

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Waiver and Review of Decisions of the Universal Service Administrator by)	
)	
Academy of Math and Science Tucson, AZ, <i>et al.</i>)	File Nos. SLD-487009, <i>et al.</i>
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	

ORDER

Adopted: July 7, 2010

Released: July 8, 2010

By the Commission:

I. INTRODUCTION

1. In this order, we address 257 requests from petitioners seeking waivers of the FCC Form 471 application filing window deadline for various funding years under the E-rate program (formally known as the schools and libraries universal service support program).¹ The Universal Service Administrative Company (USAC) denied petitioners' initial requests for funding under the E-rate program on the grounds that they submitted their FCC Forms 471 after the relevant filing window deadline.² Specifically, we grant 97 requests because we find that the petitioners either timely filed their FCC Forms 471 or the petitioners have demonstrated that special circumstances exist to justify a waiver of the filing deadline found in section 54.507(c) of the Commission's rules.³ Accordingly, we remand these underlying applications to USAC for further action consistent with this order.⁴ To ensure that these underlying applications are resolved expeditiously, we direct USAC to complete its review of each of

¹ The requests for waiver and review are listed in appendices A-D. 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). Although some petitioners did not explicitly request a waiver of the FCC Form 471 filing window deadline, we treat their requests for review as requests for waiver because, in each case, USAC denied their funding requests because their FCC Forms 471 were submitted after the relevant filing window deadline.

² See 47 C.F.R. § 54.507(c). The FCC Form 471 is the primary application form for the E-rate program.

³ See appendices A, B and C; 47 C.F.R. § 54.507(c). In addition, we grant in part and deny in part requests for review from Bluffview Montessori – District 4001 (Bluffview) and Shawsheen Valley Technical High School (Shawsheen). See Letter from Leslie Hittner, Director of Operations, Bluffview Montessori - District No. 4001, to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Mar. 2, 2009) (Bluffview Request for Waiver); Letter from Carissa Karakaedos, Director of Community Services, Shawsheen Valley Technical High School, to Marlene Dortch, Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Feb. 20, 2008)(Shawsheen Request for Waiver). Both filed single requests for waivers for two different FCC Form 471 applications. In both cases, we grant a waiver for one application and deny it for the other for the reasons articulated in this order. See appendices B, C, and D.

⁴ See appendices A, B and C.

these applications and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order. We also deny 158 requests because we find that the petitioners failed to present special circumstances to explain why their applications were filed late sufficient to justify a waiver of the Commission's rules.⁵

II. BACKGROUND

2. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, basic maintenance, and internal connections.⁶ The applicant must file an FCC Form 470 to request discounted services.⁷ After the FCC Form 470 is posted on USAC's website for all potential competing service providers to review, the applicant must wait at least 28 days before entering into an agreement for services.⁸ After entering into a contract for eligible services, the applicant files the FCC Form 471 to request discounts on the eligible services to be provided.⁹ The FCC Form 471 must be filed within each funding year's "filing window" because, under Commission rules, USAC treats all filings made within the filing window as if the applications were simultaneously received.¹⁰ Since 1999, the requests for funding filed within the filing window have always exceeded the annual cap on funding.¹¹ Accordingly, if an FCC Form 471 is filed outside of the window, the applicant will not receive funding.

3. The Commission's rules require that applicants certify on the FCC Forms 470 and 471 that certain eligibility and program requirements are met.¹² Specifically, the certifications include the following attestations: the applicant has a current technology plan, if applicable; the applicant will conduct the competitive bidding process in accordance with Commission rules; the applicant is an eligible school or library or consortium; the funding will be used for educational purposes; the applicant has not received anything of value from the service provider, other than the requested services, in connection with the request for services; the applicant has the necessary resources to use the services purchased effectively; the signatory has the authority to submit the request on behalf of the applicant; the applicant has complied with applicable federal, state, and local procurement laws; and violations of the rules may result in suspension or debarment from the program.¹³ These certifications on the FCC Form 470 are important to maintain the integrity of the E-rate program and are necessary to ensure that only eligible

⁵ See appendix D; 47 C.F.R. § 54.507(c). We also deny in part two requests. See *supra* n.3.

⁶ 47 C.F.R. §§ 54.501-54.503.

⁷ 47 C.F.R. § 54.504(b).

⁸ 47 C.F.R. § 54.504(b)(4).

⁹ 47 C.F.R. § 54.504(c); see, e.g., Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) (FCC Form 471).

¹⁰ 47 C.F.R. § 54.507(c). For USAC to treat FCC Form 471 applications as complete, applicants must also have filed their associated certifications and "Item 21" attachments.

¹¹ The annual cap on E-rate funds is \$2.25 billion per funding year. 47 C.F.R. § 54.507. Since 1999, E-rate funds have been exhausted before satisfying all of the priority 2 funding requests of those applicants who filed within the filing window. See USAC website, Automated Search of Commitments, <http://www.usac.org/sl/tools/commitments-search/Default.aspx> (last viewed July 7, 2010).

¹² 47 C.F.R. § 54.504(b).

¹³ *Id.*

entities receive support under the program.¹⁴

4. In 2006 and 2007, in the *Bishop Perry Order* and the *Academy for Academic Excellence Order*, the Commission and the Bureau, respectively, granted waivers to applicants who missed the FCC Form 471 filing window deadline due to technical malfunctions, school reorganizations, a misunderstanding related to the filing deadline, personal staff emergencies, inadvertent errors, or circumstances beyond their control, including inclement weather.¹⁵ Consistent with the precedent established in those orders, in 2008 the Bureau released the *Acorn Public Library District Order*, in which it granted waivers of the FCC Form 471 filing window deadline to applicants that: (1) filed their FCC Form 471 applications within 14 days after the FCC Form 471 filing window deadline;¹⁶ (2) filed their FCC Form 471 applications late because of an illness of the E-rate staff person or the death of a member of his or her family;¹⁷ (3) filed their FCC Form 471 applications late due to delays caused by circumstances beyond their control;¹⁸ or (4) filed their FCC Form 471 applications on time or within 14 days of the filing window deadline but failed to file their FCC Forms 470 or 471 certifications on time.¹⁹

5. For each of the petitions addressed in this order, USAC denied E-rate funding because the applicants filed their FCC Form 471 applications after the filing window deadline. In their appeals to the Commission, the petitioners requested waivers of the FCC Form 471 filing deadline.

