

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Requests for Review of the
Decision of the Universal Service Administrator
by
Chesterfield County Public Schools
Chesterfield, Virginia
Georgia Technology Authority
Atlanta, Georgia
Columbus School District
Columbus, Wisconsin
School District of Wisconsin Dells
Wisconsin Dells, Wisconsin
Schools and Libraries Universal Service Support
Mechanism
File No. SLD-215632
File No. SLD-230653
File No. SLD-217504
File No. SLD-245387
CC Docket No. 02-6

ORDER

Adopted: October 7, 2004

Released: October 7, 2004

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

1. The Telecommunications Access Policy Division has under consideration Requests for Review filed by Chesterfield County Public Schools, Chesterfield, Virginia; Georgia Technology Authority, Atlanta, Georgia; Columbus School District, Columbus, Wisconsin; and School District of Wisconsin Dells, Wisconsin Dells, Wisconsin (collectively, Petitioners). The Requests seek review of decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) and waiver of the FCC Form 486 deadline. For the reasons set forth below, we grant the Requests, and remand the applications to the SLD for further action consistent with this Order.

1 Letter from Brian D. Jones, Chesterfield County Public Schools, to Federal Communications Commission, filed July 23, 2003; Letter from Renee Herr, Georgia Technology Authority, to Federal Communications Commission, filed December 16, 2002; Letter from David DeGuire, Columbus School District, to Federal Communications Commission, filed January 30, 2003; Letter from Ann Gissal and Albert King, School District of Wisconsin Dells, to Federal Communications Commission, filed September 9, 2002 (collectively, Requests).

2 Under the Children's Internet Protection Act, Funding Year 2001 applicants were required to file their FCC Forms 486 by no later than October 28, 2001, unless their service began after that date or a funding commitment decision letter was issued after that date. See 47 U.S.C. §§ 254(h)(5)(E), 254(h)(6)(E); Federal-State Joint Board on Universal Service, Children's Internet Protection Act, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182, 8188-89, 8191, paras. 10, 18 (2001). A Funding Year 2001 applicant with a funding commitment decision letter

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2. Consistent with our precedent in the *Eastern Lebanon Order*, we conclude that the Petitioners' requests for discounts on telecommunications services present special circumstances warranting a waiver of our rules.³ As was the case in the *Eastern Lebanon Order*, these Petitioners made a good faith effort to comply with the deadline by filing the original FCC Form 486 early in the funding year and by filing the corrected version shortly after being apprised of any mistake.⁴ Moreover, the deadline involved a first-time information request.⁵ The Petitioners sought discounts only for telecommunications services, and the Commission has authority to waive the deadline with respect to requests that involve only telecommunications services.⁶

3. 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 Requests for Waiver filed by the Chesterfield County Public Schools, Chesterfield, Virginia, on July 23, 2003; Georgia Technology Authority, Atlanta, Georgia, on December 16, 2002; Columbus School District, Columbus, Wisconsin, on January 30, 2003; and School District of Wisconsin Dells, Wisconsin Dells, Wisconsin, on September 9, 2002 are GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

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who failed to meet the October 28, 2001 deadline could obtain discounts only for services received on or after the date that its FCC Form 486 was postmarked. See *Schools and Libraries Universal Service, Receipt of Service Confirmation Form*, OMB 3060-0853 (July 2001) (FCC Form 486); *Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form* (FCC Form 486), OMB 3060-0853 (July 2001) at 9 (Form 486 Instructions).

³ See *Request for Review by Eastern Lebanon County Schools District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. 232946, CC Docket Nos. 96045 and 97-21, Order, 18 FCC Rcd 5466 (Wireline Comp. Bur. 2003) (*Eastern Lebanon Order*) (granting waiver request for telecommunications services for Funding Year 2001 where SLD unduly delayed notifying applicant of incomplete FCC Form 486).

⁴ See *id.*; Requests.

⁵ See *Eastern Lebanon Order*; Requests.

⁶ See *Eastern Lebanon Order*.