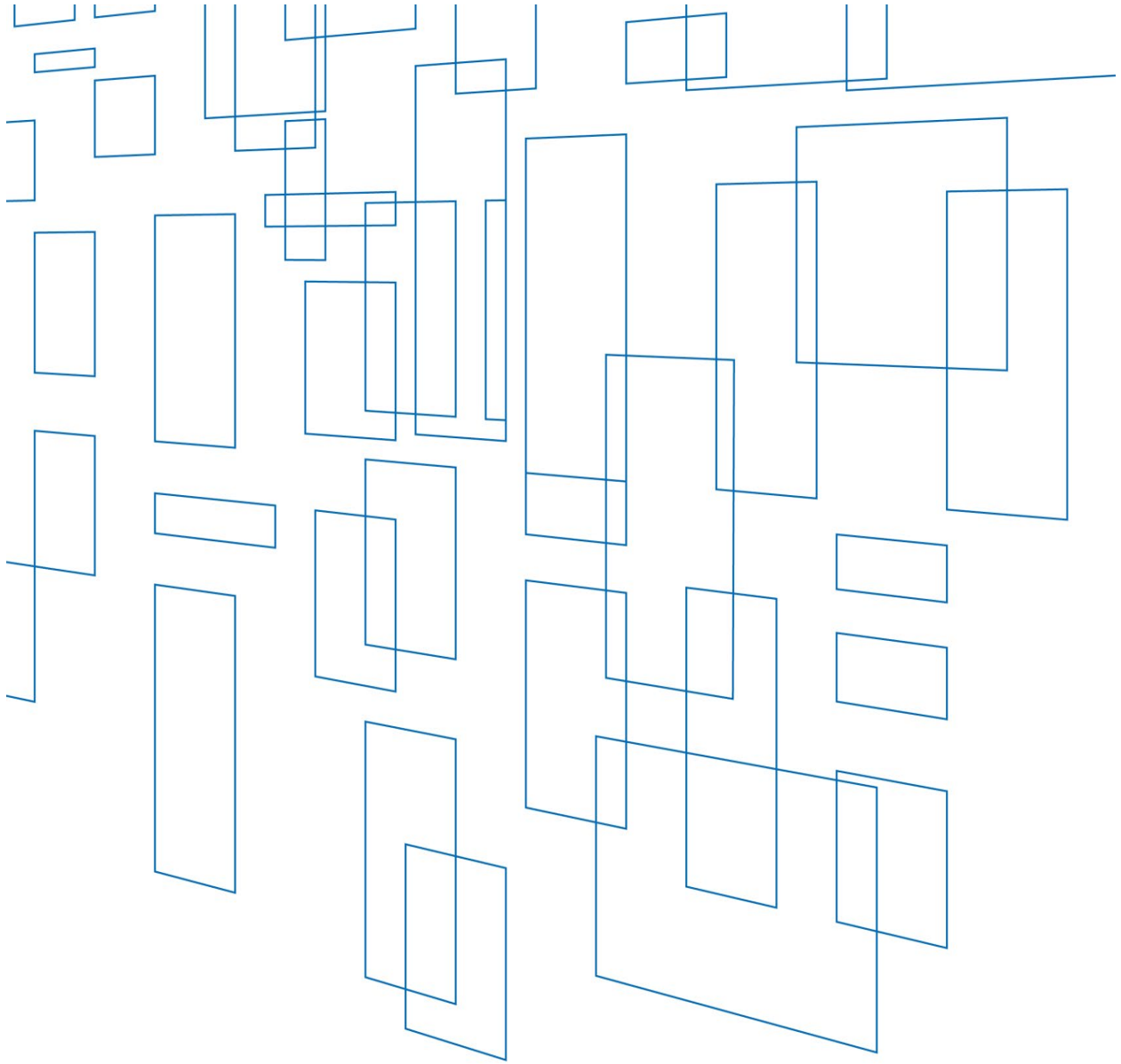




E-Rate Appeal/Waiver Guide

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E-Rate Appeal/Waiver Overview