III. DISCUSSION

6. In this order, we grant 97 requests and deny 158 requests from petitioners seeking waivers of the FCC Form 471 filing window deadline for funding years 2001-2009 under the E-rate program.²⁰

¹⁴ See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5325, para. 18 (2006) (*Bishop Perry Order*).

¹⁵ See *id.* at 5321-22, para. 12; *Request for Review of the Decision of the Universal Service Administrator by Academy for Academic Excellence, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-539076, 539722, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4748-49, para. 5 (Wireline Comp. Bur. 2007) (*Academy for Academic Excellence Order*); 47 C.F.R. § 54.507(c).

¹⁶ See *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*, File Nos. SLD-637819, et al., CC Docket No. 02-6, Order, 23 FCC Rcd 15474, at 15476-77, para 5 (Wireline Comp. Bur. 2008) (*Acorn Public Library District Order*).

¹⁷ *Id.* at 15477-78, para. 6.

¹⁸ *Id.* at 15478-79, para. 7. For example, in the *Acorn Public Library District Order*, an applicant tried to file online with a USAC staff person's assistance but the system did not accept the application. *Id.*

¹⁹ *Id.* at 15479, para. 8. The Bureau directed USAC to notify those applicants in writing of any missing or incomplete FCC Form 471 certifications, and to grant the applicants an additional 15 calendar days after receipt of such notice to file their FCC Form 471 certifications. *Id.*

²⁰ See appendices A-D. The Commission may waive any provision of its rules on its own motion and for good cause shown. 47 C.F.R. § 1.3. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972). In sum, waiver 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. *Northeast Cellular*, 897 F.2d at 1166. *Accord NetworkIP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008).

We also grant in part and deny in part two requests for waiver.²¹

7. *FCC Forms 471 Filed Within the Filing Window Deadline.* We grant four requests for review by petitioners who, we find, filed their FCC Forms 471 before the relevant filing window deadline.²² Although USAC found that these applicants had not filed their completed FCC Forms 470 and 471 within the filing window, we find that, based upon our review of the record, USAC was mistaken and that the FCC Form 471 applications were timely filed within the relevant filing window. Specifically, the petitioners have provided documentation indicating that their completed FCC Forms 471 were postmarked or received by USAC on or before the relevant filing window deadline.²³ We therefore remand the underlying applications listed in appendix A to USAC for processing consistent with this order.

8. *Waiver Requests Granted Due to Special Circumstances.* We grant 93 waiver requests where petitioners' applications were completed shortly after the filing window closed.²⁴ Specifically, we grant: (1) 57 waiver requests where the petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline;²⁵ (2) six waiver requests where the petitioners were unable to file their FCC Form 471 within the window, but filed their waiver requests within 14 days of the application filing window deadline;²⁶ (3) three waiver requests where the petitioners were delayed by an unexpected

²¹ See Bluffview Request for Waiver (appendices B and D); Shawsheen Request for Waiver (appendices C and D).

²² See appendix A; Letter from Leslie Blanchard, Instructional Technology Coordinator, Iberville Parish School District, to Office of the Secretary, Federal Communications Commission, CC Docket Nos. 02-6, 96-45 (filed May 11, 2009) (Iberville Request for Review); Letter from Glenn Grove, Chief Administrator, Loess Hills AEA 13/Council Bluffs, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Apr. 18, 2006) (Loess Hills Request for Review); Letter from Oswaldo Galarza, Information Technology Officer, Oakland Unified School District, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Mar. 10, 2004) (Oakland Request for Review); Letter from Charles Hintzman, Technology Director, Tri-County Middle-Senior High School, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 (filed Mar. 29, 2005) (Tri-County Request for Review).

²³ See USAC website, Schools and Libraries, Form 471 Filing Information, <http://www.usac.org/sl/applicants/step07/form471-filing-information.aspx> (last viewed July 7, 2010); Iberville Request for Review at 1 (stating that USAC confirmed that the application was on time even though the USAC database labeled the application as one day late); Loess Hills Request for Review at 5-6 (providing postal receipts supporting Loess Hill's claim that it mailed its FCC Form 471 to USAC on February 18, 2005 (the filing deadline), and that USAC received it on February 22, 2005); Oakland Request for Review at 3, 6-7 (providing Federal Express receipts supporting Oakland's argument that it submitted its FCC Form 471 on February 6, 2003 (the filing deadline) and asserting that USAC granted funding on a second FCC Form 471 that Oakland states was in the same Federal Express envelope); Tri-County Request for Review at 25 (providing a copy of a printout of the online FCC Form 470 certification page supporting that Tri-County's claim that it made an online certification of its FCC Form 470 on November 4, 2003, well before the filing deadline of February 4, 2004).

²⁴ See *supra* para. 2; *Acorn Public Library District Order*, 23 FCC Rcd at 15476-79, paras 5-8. We also grant two petitions in part. See *supra* n.3.

²⁵ See appendix B. This appendix also includes the Bluffview Request for Waiver. See *supra* n.3.

