



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, DC 20554

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DA 24-704

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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. 02-60**  
**WC Dockets Nos. 23-353, 19-126**  
**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, 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>

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<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). Section 54.719(b) of the Commission's rules provides 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. Section 54.719(c) of the Commission's rules provides 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.

<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).

On reconsideration, Resurrection Christian School again states that its initial FCC Form 471, Application No. 241018367, was filed timely but contained a ministerial and/or clerical error because the services requested were misclassified. As such, the petitioner argues that its waiver should be granted consistent with the *Ann Arbor Order*.

(continued...)

Bloomfield School District R 14, MO, Application No. 241040124, Petition for Reconsideration, CC Docket No. 02-6 (filed June 6, 2024)

La Feria Independent School District, TX, Application No. 241040021, Petition for Reconsideration, CC Docket No. 02-6 (filed June 17, 2024)

Resurrection Christian School, CO, Application No. 241039980, Petition for Reconsideration, CC Docket No. 02-6 (filed June 6, 2024)

#### Granted<sup>4</sup>

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*See 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.9, 17 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting waivers where the applicant entered the category of service on its FCC Form 471). We note, however, that correcting the category of service on this FCC Form 471 does not cure the underlying competitive bidding issue because Resurrection Christian School did not initially seek bids for the type of services it was seeking funding for on its FCC Form 471. *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 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB) (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). When the petitioner finally followed the correct competitive bidding process and filed a new FCC Form 471, Application No. 231038186, the filing window had closed and there was no justification for waiving the deadline. *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, 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 a waiver of the Commission's rules).

Bloomfield School District R 14 did not provide any reason for filing its FCC Form 471 more than 30 days after the filing window deadline. On reconsideration, the school district does provide an argument for why its application was late, stating that the staff member responsible for filing the FCC Form 471 was out of the office for an extensive period due to military obligations and was not present when the window opened in January 2024. Bloomfield School District R 14 explains that due to a misunderstanding of the rules and a heavy work load, the filing window deadline was missed. 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 May 7, 2024, 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 the merits. While we are sympathetic to the argument raised by Bloomfield School District R 14, the Commission has not waived the FCC Form 471 application filing deadline based on the circumstances described by the petitioner. *See, e.g., Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying a waiver of the Commission's rules); *Request for Waiver by Greenfield Public School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 2122, 2124, para. 6 (WCB 2006) (*Greenfield Public School District Order*) (granting a waiver request only in a circumstance when the district's technology coordinator was unexpectedly called to active military duty in a time of war).

For these reasons, we dismiss these Petitions for Reconsideration.

<sup>4</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

(continued....)

*Allowing Deduction of Ineligible Costs*<sup>5</sup>

Blackfoot Charter Community Learning Center, ID, Application No. 221035080, Request for Review, CC Docket No. 02-6 (filed June 26, 2024)

*Eligible Entities*<sup>6</sup>

Los Fresnos Consolidated Independent School District, TX, Application No. 231038186, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 6, 2024)<sup>7</sup>

*FRN Includes Taxes and USF Fees*<sup>8</sup>

Barrington Community Unit School District 220, IL, Application No. 221028435, Request for Review, CC Docket No. 02-6 (filed Nov. 28, 2023)

*Granting Additional time to Respond to USAC with Information*<sup>9</sup>

Advanced Telecom, Inc. (Yeshiva Ketana of Bensonhurst), NY, Application No. 231028770, Request for Review, CC Docket No. 02-6 (filed June 17, 2024)

*Granting on Reconsideration – FCC Form 471 Filed Less than 30 Days Late Due to Unexpected*

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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 deadlines 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).

<sup>5</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aiken County Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8735, 8739-40, para. 9 (2007) (*Aiken County Public Schools Order*) (permitting applicants to remove ineligible services that triggered denials of their applications from their funding requests).

<sup>6</sup> See *Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8747, 8750-51, paras. 7-8 (2007) (*Bootheel Consortium Order*) (finding that applicants had provided sufficient documentation to show that they might be eligible for E-Rate support, justifying further review by USAC to reach a definitive determination). Consistent with precedent, we remand this application to USAC for consideration of the eligibility of entities listed on the invoice given the additional documentation submitted. *Id.*

<sup>7</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 within a reasonable period of time after receiving actual notice of USAC's adverse decision).