Any party that disagrees with a USAC decision and wishes to appeal must first file an appeal with USAC to seek review before filing an appeal with the Federal Communications Commission (FCC). For example, if you believe that USAC incorrectly reduced your program discount rate and you have evidence that can show that error, you can submit an appeal to USAC (see [E-Rate Program Appeals Guidelines](#)). After USAC makes an appeal decision, you might still disagree with the outcome, and you may appeal USAC's decision to the FCC.

On the other hand, if you are **seeking a waiver of FCC rules** (e.g., waiver of form deadlines, extension of a service delivery date, late-filed FCC Form 471, etc.), you may file a request for waiver directly with the FCC. USAC cannot waive FCC rules.

Submitting an Appeal to USAC

If you disagree with a USAC decision, you must first submit your appeal to USAC. USAC must receive your appeal within 60 days following the date when USAC issued the decision. For example, you must appeal a Funding Commitment Decision Letter (FCDL) within 60 days of the date of the letter. If that day falls on a weekend or federal holiday, the appeal is also considered on time if you file it electronically (or it is postmarked) by the first business day following that weekend or federal holiday. See [47 C.F.R. § 54.719\(b\)](#) for the FCC's rules on filing an appeal and [47 C.F.R. § 1.4](#) for the FCC's rules on computation of time.

The following information must be included in your letter of appeal:

- Applicant or service provider who is filing the appeal (e.g., an entity number; a service provider's FCC Form 498 ID (SPIN))
- Contact information including the name, address, telephone number, and email address of the person who can discuss the appeal in detail
- Documentation of USAC's decision (e.g., copy of USAC's decision letter being appealed)
- Supporting documentation such as forms and previous correspondence
- A precise explanation of the relief sought through the appeal

If you fail to submit any missing information to USAC within the time prescribed, it may result in the denial of your appeal. E-Rate appeals for Funding Years (FY) 2016 and later are submitted in the [E-Rate Productivity Center](#) (EPC). For FY2015 and previous years, you can file by email to Appeals@usac.org.

All appellants will receive acknowledgment of their appeal upon receipt. USAC reviews all complete appeals and respond with its decision in writing. For further E-Rate program guidelines, see the [E-Rate program appeals guidelines](#).

Submitting the FCC Appeal or Waiver Request

If you disagree with USAC's appeal decision or need to request a waiver of the Commission's rules, you may then submit a standard filing with the FCC in the [Electronic Comment Filing System](#) (ECFS) in CC Docket

No. 02-6 within sixty (60) days from the date that USAC denied your appeal or **as soon as possible** after you realize you missed a program deadline. The FCC has an ECFS [User Guide](#) available, and a phone number and email address listed at the bottom of the ECFS site in case you need any assistance with the filing.

To file an appeal or waiver request at the FCC:

- Go to the FCC’s Electronic Comment Filing System (ECFS) “[Submit a Filing](#)” page.
 - Enter “02-6” in the “Proceeding” field.
 - Provide the petitioner name for the “Name(s) of Filer(s), which is generally a school, library, or service provider name.
 - Provide the information requested. There are certain fields that are not applicable, such as “File Number,” “Report Number,” or “Bureau ID Number “.
 - Under the “Type of Filing” filed, choose “APPEAL” if appealing a USAC decision on appeal or “WAIVER” if requesting a waiver of the FCC rules.
- Click the text in the “Click or drop files here” field to open an upload window and attach your waiver filing and any supporting documentation. You can also drag and drop your file(s) into the field.