²⁶ *Id.* (Burnett Consolidated Independent School District, Elba City Schools, Hudson Country Montessori School, Parkersburg and Wood County Public Library, St. Francis School, Ulysses Library Association). We grant these waiver requests even though the applicants did not file their FCC Forms 471 because, in these funding years, USAC did not allow applicants to electronically file their FCC Form 471 after the deadline. In the future, the online version of the FCC Form 471 will be available after the deadline so applicants who file late will have to file their FCC Form 471 within 14 days, even if they have already filed a waiver request with the Commission. We note that applicants must still wait 28 days after the posting of their FCC Form 470 before filing the FCC Form 471 to be in compliance with Commission rules.

illness or death of a family member and still filed within 30 days of the filing window deadline;²⁷ and (4) 27 waiver requests where the petitioners filed their FCC Forms 471 on time or within 14 days of the filing window deadline, but failed to file their FCC Forms 470 or 471 certifications on time.²⁸

9. Consistent with our precedent, we find that these violations do not constitute substantive violations of the Commission's rules, but instead are procedural violations, and therefore, a complete rejection of these applications is not warranted.²⁹ While filing and other procedural deadlines are necessary to maintain the efficient administration of the application process, we find that these applications were filed close enough to the deadline so as not to impair the administration of the program. As the Commission observed in the *Bishop Perry Order*, the primary jobs of most of the people filling out these forms include school administrators, technology coordinators, and teachers, and the majority of their time is not dedicated to pursuing federal support, especially in small school districts.³⁰ Even when a school official has learned how to correctly navigate the E-rate application process, unexpected events may cause unanticipated delays.³¹ For example, the unexpected serious illness or death of a family member for the staff member assigned responsibility for E-rate applications can effectively halt the application process. Furthermore, for the certifications that were filed late in these cases, we find that rigid adherence to filing procedures does not further the purposes of section 254(h) of the Act or serve the public interest.³² We further note that granting these requests for waiver should have a minimal impact on the universal service fund because the monies needed to fund these requests, should they all be fully funded, have already been collected and held in reserve.³³ Finally, at this time, there is no evidence of waste, fraud, or abuse, misuse of funds, or a failure to adhere to core program requirements. We therefore find that good cause exists to grant the petitioners' requests for waiver of the FCC Form 471 filing window deadline found in section 54.507(c) of the Commission's rules and remand the underlying applications listed in appendix B and C to USAC for further action consistent with this order.³⁴

10. We emphasize that applicants that have not filed their certifications still must do so before USAC can process their applications. USAC denied these applications not because the applicants refused to sign the certification, but because USAC did not receive the certifications by the filing deadline, which meant that the applications were deemed incomplete.³⁵ Consistent with Commission precedent, we direct USAC to notify in writing the 28 applicants listed in appendix C of any missing or incomplete FCC Forms 470 or 471 certifications.³⁶ We further direct USAC to provide the applicants an additional 15 calendar days after receipt of such notice to file their FCC Forms 470 or 471 certifications for those

²⁷ *Id.* (Capital District Library Council, LeMars Community School District, and City of Santa Monica).

²⁸ See appendix C. This appendix also includes the Shawsheen Request for Waiver. See *supra* n.3.

²⁹ *Bishop Perry Order*, 21 FCC Rcd at 5323, para. 14.

³⁰ See *id.*

³¹ See *id.*

³² See *id.*; 47 U.S.C. § 254(h).

³³ We estimate that the requests for review and waiver granted in this order involve applications for approximately \$21 million in funding. We note that USAC has already reserved sufficient funds to address outstanding appeals. See, e.g., Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2010 (Apr. 30, 2010).

³⁴ See 47 C.F.R. § 54.507(c); appendices B and C.

³⁵ See *Bishop Perry Order*, 21 FCC Rcd at 5325, para. 19;

³⁶ See *id.* at 5325, paras. 18-20; *Acorn Public Library District Order*, 23 FCC Rcd at 15479, para. 8.

applications.³⁷

11. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications.³⁸ We remind USAC of its obligation to determine independently whether the disbursement of universal service funds would be consistent with program requirements, Commission rules and orders, or applicable statutes and to decline to disburse funds where this standard is not met. To ensure that these applications are resolved expeditiously, we direct USAC to complete its review of the underlying applications listed in appendices A, B, and C and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order.³⁹ We emphasize that, although we grant the waiver requests addressed here, this order does not alter the obligation of participants in the E-rate program to fully comply with the Commission's procedural rules, which are vital to the efficient operation of the E-rate program.⁴⁰ We continue to require E-rate applicants to submit complete and accurate information to USAC as part of the application process.

12. We emphasize that the Commission is committed to guarding against waste, fraud, and abuse and ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the requests for waiver listed in appendices A, B, and C, this action does not affect the authority of the Commission or USAC to conduct audits or investigations to determine compliance with the E-rate program rules and requirements. Because audits or investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or the Commission's rules, such proceedings can reveal instances in which universal service funds were disbursed improperly or in a manner inconsistent with the statute or the Commission's rules. To the extent the Commission finds that funds were not used properly, the Commission will require USAC to recover such funds through its normal processes. We emphasize that the Commission retains the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. The Commission remains committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under the Commission's procedures and in cooperation with law enforcement agencies.

13. *Waiver Requests Denied for Failure to Present Special Circumstances.* We deny the remaining 158 requests because we find that the petitioners failed to present special circumstances justifying a waiver of section 54.507(c) of the Commission's rules.⁴¹ After reviewing the facts and circumstances of these petitioners' specific cases, we find that the petitioners do not present such special circumstances warranting a waiver of the FCC Form 471 filing window deadline.⁴² Specifically, we find that the petitioners listed in appendix D did not file their FCC Forms 471 within 14 days after the FCC

³⁷ See *Bishop Perry Order*, 21 FCC Rcd at 5326, para. 23; *Acorn Public Library District Order*, 23 FCC Rcd at 15479, para. 8. We presume receipt five days after mailing so applicants have 20 days from the date of the notice to submit their certifications. See *Bishop Perry Order*, 21 FCC Rcd at 5326, para. 23, n.63.

