

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
The Center for Russian Jewry)	File Nos. SLD-329137, 329490
Brooklyn, New York)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: March 12, 2003

Released: March 13, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by The Center for Russian Jewry (Petitioner), on behalf of Be'er Hagolah Institute (Be'er Hagolah).¹ Petitioner requests review of decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we deny the Request for Review.

2. In its decisions, SLD stated that Be'er Hagolah's original applications did not contain Block 4, thus the applications were rejected for failing to meet minimum processing standards.³ SLD also stated that because Be'er Hagolah's completed Block 4 was received after the filing window had closed, Be'er Hagolah's applications were not considered.⁴ Petitioner

¹ Letter from Pearl Kaufman, The Center for Russian Jewry, Brooklyn, New York, to Federal Communications Commission, filed July 16, 2002 (Request for Review).

² *Id.* See also Letter from Schools and Libraries Division, Universal Service Administrative Company, to Shaindy Silber, Be'er Hagolah Institute, dated February 26, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Shaindy Silber, Be'er Hagolah Institute, dated March 5, 2002.

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Pearl Kaufman, Be'er Hagolah Institute, dated June 7, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Pearl Kaufman, Be'er Hagolah Institute, dated June 28, 2002.

⁴ *Id.*

argues that SLD should be reversed because Block 4 was left out of the applications due to a clerical error.⁵ Consistent with our precedent and the underlying record, we conclude that SLD's decisions were appropriate.⁶

3. Further, to the extent that the Petitioner requests a waiver of the filing window deadline, we find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.⁷ An applicant's failure to submit all the required Blocks of the FCC Form 471 does not create special circumstances warranting a waiver of the filing window.⁸ Therefore, we affirm SLD and deny the Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by Center for Russian Jewry, on behalf of Be'er Hagolah Institute, Brooklyn, New York, on July 16, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ Request for Review.

⁶ See *Request for Review by Charles Gibson, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-267921, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 8611 (2002). See also *Request for Review by Wayne County Regional Educational Service Agency, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-266683, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 17402 (2002) (*Wayne County Order*).

⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).

⁸ See *Wayne County Order*. See also *Request for Review by Watervliet School District, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-275615, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 15770 (2002) (it is incumbent upon applicants to determine whether their applications are in compliance with program requirements prior to filing).