



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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

CC Docket No. 96-45
CC Docket No. 97-21
CC Docket No. 02-6
WC Docket No. 06-122

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants and denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate) CC Docket No. 02-6

Dismiss³

Gilroy Unified School District, Application No. 830048, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11 2015)

Greater Albany Public School District, Application No. 846615, Request for Waiver, CC Docket No. 02-6 (filed Mar. 9, 2015)

Greenbrier County School District, Application No. 776848, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2015)

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 (Wireline Comp. Bur. 2014). 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).

² See 47 C.F.R. §§ 1.106, 1.115; see also 47 C.F.R. § 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., *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, para. 2 (Wireline Comp. Bur. 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Ventura County Office of Education, Application No. 838447, Request for Waiver, CC Docket No. 02-6 (filed Mar. 31, 2015)

Dismiss as Moot⁴

Orange County School District, Application No. 907743, Request for Review, CC Docket No. 02-6 (filed June 16, 2015)

Granted⁵

*Invoice Deadline Extension Requests Less Than 12 Months Late*⁶

Alta Vista Public Charter, Application No. 826515, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 22, 2015)

Ambassador Phillip V Sanchez Public Charter, Application No. 842059, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Antelope Valley Learning Academy, Application No. 842096, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Atlanta Public Schools, Application No. 859742, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2015)

Blackhawk Christian Ministries, Application No. 856156, Request for Review and/or Waiver, CC Docket no. 02-6 (filed June 1, 2015)

CamNet, Inc. (Naa Tsis 'Aan Community School, Inc.), Application No. 871188, Request for Review, CC Docket No. 02-6 (filed May 18, 2015)

⁴ 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 (Wireline Comp. Bur. 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

⁵ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 C.F.R. § 54.514(a) (codifying the invoice filing deadline).

⁶ See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15555, 15558, para. 6 (Wireline Comp. Bur. 2008) (granting relief to petitioners demonstrating good faith in complying with the invoicing deadline); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8967, para. 242 (2014) (directing the Bureau and USAC to consider whether late invoice requests from funding years prior to 2014 were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension).

Capital City Public Charter School, Application No. 838112, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

Cincinnati Hebrew Day School, Application No. 858580, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Cochise School District 26, Application No. 824159, Request for Review, CC Docket No. 02-6 (filed June 29, 2015)

Crescent View South Charter High School, Application No. 842165, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Crescent View West Charter School, Application No. 842179, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Desert Sands Charter High School, Application No. 842186, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Diego Hills Public Charter, Application No. 842198, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Diego Valley Public Charter, Application No. 842203, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Diocese of Arlington E-rate Consortium, Application No. 868846, Request for Review, CC Docket No. 02-6 (filed June 1, 2015)

Economic Opportunities Council of Indian River County, Inc., Application No. 874525, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 26, 2015)

Entrepreneurship Preparatory School, Application Nos. 866613, 870992, 871362, 871750, 871919, 872069, 872221, 873138, 873708, Request for Review, CC Docket No. 02-6 (filed June 22, 2015)

Field Local School District, Application No. 855800, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Fort Wayne Community Schools, Application No. 837179, Request for Waiver, CC Docket No. 02-6 (filed Aug. 7, 2015)

Greater Lawrence Educational Collaborative, Application No. 824201, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

Holy Redeemer School, Application No. 866357, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2015)

Howard County Public School System, Application No. 824031, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

Kansas City Unified School District 500, Application No. 865669, Request for Review, CC Docket no. 02-6 (filed June 8, 2015)

KIPP: Austin Public School, Application No. 868353, Request for Review, CC Docket No. 02-6 (filed July 28, 2015)

Lakewood City School District, Application Nos. 832076, 831518, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 2, 2015)

Lodi Unified School District, Application No. 824228, Request for Review, CC Docket No. 02-6 (filed May 18, 2015)

Manawa School District, Application No. 869892, Request for Review, CC Docket No. 02-6 (filed Feb. 20, 2015)

Mary Queen of Peace School, Application No. 865900, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

Metro Catholic, Application No. 871583, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

Mission View Public School, Application No. 842209, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Morrison Community Unit School District, Application No. 910403, Request for Review, CC Docket No. 02-6 (filed July 28, 2015)

Our Lady of Mount Carmel School, Application No. 860246, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Raymond School District, Application No. 824056, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Springfield City School District, Application No. 832076, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2015)

St. Adalbert School, Application No. 871914, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

St. Francis School, Application No. 862837, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

St. Ignatius Elementary School, Application No. 864972, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2015)

St. Bernard – Mary Akron, Application No. 860144, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2015)

St. Philip the Apostle School, Application No. 874569, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

St. Stanislaus School, Application No. 860840, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2015)

St. Thomas Aquinas School, Application No. 860971, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