³⁸ Additionally, nothing in this order is intended: (1) to authorize or require payment of any claim that previously may have been released by a service provider or applicant, including in a civil settlement or plea agreement with the United States; or (2) to authorize or require payment to any person or entity that has been debarred from participation in the E-rate program.

³⁹ In performing a complete review and analysis of each underlying application, USAC shall either grant the underlying application before it, or, if denying the application, provide the applicant with any and all grounds for denial.

⁴⁰ *Bishop Perry Order*, 21 FCC Rcd at 5320, para. 9.

⁴¹ See appendix D. We also deny two requests in part. See *supra* n.3.

⁴² See *Acorn Public Library District Order*, 23 FCC Rcd at 15476-79, paras. 5-8.

Form 471 filing window deadline, did not miss the deadline due to circumstances beyond their control, or did not file their FCC Forms 471 within a reasonable period of time following the death or serious illness of the person responsible for filing the E-rate application or the death of a family member of the E-rate staff person.⁴³ Moreover, petitioners do not present any other circumstances justifying waiver. Therefore, we find that the 160 petitioners listed in appendix D did not present special circumstances justifying a waiver of the Commission's rules.

IV. ORDERING CLAUSES

14. 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 sections 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the appeals filed by the petitioners, as listed in appendices A, B, and C, ARE GRANTED and the applications ARE REMANDED to USAC for further consideration consistent with this order.

15. IT IS FURTHER 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 sections 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that the appeals filed by the petitioners, as listed in appendix D, ARE DENIED.

16. IT IS FURTHER 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 sections 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 1.3 and 54.722(a), that section 54.507(c) of the Commission's rules, 47 C.F.R. § 54.507(c) IS WAIVED for the petitioners listed in appendices B and C to the extent provided herein.

17. IT IS FURTHER 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 section 54.722(a) of the Commission's rules, 47 C.F.R. § 54.722(a), that the Universal Service Administrative Company SHALL COMPLETE its review of each remanded application listed in appendices A, B, and C and ISSUE an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order.

18. 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

Marlene H. Dortch
Secretary

⁴³ *Id.*

APPENDIX A

**Waiver Requests Granted
FCC Forms 471 Filed Within the Filing Window Deadline**

Petitioner	Application Number	Funding Year	Date Filed
Iberville Parish School Board Plaquemine, LA	689653	2009	May 11, 2009
Loess Hills AEA 13/ Council Bluffs Council Bluffs, IA	465023	2005	Apr. 18, 2006
Oakland Unified School District Oakland, CA	363385	2003	Mar. 10, 2004
Tri-County Middle Senior High School, Wolcott, IN	389554	2004	Mar. 29, 2005

APPENDIX B

Waiver Requests Granted Due to Special Circumstances

Petitioner	Application Number	Funding Year	Date Filed
Academy of Math and Science Tucson, AZ	487009	2005	July 19, 2006
Arlington Public Schools Arlington, MA	538682	2006	Aug. 13, 2007
Bedford Public Schools Temperance, MI	698823	2009	Aug. 14, 2009
Berryhill Independent School District 10 Tulsa, OK	630630, 637216	2008	Aug. 19, 2008
Bibliographical Center for Research Aurora, CO	698643	2009	Jan. 23, 2009
Bluffview Montessori – ISD 4001* Winona, MN	698603	2009	Mar. 2, 2009
Brevard County Library System Cocoa, FL	637225	2008	Aug. 5, 2008
Bridgerland Area Voc. Center Logan, UT	699169	2009	July 20, 2009
Burnet Consolidated Independent School District, Burnet, TX	572799	2007	Oct. 23, 2007
Calvary Christian Academy Cresaptown, MD	697527	2009	Feb. 27, 2009
Capital District Library Council Albany, NY	700243	2009	June 9, 2009
Center Point-Urbana Community Schools Center Point, IA	538400	2006	Mar. 5, 2007
Cherokee County School District Canton, GA	699483	2009	Jan. 26, 2009
Cheylin Unified School District No. 103 Bird City, KS	699203	2009	Feb. 19, 2009
Congregation Machon Tiferes Bachurim Monsey, NY	698763	2009	Sept. 14, 2009
Crandall Public Library Glen Falls, NY	587536	2007	Aug. 7, 2007
Detroit Lakes Public Schools ⁺ Detroit Lakes, MN	697531, 697533	2009	July 6, 2009
Dixie School District San Rafael, CA	699167	2009	Aug. 3, 2009
Elba City Schools Elba, AL	610576, 610600, 634024	2008	Feb. 5, 2008
Ewen-Trout Creek Consolidated School District Ewen, MI	467455	2005	July 17, 2007

Petitioner	Application Number	Funding Year	Date Filed
Fleetwood Area School District Fleetwood, PA	637435	2008	Aug. 12, 2008
Frankfort School District 157C Bloomington, IL	698183	2009	Feb. 20, 2009
Grand Valley Local Schools Orwell, OH	698663	2009	May 5, 2009
Greenport Union Free School District, Greenport, NY	637424	2008	Sept. 18, 2008
Grinnell Unified School District 291 Grinnell, KS	697683	2009	Jan. 16, 2009
Haven School Dexter, MN	698163	2009	June 22, 2009
Henderson Memorial Public Library Jefferson, OH	587155	2008	July 15, 2008
Hi-Tech Charities St. Louis, MO	632609	2008	Aug. 18, 2008
Horizon Science Academy Cleveland, OH	698064	2009	Feb. 19, 2009
Hudson County Montessori School Danbury, CT	560019, 577448	2007	Feb. 7, 2007
Lake County School District R-1 Leadville, CO	699244	2009	July 20, 2009
Lake County School District R-1 Leadville, CO	699245	2009	July 21, 2009
LeMars Community School District LeMars, IA	700343	2009	June 23, 2009
Marlette Community Schools Marlette, MI	699683, 699703, 699723	2009	July 28, 2009
Mineral Gold Public Library District Mineral, IL	699304	2009	Feb. 13, 2009
Monhegan Island Elementary School Monhegan, ME	700003	2009	July 17, 2009
Monticello School District Monticello, WI	637474	2008	Oct. 7, 2008
Moore Family Library Grinnell, KS	697983	2009	Jan. 16, 2009
Mount Ayr Community School District, Mount Ayr, IA	637109	2008	Aug. 4, 2008
N.H. School Administrative Unit #38, Swanzey, NH	487048, 487056, 487058	2005	Oct. 24, 2005
New Mexico School for the Deaf Santa Fe, NM	699883	2009	May 27, 2009
North Shore Community School Duluth, MN	597801	2008	Oct. 8, 2008
Northwestern Area School District Mellette, SD	538861	2006	Sept. 28, 2006
Our Lady of Sorrows School South Orange, NJ	695879	2009	Mar. 2, 2009