<sup>8</sup> See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5186, 5188, para. 4 (WCB 2012) (*Diversified Computer Solutions Order*) (granting the appeal of a USAC invoicing decision where the requested service was within the scope of the contract and the approved funding request).

<sup>9</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 applicants' requests for review that received adverse decisions because they failed to respond to USAC's request for information within the USAC-specified time frame).

*Illness*<sup>10</sup>

Bath County School District, VA, Application No. 241039992, Petition for Reconsideration, CC Docket No. 02-6 (filed June 10, 2024)

Collegiate Charter School of Lowell, MA, Application No. 241024183, Petition for Reconsideration, CC Docket No. 02-6 (filed June 5, 2024)

Sunnyside School District 201, WA, Application No. 241039989, Petition for Reconsideration, CC Docket No. 02-6 (filed June 13, 2024)

*Granting on Reconsideration – FCC Form 471 Filed More than 30 Days Late Due to Serious Illness*<sup>11</sup>

Chicago Ridge Public Library, IL, Application No. 241040112, Petition for Reconsideration, CC Docket No. 02-6 (filed June 7, 2024)

*Late-Filed FCC Form 471 Applications – Due to Circumstances Beyond Their Control*<sup>12</sup>

Montessori Regional Charter School, PA, Application No. 241040243, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2024)

*Late-Filed FCC Form 471 Applications – Filed More than 30 Days Late Due to Serious Illness*<sup>13</sup>

Williamsburg Y Head Start, NY, Application No. 241040184, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2024)

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<sup>10</sup> 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 prior decision); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Acorn Public Library District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15474, 15477-78, para. 6 (2008) (*Acorn Public Library Order*) (finding special circumstances exist to justify granting a waiver request where, for example, the E-Rate staff person in a small school district filed an E-Rate application 30 days late or less because of an “unexpected absence due to illness”).

<sup>11</sup> See, e.g., *Callisburg Independent School District Order*, 28 FCC Rcd at 9461, para. 5 (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our prior decision); *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, 37 FCC Rcd 4879, 4882-83, paras. 7-8 (2022) (*Archdiocese of San Antonio Order*) (granting waiver requests for applications filed more than 30 days after the close of the filing window due to serious medical conditions).

<sup>12</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (*Abbotsford School District Order*) (granting waiver where the applicant filed within a reasonable period after the close of the filing window despite delays beyond its control).

Although the petitioner did not file its FCC Form 471 application until June 18, 2024, it filed its application as soon as possible after complying with other program rules. Montessori Regional Charter School also filed a timely FCC Form 471, Application No. 241030304, but needed to refile a new application when its service provider announced that it would not provide the E-Rate-supported services on that timely application.

<sup>13</sup> See, e.g., *Archdiocese of San Antonio Order*, 37 FCC Rcd at 4882-83, paras. 7-8 (granting waiver requests for applications filed more than 30 days after the close of the filing window due to serious medical conditions).

*Late-Filed FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*<sup>14</sup>

Academie Lafayette District, MO, Application No. 241039896, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2024)

Agapeland Christian Academy, B. Wright Leadership Academy, Capistrano Valley Christian School, Cumberland Christian Academy, Detroit Cristo Rey High School, Grace Christian School, Kadima Hebrew Academy, Westminster Catawba Christian School, Application Nos. 241039382, 241039433, 241039436, 241039383, 241039385, 241039391, 241039393, 241039381, 241039388, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2024)

Albion Public Library, IA, Application Nos. 241039694, 241039666, Request for Waiver, CC Docket No. 02-6 (filed June 6, 2024)

Cambridge Montessori School, MA, Application No. 241039606, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2024)

iBelieve Christian Academy, FL, Application Nos. 241039929, 241039921, Request for Waiver, CC Docket No. 02-6 (filed June 10, 2024)

Reading Public Schools, MA, Application Nos. 241039876, 241039869, Request for Waiver, CC Docket No. 02-6 (filed June 9, 2024)

Revelation School of Florida, FL, Application No. 241039926, Request for Waiver, CC Docket No. 02-6 (filed June 11, 2024)

*Ministerial and/or Clerical Errors*<sup>15</sup>

Clayton Independent School District 10, OK, Application No. 241026143, CC Docket No. 02-6 (May 31, 2024, supplemented June 13 and 26, 2024)

North Scott Community School District, IA, Application No. 241007248, CC Docket No. 02-6 (June 6, 2024)

*Ministerial and/or Clerical Errors — FCC Form 486*<sup>16</sup>

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<sup>14</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (finding special circumstances existed to justify granting waiver requests for petitioners who filed their FCC Form 471 applications within 14 days of the filing window deadline).