Syracuse City School District, Application Nos. 832121, 832114, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 1, 2015)

The Catholic Diocese of Kansas City-St. Joseph, Application No. 868052, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

Vista Real Charter High School, Application No. 842214, Request for Review, CC Docket No. 02-6 (filed May 22, 2015)

Washington County School District, Application No. 843647, Request for Waiver, CC Docket No. 02-6 (filed June 22, 2015)

West Geauga Local School District, Application No. 832141, Request for Review, CC Docket No. 02-6 (filed June 17, 2015)

Yeshivat Ohr Hatorah, Application No. 832876, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 22, 2015)

Zenith Academy, Application Nos. 870277, 870343, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2015)

Zenith Academy East, Application No. 869980, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

Zenith Academy East, Application No. 870230, Request for Review and/or Waiver, CC Docket No. 02-6 (filed June 8, 2015)

*Late-Filed FCC Form 471 Applications Filed within 14 days of the Close of the Window*⁷

Bright Beginnings for Kittitas County, Application Nos. 1051731, 1051732, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2015)

Deer Park Public Library, Application No. 1051800, Request for Waiver, CC Docket No. 02-6 (filed July 1, 2015)

*Failure to Consider Price as the Primary Factor in Vendor Selection Process*⁸

⁷ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

Duval County School District, Application No. 897880, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 28, 2014)

Duval County School District, Application No. 907451, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 28, 2014)

*Allowing Installation of Internal Connections from Separate Vendor*⁹

Charlotte-Mecklenburg County Schools, Application No. 846786, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 4, 2013)

Knox County Schools, Application No. 796288, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Nov. 4, 2013)

Montgomery County Public Schools, Application No. 863822, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 23, 2013)

Northside Urban Pathways Charter School, Application No. 781127, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 4, 2012)

Zenith Academy, Application No. 632178, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 19, 2014)

Denied

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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, 6116-17, para. 11 (Wireline Comp. Bur. 2011) (granting waiver of sections 54.503(c)(2)(vii) and 54.511(a) of the Commission's rules, which require applicants to use price as the primary factor in the vendor selection process, where applicant ultimately selected the lowest qualified vendor from the state master contract).

⁹ See *Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan for Our Future; Modernizing the E-rate Program for Schools and Libraries*; CC Docket No. 02-6, GN Docket No. 09-51, WC Docket No. 13-184, Order, 29 FCC Rcd 13404, 13411, para. 18 (Wireline Comp. Bur. 2014) (clarifying that the eligible services list does not bar applicants from purchasing equipment and securing installation of that equipment from separate vendors). Consistent with precedent, we also find good cause exists to waive section 54.720(a) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision, for Knox County Schools. See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (Wireline Comp. Bur. 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late).

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*¹⁰

Duval County School District, Application No. 918481, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 28, 2014)

*Invoice Deadline Extension Requests Less Than 12 Months Late*¹¹

Bourbonnais School District 53, Application Nos. 859201, 864678, Request for Review, CC Docket No. 02-6 (filed June 29, 2015)

Intelligent Networks, Inc. (Global Leadership Academy Charter School), Application Nos. 753898, 754493, 813705, Request for Review, CC Docket No. 02-6 (filed May 6, 2014)

Greenwood County School District 50, Application Nos. 628321, 687788, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2013)

¹⁰ See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.*; *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, 18 FCC Rcd 26406, 26410, para. 7 (2003); *Requests for Review of a Decision of the Universal Service Administrator by Riverdale Unified School District and Cherokee County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11207 (Wireline Comp. Bur. 2011); *Request for Review of a Decision of the Universal Service Administrator by Ramirez Common School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 8430 (Wireline Comp. Bur. 2011); *Request for Review of a Decision of the Universal Service Administrator by Washington Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13746, 13748, paras. 3-5 (Wireline Comp. Bur. 2013) (all explaining that failure by an applicant to describe with specificity the services it is seeking to purchase on its FCC Form 470 or to indicate on the FCC Form 470 that it has a RFP available providing detail about the requested services violates the E-rate program's competitive bidding rules).

We also deny the appeal on two additional bases. First, the petitioner violated the competitive bidding 28-day rule when it selected its vendor six days prior to the closing of 28-day bidding period. See, e.g., *Request for Review of Decisions of the Universal Service Administrator by Joseph M. Hill, Trustee in Bankruptcy For Lakehills Consulting, LP; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16586 (2011) (denying appeal where evidence demonstrated that applicant selected a winning bidder before expiration of the 28-day bidding period, in violation of competitive bidding rules). Second, good cause does not exist to justify waiver of the signed contract rule because the petitioner did not have a legally binding agreement in place at the time it filed its FCC Form 471. Rather, the evidence demonstrates that at the time the petitioner filed its FCC Form 471, it had not yet finalized the contract terms and conditions. See, e.g., *Request for Review by Waldwick School District; Schools and Libraries Universal Service Support Mechanisms*, CC Docket No. 02-6, Order, 18 FCC Rcd 22994, 22996-97, para. 8 (Wireline Comp. Bur. 2003) (*Waldwick Order*) (denying appeal because there was no binding contract in place for the E-rate funding requested when the FCC Form 471 application was submitted). USAC also denied this application after finding that price was not the primary factor in bidding selection. We recognize that the petitioner seeks a waiver of this rule. However, we do not reach petitioner's waiver request at this time because we deny this appeal based on the RFP issue, the 28-day bidding rule, and the signed contract issue.