Petitioner	Application Number	Funding Year	Date Filed
Palestine Independent School District Palestine, TX	743703, 749189, 749305, 759841, 759851, 759855	2010	Mar. 17, 2010
Paola Unified School District 368 Paola, KS	698623	2009	July 16, 2009
Parkersburg & Wood County Library# Parkersburg, WV	None	2009	Mar. 2, 2009
Partnership Academy Richfield, MN	696190	2009	June 10, 2009
Progreso Independent School District, Progreso, TX	699343, 699344, 699345	2009	May 26, 2009
Ronan City Library Ronan, MT	619359	2008	Nov. 4, 2008
St. Francis Catholic School Manitowoc, WI	699783	2009	Aug. 4, 2009
St. Francis School Iota, LA	None	2008	Jan. 16, 2008
Saint Mary's Institute Amsterdam, NY	587262	2007	Aug. 22, 2007
SS Peter and Paul School Ottawa, OH	698703	2009	July 20, 2009
St. Therese School Patterson, NJ	698863, 698883, 698903, 698923	2009	Mar. 4, 2009
Saint Ursula School Baltimore, MD	587254	2007	Nov. 19, 2007
Salmon School District 291 Salmon, ID	696121	2009	July 13, 2009
City of Santa Monica Santa Monica, CA	700284	2009	Jun. 19, 2009
Somerset Hills School District Bernardsville, NJ	636453	2008	Sept. 22, 2008
Susquehanna County Library Montrose, PA	769395	2010	Jan. 28, 2010
Trinity School Spokane, WA	699403	2009	June 23, 2009
Ulysses Library Association Ulysses, PA	None	2010	Feb. 22, 2010
UNO Charter School Network Chicago, IL	697006, 697203, 697204, 697223, 697243, 697263, 697283, 697284	2009	Jan. 29, 2009
Van Buren Community Schools Keosauqua, IA	699243	2009	Mar. 9, 2009
Washington Mathematics Science Technology Public Charter High School, Washington, DC	674225, 699743	2009	Feb. 23, 2009
Whittier Public Library Whittier, CA	637571	2008	Oct. 14, 2008

Petitioner	Application Number	Funding Year	Date Filed
Wrangell City School District Wrangell, AK	690710	2009	May 4, 2009

⁺ The applicant filed separate requests for review for the listed applications on the same date and we treat this as a single request.

^{*} Application number 667234 (filed by Bluffview Montessori ISD 4001) is included in appendix D.

[#] The Request for Waiver filed by Parkersburg and Wood County Public Library was filed on behalf of itself and Calhoun County Public Library (no application number), Dora B. Woodyard Memorial Library (no application number), Pleasants County Public Library (no application number), and Roane County Public Library (no application number).

APPENDIX C

**Waiver Requests Granted Due to Special Circumstances
Forms 470 and 471 Certifications Not Filed On Time**

Petitioner	Application Number	Funding Year	Date Filed
Agra Public Schools I-134 Agra, OK	461976, 462020	2005	Aug. 15, 2006
Amigos Por Vida – Friends for Life Public Charter School Houston, TX	478528	2005	Nov. 28, 2005
Arp Independent School Arp, TX	478148	2005	Dec. 27, 2005
City View Independent School District, Wichita Falls, TX	604047	2008	Dec. 23, 2008
Cleora Public Schools Afton, OK	573977	2007	Oct. 4, 2007
Community Unit School District No. 316, Warsaw, IL	445682	2005	July 18, 2006
Crab Orchard Community Unit School District 3, Marion, IL	469105	2005	June 16, 2006
Crosswalk: Higher Education Learning Pathways, Hesperia, CA	636791	2008	Dec. 12, 2008
Dickinson-Iron Intermediate School District, Kingsford, MI	459866	2005	June 8, 2006
Dutchess County Board of Cooperative Educational Services (BOCES), Poughkeepsie, NY	462436, 462448, 463203, 463293, 468534, 468633, 470865, 470872, 472314, 475098, 476498, 476832, 483705, 483774, 484330*	2005	July, 12, 2006
Educational Service Unit No. 17 Ainsworth, NE	598826	2008	Jan. 26, 2009
El Monte City School District El Monte, CA	487944, 488074, 488077	2005	Mar. 14, 2006
Federal Way School District 210 Federal Way, WA	669556	2009	May 22, 2009
Haverhill Public Schools Haverhill, MA	633602	2008	Jan. 27, 2009
Heartland Library Cooperative Sebring, FL	471007	2005	May 18, 2006
King George Public Schools King George, VA	569334	2007	Feb. 15, 2008
North Penn School District Lansdale, PA	323279	2002	June 1, 2004
Ohio Public Library Information Network, Columbus, OH	461776, 461802, 461910, 462126	2005	Aug. 2, 2006