Include the following information in your filing:

- General Entity Information
 - Name of the petitioner (generally, the service provider or school/library).
 - Name of E-Rate entity (e.g. school or library) if different from petitioner.
 - Contact person’s name, title, address, and e-mail address. Note: Please include e-mail in the filing itself.
 - Include the application (FCC Form 471) number(s) at issue and Funding Request Numbers (FRNs).
 - Description of the reason for the appeal or waiver. You’ll need to explain your unique, special circumstances that led to the need for a waiver.
 - If known, cite to relevant rule that needs to be waived.
 - Attach relevant USAC denial documents/screenshots and other documentation that would be helpful.
- Review your work, make any necessary changes, and then submit your appeal or waiver request.

FCC Appeal Decision Public Notices or Orders

The FCC’s current practice, when resolving appeals, waivers, and petitions for reconsideration that are consistent with previous decisions is to issue monthly public notices (PNs). These PNs list appeal decisions organized by decision type (e.g., granted, denied, dismissed, etc.) and grouped into specific categories (e.g., *Eligible Entities*, *Granting Additional Time to Respond to USAC Inquiry*, *Inadvertent Cancellation of FCC Form*



471, Ministerial and/or Clerical Errors, etc.). The public notices can be found by year on the FCC's [E-Rate - Schools & Libraries USF Program](#) page. On this page, the monthly PNs are typically named "October USF Appeals Public Notice" for the month issued and become public at the beginning of each month. The monthly PNs can help you identify relevant program precedent related to your issue, as each category of appeal has a footnote citing relevant precedent. Below you can see an example of a monthly PN that shows Granted appeals and the issues presented for review.

Federal Communications Commission		DA 24-608
<u>Granted</u> ⁴		
<i>Allowing Service Delivery Extension</i> ⁵		
Archbishop Molloy High School, NY, Application No. 221028889, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2024)		
<i>Cost-Effectiveness</i> ⁶		
Mary Queen of Peace, OH, Application Nos. 734493, 766542, Request for Review, CC Docket No. 02-6 (filed Nov. 18, 2010)		
<i>Granting on Reconsideration – Late-Filed FCC Form 471</i> ⁷		
Yukon Independent School District 27, OK, Application No. 241028548, Petition for Reconsideration, CC Docket No. 02-6 (filed May 20, 2024)		
⁴ 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 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 deadline 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).		
⁵ See, e.g., <i>Requests for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism</i> , CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, nn.3, 4 (WCB 2014) (<i>Accelerated Charter Order</i>) (noting that extensions of the implementation deadline will be granted to applicants that timely request an extension to USAC on or before the implementation deadline provided the applicant's service provider is unable to complete implementation for reasons beyond the service provider's control); see 47 CFR § 54.507(d).		
⁶ <i>Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism</i> , CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115, para. 10 (WCB 2011) (<i>Allendale County School District Order</i>) (finding that where there is only one bid responsive to the FCC Form 470, the responsive bid necessarily offered the lowest price).		
⁷ See, e.g., <i>Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism</i> , CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (<i>Callisburg Independent School District Order</i>) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); <i>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</i> , CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (<i>Abbotsford School District Order</i>) (finding that the applicant filed its FCC Form 471 application beyond 14 days of the FCC Form 471 filing deadline due to delays beyond their control).		

FCC Decision

Once the FCC decides your appeal, you will receive a cover letter and copy of the Public Notice or Order with the decision (e.g., dismissed, granted, or denied) via e-mail.

If the FCC grants your waiver request, USAC will move forward with processing your request per the FCC's direction.

If the waiver is denied, you can file a "Petition for Reconsideration" with the FCC within 30 days of the FCC's decision as you submitted the waiver request. If that is approved, USAC will move forward with processing your request.

Remember, if you **disagree with a USAC decision**, you **must appeal to USAC first**. USAC must receive your appeal within 60 days following the date when USAC issued the decision.

If you are **seeking a waiver of FCC rules** or disagree with USAC's decision on your appeal, you may appeal USAC's decision to the FCC. You must submit your appeal to the FCC within 60 days of the date when USAC issued the decision.