¹¹ See, e.g., *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4723, 4726-27, para. 10 (Wireline Comp. Bur. 2015) (*Hancock County Library Order*) (denying requests for invoice deadline extensions from funding years prior to 2014 less than 12 months late that failed to provide a "reasonable basis" for a substantial delay).

Webb City School District R-VII, Application No. 864169, Request for Review, CC Docket No. 02-6 (filed June 23, 2015)

*Invoice Deadline Extension Requests More Than 12 Months Late*¹²

Bourbonnais School District 53, Application Nos. 164131, 584151, 636206, 694010, 758841, Request for Review, CC Docket No. 02-6 (filed June 29, 2015)

Diocese of Syracuse – Western Region, Application Nos. 474624, 511267, 554312, 554321, 597041, 597042, 663936, 664190, 665776, 726009, Request for Review, CC Docket No. 02-6 (filed July 29, 2013)

Eaton County Intermediate School District, Application No. 742223, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2014)

Fair Grove School District R10, Application Nos. 626879, 682135, 753818, Request for Review, CC Docket No. 02-6 (filed July 8, 2013)

Florence City School District, Application No. 682646, Request for Review and Waiver, CC Docket No. 02-6 (filed Aug. 2, 2013)

Greenwood County School District 50, Application No. 745703, Request for Waiver, CC Docket No. 02-6 (filed June 3, 2013)

McKeesport Area School District, Application No. 602465, Request for Review and Waiver, CC Docket No. 02-6 (filed Aug. 14, 2013)

Seneca R-7 School District, Application No. 796098, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2014)

St. Raymond High School for Boys, Application Nos. 572072, 613074, 749777, 813455, Request for Review, CC Docket No. 02-6 (filed Aug. 1, 2013)

Summit Academy, Application No. 637660, Request for Waiver, CC Docket No. 02-6 (filed June 19, 2014)

*Late-Filed FCC Form 471 Applications*¹³

Cartwright Memorial Library, Application No. 1051932, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2015)

Crystal City School District 47, Application Nos. 1052431, 1052435, 1052436, 1052437, 1052438, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2015)

¹² See, e.g., *Hancock County Library Order*, 30 FCC Rcd at 4726, para. 9 (denying requests for invoice extensions from funding years prior to 2014 that failed to demonstrate “extraordinary circumstances” that would justify filing invoice extension requests more than 12 months late).

¹³ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying waivers of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

Early View Academy of Excellence, Application Nos. 1051853, 1051837, Request for Waiver, CC Docket 02-6 (filed July 8, 2015)

Hankinson School District 8, Application No. 1052292, Request for Waiver, CC Docket 02-6 (filed July 14, 2015)

Lakeland R-III School District, Application No. 1052131, Request for Waiver, CC Docket 02-6 (filed July 14, 2015)

Sacred Heart Elementary School - Lewistown, Application No. 1051811, Request for Waiver, CC Docket 02-6 (filed July 14, 2015)

*Reinstating Cancelled Funding Requests*¹⁴

St. Gerard Majella School, Application No. 855984, Request for Review, CC Docket No. 02-6 (filed Apr. 3, 2013)

*Signed Contract Requirement*¹⁵

Duval County School District, Application No. 918393, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 28, 2014)¹⁶

*Untimely Filed Request for Review*¹⁷

Babove JIQ, Application No. 911791, Request for Waiver, CC Docket No. 02-6 (filed Aug. 7, 2014)

High Island School District, Application No. 823465, Request for Waiver, CC Docket 02-6 (filed Aug. 10, 2015)

Hispanic Information and Telecommunications Network, Inc. (Biblioteca Municipal Rincon, Luis Murioz Marin et al.), Application Nos. 327608, 329315, 329323, 329675, 329773, 329978,

¹⁴ See *Request for Review of a Decision of the Universal Service Administrator by Le Jardin Academy; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 11792, 11793, para. 4 (Wireline Comp. Bur. 2014) (denying a request to reinstate funding purposefully canceled by the applicant).