<sup>15</sup> *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 pre-discount price on its FCC Form 471 to conform to the price on the source document).

<sup>16</sup> See, e.g., *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) (*Glendale Unified School District Order*); *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) (*Harvey Public Library District Order*) (both orders granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486).

New Frontiers Public Schools, TX, Application No. 221039163, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2024)

*Ministerial and/or Clerical Errors – Invoicing*<sup>17</sup>

Knoxville Community School District, IA, Application Nos. 221029011, 221029310, Request for Waiver, CC Docket No. 02-6 (filed Feb. 29, 2024)

*Service Substitution*<sup>18</sup>

GCI Communications Corp. (Northwest Arctic Borough School District, North Slope Borough School District), AK, Application Nos. 221001741, 221019333, Request for Waiver, CC Docket No. 02-6 (Jan. 24, 2024)

*USAC Decision Issued After Invoice Deadline*<sup>19</sup>

Lake Dallas Independent School District, TX, Application No. 211023510, Request for Waiver, CC Docket No. 02-6 (filed June 27, 2024)

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Consistent with precedent, we also grant a waiver of the appeal filing deadline for New Frontiers Public Schools. *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 or submitted their appeals within a reasonable period after receiving actual notice of USAC’s adverse decision).

<sup>17</sup> *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, 2023 WL 345366, \*3-4, paras. 7-9 (WCB Jan. 19, 2023) (*Accomack County Public School Order*) (granting waivers where the E-Rate invoice filers entered the incorrect application numbers). We also waive, to the extent necessary, section 54.720 of the Commission’s rules because the petitioners filed their waiver requests within 60 days of discovering or receiving notice of the ministerial or clerical error. *See id.* at \*5, para. 12.

<sup>18</sup> *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Beaufort County Public School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, 29 FCC Rcd 3124, 3125, para. 3 (WCB 2014) (*Beaufort County Public School District Order*) (granting service substitution appeals when the petitioners missed USAC’s deadline for service substitution requests but complied with the Commission’s requirements for service substitutions under 47 CFR § 54.504(d), and had a reasonable explanation for missing the deadline).

<sup>19</sup> *See Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (*E-Rate Invoicing Deadline Rule Modification Order*) (authorizing the Bureau to grant a waiver in instances where a program participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

*Waiver of Special Construction Service Delivery Deadline*<sup>20</sup>

Duckwater Shoshone Consortium, NV, Application No. 221022093, Request for Waiver, CC Docket No. 02-6 (filed June 24, 2024)

Denied*Cost-effectiveness*<sup>21</sup>

Single Path LLC (AAA Academy), IL, Application No. 921751, Request for Review, CC Docket No. 06-22 (filed Nov. 21, 2014)

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

Highfields Inc., MI, Application No. 241040235, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2024)

Legends Academy, FL, Application No. 241040182, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2024)

O'Fallon Public Library, IL, Application No. 241003717, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2024)

Ouachita Christian School, LA, Application No. 241040081, Request for Waiver, CC Docket No. 02-6 (filed June 18, 2024)

Pace School, PA, Application No. 241040224, Request for Waiver, CC Docket No. 02-6 (filed June 11, 2024)

Rainbow Community School, NC, Application No. 241040227, Request for Waiver, CC Docket No. 02-6 (filed June 11, 2024)

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<sup>20</sup> See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (*Grants/Cibola County School District Order*) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

We find that Duckwater Shoshone Consortium was unable to complete implementation for reasons beyond its control and made good faith efforts to comply with Commission rules and procedures. We waive the special construction service delivery deadline and direct USAC to provide the applicant until June 30, 2025 to complete its special construction project.

For these petitioners, we also waive any associated administrative or procedural deadlines, including the invoice filing deadline, that might be necessary to effectuate our ruling. See *supra* note 4.

<sup>21</sup> *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) (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).

<sup>22</sup> See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9261-62, para. 13 (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying a waiver of the Commission's rules).