Petitioner	Application Number	Funding Year	Date Filed
Our Lady Immaculate School Jennings, LA	447629	2005	June 21, 2006
Putnam City Schools Oklahoma City, OK	462282	2005	Jan. 31, 2006
Rialto Unified School District Rialto, CA	481544, 485622	2005	Nov. 22, 2005
Rialto Unified School District Rialto, CA	582213	2007	Sept. 25, 2007
Ripton Elementary School Ripton, VT	456791	2005	May 30, 2006
St. Anne School Bethlehem, PA	234142	2001	Mar. 8, 2002
St. Jean Baptiste High School New York, NY	537389	2006	Feb. 14, 2007
Shawsheen Valley Technical High School, Billerica, MA**	637213	2008	Feb. 20, 2008
Southern Lehigh School District Center Valley, PA	442050	2005	July 28, 2006
White Pigeon Community Schools White Pigeon, MI	301284	2002	June 10, 2002

* We do not address application number 463991 (filed by Dutchess County) in this order because it raises a separate issue related to letters of agency, which will be addressed in a subsequent order.

** Application numbers 602991 and 633487 (filed by Shawsheen Valley) are included in appendix D of this order.

APPENDIX D

Waiver Requests Denied

Petitioner	Application Number	Funding Year	Date Appeal Filed
Academy of St. Dorothy Staten Island, NY	700483	2009	June 3, 2009
Agricultural & Food Sciences Academy Vadnais Heights, MN	702603	2009	Oct. 8, 2009
Alexander City Schools Alexander City, AL	702483	2009	Aug. 31, 2009
Arbor Park School District 145 Oak Forest, IL	540201	2006	June 13, 2007
Arcola Community Unit #306 Arcola, IL	675964, 702183, 702204, 702583	2009	Aug. 4, 2009
Arlington Heights Memorial Library Arlington Heights, IL	702283	2009	July 15, 2009
Arlington Heights School District 25 Arlington Heights, IL	607507	2008	Apr. 21, 2008
Battle Creek-Ida Grove CSD Ida Grove, IA	None	2009	Mar. 2, 2009
Belleville School District Belleville, WI	675810	2009	Feb. 19, 2009
Bergen County Technical Schools Paramus, NJ	575908, 587617	2007	Aug. 21, 2007
Bloomington Technology Department Bloomington, MI	539719	2007	Oct. 9, 2007
Bluffview Montessori – ISD 4001* Winona, MN	667234	2009	Mar. 2, 2009
Burlingame School District Burlingame, CA	None other than those granted	2009	May 7, 2009
Calumet City Public Library Calumet City, IL	589175	2007	Aug. 2, 2007
Chanute Public Schools Chanute, KS	619091, 637378	2007	Apr. 11, 2008
Charter Schools USA ^{##} Fort Lauderdale, FL	700563, 700583, 700584, 700585, 700586, 700587, 700588, 700623, 700627, 700629, 700643, 700923	2009	May 20, 2009
Clayton Educare Denver, CO	638766	2008	July 7, 2008
Clermont County Public Library Batavia, OH	702503	2009	Oct. 6, 2009
Columbia School System Columbia, CT	None	2009	Mar. 13, 2009
Community Parents Inc. Brooklyn, NY	702643	2009	Oct. 24, 2009
Congregation Ahavas Chessed Lakewood, NJ	701503	2009	July 8, 2009

Petitioner	Application Number	Funding Year	Date Appeal Filed
Craig R-III School Craig, MO	None	2008	Aug. 29, 2008
Cushing Library Cushing, ME	639686	2008	Nov. 12, 2008
Dawson Independent School District Welch, TX	None	2008	Feb. 27, 2008
Dermott Public School District Dermott, AR	702803	2009	Nov. 9, 2009
East Jackson Community Schools Jackson, MI	637824	2008	Mar. 26, 2008
Eastern Local School District Beaver, OH	640486	2008	July 1, 2008
Ed White Memorial High School League City, TX	701683	2009	Aug. 10, 2009
Elbert County Library Elberton, GA	702523	2009	Sept. 15, 2009
Elizabeth Public Schools ⁺ Elizabeth, NJ	575111, 575132	2007	Aug. 24, 2007
Father Kolbe School Baltimore, MD	594968	2008	Aug. 4, 2008
Father Ryan High School Nashville, TN	701523	2009	Feb. 2, 2009
Fowler Unified School District 225 Fowler, KS	637880	2008	June 24, 2008
Galloway Community Charter School Galloway, NJ	702703	2009	Sept. 22, 2009
Garden City Public Library Garden City, NY	540218	2006	Aug. 20, 2007
Gettysburg Area School District Gettysburg, PA	588195	2007	May 7, 2007
Goleta Union School District Goleta, CA	587937	2007	Aug. 17, 2007
Goodwater Public Library Goodwater, AL	540278	2006	Aug. 7, 2007
Governor's School for Global Keysville, VA	701603	2009	July 27, 2009
Grace Joint School District #148 Grace, ID	700783 (was 674658)	2009	Feb. 5, 2009
Greater Holy Temple Christian Academy Milwaukee, WI	634454	2008	May 28, 2008
Green Brook Township School District Green Brook, NJ	590740	2007	Jan. 22, 2008

