006	2/9/2011
Los Angeles Unified School District Los Angeles, California	152055, 152062, 152063, 152073, 152074, 152080, 152997, 153004, 153005, 153006, 153008, 153011, 153012, 153014, 153016,	1999, 2000	12/18/2007

Petitioner	Application Number	Funding Year	Appeal Filed with the Commission
	153017, 153018, 153019, 153024, 153025, 153028, 153030, 153033, 153036, 153037, 153038		
Nadaburg Elementary School District No. 81 Wittman, Arizona	537967, 584573	2006, 2007	10/1/2011
North Daviess School District R3 Jameson, Missouri	768900	2010	7/6/2011
Oran School District R 3 St. Louis, Missouri	766131	2010	9/14/2011
Passaic County Technical Institute Wayne, New Jersey	549191	2007	4/22/2008
Red Rock Day School Washington, DC	817132	2011	12/19/2011
San Bernardino City Unified School District Pelham, Alabama	536567, 562895	2007	11/10/2011
St. Francis De Sales High School Chicago, Illinois	760428	2010	11/14/2011
St. Stanislaus Kostka School Chicago, Illinois	762920	2010	10/31/2011
The Arts & Technology Academy Washington, DC	449320	2005	10/30/2008
United Talmudical Academy Monroe, New York	476114, 479371	2005	12/5/2007
Valley Union High School Elfrida, Arizona	796532	2011	12/7/2011

Petitioner	Application Number	Funding Year	Appeal Filed with the Commission
Vernon Parish School Board Leesville, Louisiana	714935	2010	6/29/2011
Washington State Department of Information Services Olympia, Washington	720443	2010	9/8/2011