The Learning Community Charter School, RI, Application No. 241040213, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2024)

Tulia Independent School District, TX, Application Nos. 241040241, 241040242, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2024)

Ulysses Unified School District 214, KS, Application No. 241040217, Request for Waiver, CC Docket No. 02-6 (filed June 10, 2024)

Van Meter Community School District, IA, Application No. 241040214, Request for Waiver, CC Docket No. 02-6 (filed June 5, 2024)

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

Central Pennsylvania Institute of Science and Technology, PA, Application No. 221037085, Request for Waiver, CC Docket No. 02-6 (filed Apr. 10, 2024)

**Rural Health Care Program**

**WC Docket No. 02-60**

Denied

*Waiver of the 60-Day Appeal Deadline*<sup>24</sup>

Clinico, LLC, OK, WC Docket No. 02-60, Funding Request Number 19653221 (filed Feb. 25, 2021)

Tidelands Health/Georgetown Memorial Hospital, SC, WC Docket No. 02-60, Funding Request Number 19648661 (filed Feb. 9, 2021)

**Rural Digital Opportunity Fund**

**WC Dockets Nos. 23-353, 19-126**

Conditional Authorization of VOIP Effective July 8, 2024

As of July 8, 2024, CableOne VOIP LLC (VOIP LLC) has satisfied all conditions for its authorization to

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<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 for a waiver of the Commission's rules).

<sup>24</sup> See, e.g., *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, 08-71, Public Notice, 35 FCC Rcd 4490, 4496, n.20 (WCB 2020); *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 (WCB 2010) (*Agra Public Schools Order*) (denying appeals on the grounds that the petitioners failed to submit their appeals within 60 days as required by the Commission's rules and failed to show special circumstances necessary for the Commission to waive the deadline). These requests for waiver of the appeal filing deadline were filed long after the deadlines to file an appeal, with inadequate special circumstances given for these lengthy delays.



receive the Rural Digital Opportunity Fund (RDOF) support assigned to it from Nova Cablevision, Inc.<sup>25</sup>

### **Contribution Methodology**

#### **WC Docket No. 06-122**

#### **Denied**

##### *Request for Waiver of FCC Form 499-A Revision Deadline<sup>26</sup>*

Agility Communications Group, LLC, Request for Waiver, WC Docket No. 06-122 (filed May 23, 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.

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<sup>25</sup> *Domestic Section 214 Application Granted for the Assignment of Certain Assets of Nova Cablevision, Inc. to Cable One, Inc. and Cable VOIP LLC*, WC Docket Nos. 23-353, 10-90, Public Notice, DA 24-389 at 6-8 (Apr. 25, 2024) (granting the assignment of certain assets (including RDOF support) from Nova Cablevision to VOIP LLC and authorizing VoIP LLC to receive the assigned RDOF support, conditioned upon the submission of proof of consummation of the transaction and ETC designation for the assigned area, and USAC's approval of a letter of credit securing the requisite amount of support and a Bankruptcy Opinion Letter). Letter from Chérie R. Kiser and Angela F. Collins, Counsel to CableOne, Inc. and CableOne VOIP LLC to Marlene H. Dortch, Secretary, FCC (filed July 8, 2024) (detailing the satisfaction of all conditions); *CableOne VoIP LLC d/b/a Sparklight IL, Application for Designation as an Eligible Telecommunications Carrier to Receive Rural Digital Opportunity Fund (Auction 904) Support*, Illinois Commerce Commission, Docket No. 23-0694, Order (July 2, 2024) (granting VOIP LLC's ETC designation for the assigned areas).

<sup>26</sup> 47 CFR § 54.720 (requiring that petitioners file their appeals within 60 days of an adverse USAC decision). *See, e.g., Agra Public Schools Order*, 25 FCC Rcd at 5684, para. 1; *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 (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 show special circumstances necessary for the Commission to waive the deadline). On August 2, 2022, USAC rejected Agility's revised 2021 Form 499-A based on the fact that it was submitted after the one-year downward revision deadline passed. On January 4, 2023, Agility Communications Group, LLC (Agility) filed an appeal of USAC's rejection of its revised 2021 Form 499-A based on the one-year downward revision deadline. On March 27, 2023, USAC denied the appeal. *See* Email from Universal Service Administrative Co., Contributor Appeals, to Controller, Agility Communications Group (Mar. 27, 2023). Agility filed its appeal with the Commission on May 23, 2024 well after the 60 day deadline set forth in 47 CFR § 54.720.