Petitioner	Application Number	Funding Year	Date Appeal Filed
Harmony Area School District Westover, PA	700503	2009	Mar. 9, 2009
Harris-Lake Park Community School District Lake Park, IA	637967	2008	July 28, 2008
Hebrew Academy of Nassau County West Hempstead, NY	587940	2007	July 18, 2007
Heron Lake Public Library Heron Lake, MN	638046	2008	June 17, 2008
Houston Gateway Academy Houston, TX	638386	2008	July 25, 2008
Immaculate Conception School Bronx, NY	700463	2009	June 26, 2009
Immanuel Lutheran Grade School Wisconsin Rapids, WI	700683	2009	July 6, 2009
John H Wood Jr. Charter School San Antonio, TX	None	2008 2009	Mar. 25, 2009
Kershaw County Library Camden, SC	587542	2007	July 30, 2007
Kinchafoonee Regional Library Dawson, GA	637771	2008	June 17, 2008
Lacrosse Public Library Lacrosse, IN	596118	2008	June 9, 2008
Ledgemont Local School District Thompson, OH	702143, 702163	2009	Mar. 17, 2009
Lenox Hill Neighborhood House, Inc. New York, NY	702663	2009	Oct. 24, 2009
Licking Valley Local School District Newark, OH	676774	2009	Nov. 16, 2009
Lincoln Park Board of Education Lincoln Park, NJ	701543	2009	July 20, 2009
Lincoln Trail Libraries System Champagne, IL	588915	2007	Aug. 31, 2007
Madelia Public Schools Madelia, MN	435713	2004	Feb. 19, 2004
Marengo-Union Elementary School District 165 Marengo, IL	674420 678104	2009	Feb. 3, 2009
Marist High School Bayonne, NJ	None	2009	Jan. 20, 2009
Mascoutah Public Library Mascoutah, IL	588075	2007	Aug. 15, 2007
Memphis Main Public Library Memphis, TN	702203	2009	July 31, 2009
Mettawee Community School West Pawlet, VT	638112	2008	Aug. 6, 2008
Mid Valley School District Throop, PA	590398, 590418	2007	Oct. 15, 2007

Petitioner	Application Number	Funding Year	Date Appeal Filed
Midway Public School District #128 Inkster, ND	637354	2008	Feb. 19, 2008
Mildred Stevens Williams Memorial Library Appleton, ME	638189	2008	Aug. 15, 2008
Milwaukee County Federated Library System Milwaukee, WI	540058	2006	Sept. 6, 2007
Mine Hill Township Board of Education Mine Hill, NJ	588795	2007	Aug. 29, 2007
Mingus Mountain Academy Prescott Valley, AZ	638848, 638852, 638853, 638854	2008	June 20, 2008
Mohawk Trail Regional School System Shelburne Falls, MA	701803/687966, 701783/688212, 701823/694808	2009	Mar. 30, 2009
Monsignor McHugh School Cresco, PA	None	2009	Mar. 10, 2009
Montgomery County Intermediate Unit Norristown, PA	608678, 613502, 633082	2008	Mar. 11, 2008
Mother Seton Academy Baltimore, MD	587296	2006	July 27, 2007
Muscogee County School District Columbus, GA	639386 [#]	2007	June 9, 2008
Myers Memorial Library Frewsburg, NY	598039, 633452	2008	Sept. 10, 2008
Nancy Fawcett Memorial Library Lodgepole, NE	None	2008	Feb. 19, 2008
Netherlands Reformed Christian School Pompton Plains, NJ	587683	2007	Aug. 27, 2007
New Hope Academy Charter School York, PA	638170	2008	June 3, 2008
New Lexington City School District New Lexington, OH	642446	2008	Dec. 2, 2008
New Life Christian School Olean, NY	700183	2009	July 14, 2009
Niemes Elementary School Artesia, NJ	672309	2009	June 24, 2009
North Carolina Dept. of Juvenile Justice and Delinquency Prevention Raleigh, NC	701283/692024, 701303/691605, 701323/691668, 701343/691649, 701363/691844, 701383/691630, 701403/691929, 701404/691811, 701423/691661, 701424/691830, 701425/691894, 701443/691620, 701463/691966 691861	2009	July 23, 2009

Petitioner	Application Number	Funding Year	Date Appeal Filed
North Wamac School District 186 Centralia, IL	701043	2009	June 29, 2009
Notre Dame Preparatory School Towson, MD	594855	2008	Oct. 8, 2008
Nottingham School Nottingham, NH	615841, 638706	2008	Jan. 30, 2008
Oakfield School District Oakfield, WI	637381	2008	Apr. 1, 2008
Oholei Yosef Yitzchok Lubavitch Oak Park, MI	687103	2009	Mar. 12, 2009
Okeechobee County Public Library Okeechobee, FL	701844	2009	Apr. 2, 2009
Palmetto Unified School District Columbia, SC	None	2008	Feb. 27, 2008
Pearce School District 22 Pearce, AZ	700283	2009	Aug. 18, 2009
Pennfield Schools ⁺ Battle Creek, MI	637928, 638071, 638072	2008	July 7, 2008
Pine Haven Boys Center Suncook, NH	667926	2009	Jan. 23, 2009
Plainfield Public Library Plainfield, NJ	638109	2008	July 1, 2008
Plains Public Schools Plains, MT	539118	2006	Nov. 13, 2007
Plattsmouth Public Library Plattsmouth, NB	None	2009	Feb. 26, 2009
Pleasant Ridge Union School District Grass Valley, CA	702023	2009	June 15, 2009
Pleasantdale School District 107 Burr Ridge, IL	607706	2008	May 19, 2009
Plumas Charter School Quincy, CA	None	2009	Feb. 6, 2009
Poquoson City Schools Poquoson, VA	637907	2008	May 26, 2009
Queen of Peace High School North Arlington, NJ	607907	2008	Oct. 1, 2008
Red Bud School District 132 Red Bud, IL	640266	2008	Oct. 23, 2008
Rhea Academy Dayton, OH	638286	2007	May 14, 2008
Ridgewood High School Norridge, IL	None	2007	Nov. 6, 2007