¹⁵ See, e.g., *Waldwick Order*, 18 FCC Rcd at 22996-97, para. 8 (denying appeal because there was no binding contract in place for the E-rate funding requested when the FCC Form 471 application was submitted).

¹⁶ USAC also denied this application after finding that price was not the primary factor in bidding selection. We recognize that the petitioner seeks a waiver of this rule. However, we do not reach petitioner's waiver request at this time because we deny this appeal based on the signed contract issue.

¹⁷ 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 (Wireline Comp. Bur. 2010); *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 (Wireline Comp. Bur. 2014) (denying appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by the Commission's rules, and did not show special circumstances necessary for the Commission to waive the deadline).

Request for Waiver, CC Docket No. 02-6 (filed June 5, 2015)¹⁸

Palm Beach Seventh-Day Bilingual School, Application No. 907224, Request for Review, CC Docket No. 02-6 (filed June 8, 2015)

Roxbury Library Association, Application No. 994050, Request for Review, CC Docket 02-6 (filed Aug. 17, 2015)

St. Joseph School for the Deaf, Application No. 937026, Request for Review, CC Docket No. 02-6 (filed July 15, 2015)

*Discount Calculation Correction*¹⁹

Providence School District, Application No. 842064, Request for Review, CC Docket No. 02-6 (filed Dec. 7, 2012)

Contribution Methodology

WC Docket No. 06-122

CC Docket No. 96-45

CC Docket No. 97-21

Remand to USAC

*Further Consideration of Wholesale-Resale Relationship*²⁰

Grande Communications Networks, LLC, Request for Review, WC Docket No. 06-122 (filed Dec. 28, 2009)

McLeodUSA Telecommunications Services, Inc., Request for Review, CC Docket No. 96-45, 97-21 (filed Oct. 1, 2007)

¹⁸ Hispanic Information and Telecommunications Network, Inc. (Biblioteca Municipal Rincon, Luis Murioz Marin et al.) argues that it timely filed its appeal with USAC in relation to the date on the invoice rejection letters it received. We find that its appeal is still untimely, however, since it was filed more than 190 days late in relation to the FCC Form 486 Notification Letter actually rendering the adverse decision that led to the invoice denials. *See, e.g., Requests for Waiver and/or Review of Decisions of the Universal Service Administrator by Baltimore County Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 9043, para. 1 (2012) (noting that the appeal filing deadline is based on the initial adverse decision date and not the date of subsequent actions taken by USAC).

¹⁹ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Beth Rivka School et al.; Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 10653, 10662, para. 20 (Wireline Comp. Bur. 2010) (denying applicant requests to remove entities with lower discount rates from applications so as to raise the applicant's average discount rate above the funding threshold).

²⁰ *Universal Service Contribution Methodology; Application for Review of Decision of the Wireline Competition Bureau filed by Global Crossing Bandwidth, Inc., Request for Review of the Decision of the Universal Service Administrator and Emergency Petition for Stay by U.S. TelePacific Corp. d/b/a TelePacific Communications, XO Communications Services, Inc. Request for Review of Decision of the Universal Service Administrator; Universal Service Administrative Company Request for Guidance*, WC Docket No. 06-122, Order, 27 FCC Rcd 13780 (2012) (providing guidance to Universal Service Administrative Company on how to proceed when considering revenue classification in the context of the wholesale-resale relationship). This remand to USAC is limited to the wholesale-resale relationship issues raised in these two appeals.

Granted

*End-User DSL Internet Access*²¹

Grande Communications Networks, LLC, Request for Review, WC Docket No. 06-122
(filed Dec. 28, 2009)²²

For additional information concerning this Public Notice, please contact Erica Myers at (202) 418-7400, in the Telecommunications Access Policy Division, Wireline Competition Bureau.

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²¹ *Appropriate Framework for Broadband Access to Internet over Wireline Facilities et al.*, CC Docket Nos. 02-33, 95-20, and 98-10, Notice of Proposed Rulemaking, 17 FCC Rcd 3019, 3051-52, para. 72 (2002) (explaining that wireline telecommunications carriers are required to contribute to universal service only to the extent they provide broadband transmission services or other telecommunications services on a stand-alone basis); *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, et al.*, CC Docket No. 02-33, 01-337, 95-20, 98-10, WC Docket Nos. 04-242 and 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853, 14872, para. 31 (explaining that Computer II unbundling obligations do not apply to facilities-based enhanced service providers other than traditional wireline carriers); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report to Congress, 13 FCC Rcd 11501, 11530, para. 60 (1998) (stating that “offerings by non-facilities-providers combining communications and computing components should always be deemed enhanced.”).

²² In reversing USAC’s decision, we direct USAC to adjust Grande Communications Networks, LLC’s invoices with respect to its end-user DSL Internet access revenues, to reverse any associated interest, fees, and penalties, and to issue a refund as appropriate.