Petitioner	Application Number	Funding Year	Date Appeal Filed
Rivet Middle/High School Vincennes, IN	702063	2009	July 24, 2009
Rock Creek Public Library Rock Creek, OH	587310	2007	July 15, 2008
Saginaw Township Community Schools Saginaw, MI	611942	2008	Mar. 4, 2008
St. Andrew Catholic School Tecumseh, NE	None	2009	Apr. 9, 2009
St. Ann School Wilmington, DE	588215	2007	Aug. 23, 2007
St. Anthony of Padua Catholic School Greenville, SC	587561	2007	Oct. 24, 2007
St. Dorothy School Glendora, CA	695287	2009	Jan. 30, 2009
Saint Louis School Owensville, OH	647541	2008	May 14, 2009
St. Mary School North Vernon, IN	587818	2007	Aug. 27, 2007
St. Michael's Country Day School Newport, RI	700624	2009	May 7, 2009
Saint Richard Catholic School Jackson, MS	671509	2009	Feb. 3, 2009
St. Vincent Academy Newark, NJ	701023	2008	May 6, 2009
St. Vivian Elementary School Cincinnati, OH	640986	2008	Aug. 7, 2008
Salem School District Salem, WI	700523	2009	June 9, 2009
San Gabriel Mission Elementary School San Gabriel, CA	587938	2007	Aug. 22, 2007
San Miguel School Camden, NJ	701243	2009	June 19, 2009
San Simon Unified School District San Simon, AZ	588561	2007	Nov. 13, 2007
Sanford Public School Sanford, CO	606635	2008	Apr. 28, 2008
Sesser-Valier School District #196 Sesser, IL	701843	2009	Apr. 20, 2009
Seymour Library Brockport Brockport, NY	702463	2009	Aug. 4, 2009
Shawsheen Valley Technical High School** Billerica, MA	602991, 633487	2008	Feb. 20, 2008
Sheridan County School District #2 Sheridan, WY	None	2008	Mar. 11, 2008
Solomon Schechter School of Bergen County New Milford, NJ	None	2009	Feb. 26, 2009

Petitioner	Application Number	Funding Year	Date Appeal Filed
South Buffalo Charter School Buffalo, NY	641326	2008	Nov. 25, 2008
School District of South Milwaukee South Milwaukee, WI	587578	2007	Aug. 2, 2007
South Plains Community Action Partners Levelland, TX	638747	2008	June 26, 2008
South River Board of Education South River, NJ	587570	2007	Jul. 30, 2007
South Routt School District Oak Creek, CO	695452, 695503	2009	Mar. 25, 2009
Southwest Chicago Christian Schools Palos Heights, IL	639866	2008	Oct. 29, 2008
Steel Valley School District Munhall, PA	659205, 660912	2009	July 22, 2009
Stein Yeshiva of Lincoln Park Yonkers, NY	699963	2009	July 21, 2009
Stewart Library Grinnell, IA	None	2009	Jan. 30, 2009
Summit School District Frisco, CO	623252	2008	Mar. 3, 2008
Swink School District 33 Swink, CO	637966	2008	July 3, 2008
Tama Public Library Tama, IA	673510	2009	Feb. 18, 2009
Taylor County School System Butler, GA	631871	2008	May 5, 2008
Taylorville Public Library Taylorville, IL	701063	2009	July 10, 2009
Tennessee Dept. of Children's Services Nashville, TN	638566	2008	June 27, 2008
TGU School District #60 Towner, ND	638326	2008	July 18, 2008
Thomas Edison Charter School Wilmington, DE	664221	2009	Feb. 2, 2009
Tishomingo Public Schools Tishomingo, OK	702383	2008	Aug. 26, 2009
Toledo Islamic Academy Sylvania, OH	643746, 643767	2008	Jan. 29, 2009
Tolleson Public Library Tolleson, AZ	None	2009	Jan. 28, 2009
Union Co/College CRNR Joint School District, Liberty, IN	572152	2007	Aug. 13, 2007
Union Grove School District ⁺ Gladewater, TX	587637, 587660, 587662, 587663	2007	Aug. 16, 2007
Universal School Bridgeview, IL	676564	2009	Mar. 24, 2009

Petitioner	Application Number	Funding Year	Date Appeal Filed
Valley View Community Unit Romeoville, IL	625966	2008	June 6, 2008
Vermont Academy Saxtons River, VT	769224	2010	Apr. 9, 2010
Virginia School for the Deaf & Blind Stauton, VA	639047, 639066	2008	Sept. 3, 2008
Watson Public School Watson, OK	640826	2008	Dec. 8, 2008
Westside Christian School Largo, FL	None	2008	Feb. 27, 2008
White's Jr.-Sr. High School Wabash, IN	702843	2009	Dec. 8, 2009
Whitefish Township School District Paradise, MI	702123	2009	Aug. 3, 2009
Worthington Christian Schools Worthington, OH	624674, 624678	2008	June 11, 2008
Yeva Charter School Summerson, SC	701583	2009	Feb. 10, 2009
Young America Works Public Charter School Washington, DC	640566	2008	Dec. 1, 2008

⁺ The applicant filed separate requests for review for the listed applications on the same date and we treat this as a single request.

[#] USAC appears to also identify this application as application number 589975.

^{*} Application number 698603 (filed by Bluffview Montessori ISD 4001) is included in appendix B.

^{**} Application number 637213 (filed by Shawsheen Valley) is included in appendix C.

^{###} The Request for Waiver filed by Charter Schools USA was filed on behalf of Bonita Springs Charter School (application number 700588), Cape Coral Charter School (application number 700583), Downtown Miami Charter School (application number 700623), Four Corners Charter School (application number 700629), Gateway Charter School (application number 700923), Gateway Charter High School (application number 700585), Hollywood Academy of Arts and Science (application number 700627), Keys Gate Charter School (application number 700584), North Broward Academy of Excellence (application number 700643), Palm Bay Community Charter School (application number 700587), Renaissance Elementary Charter School (application number 700563), and Six Mile Charter Academy (application number 700586).