

# Filing an Appeal or Waiver Request

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## Appeals

Any decision made by USAC can be appealed by the adversely affected party. Two organizations review and decide appeals: USAC and the FCC. All appeals first must be submitted to USAC. The one exception is if the appeal is related to a rule violation and the appealing party wants to request that the rule be waived. In that situation, a request to waive the rules must be submitted to the FCC. This is because USAC has no authority to waive the E-Rate program rules. If an appeal is submitted to USAC and denied, a further appeal may be submitted to the FCC. Do not send an appeal to both organizations at the same time.

All appeals and requests for waivers MUST be submitted to either USAC or the FCC within 60 days of the date of the USAC decision. If the 60-day appeal deadline is missed, the applicant must request a waiver of the appeal filing deadline from the FCC. USAC has no authority to waive the 60-day filing deadline. In such a situation, be very specific about why you missed the appeal deadline and why it is in the public interest to waive the deadline. The FCC is very stringent in deciding whether to consider and grant the merits of late-filed appeals or late-filed requests for waivers.

## FCC Rule Waiver Requests

A waiver is a request to waive an E-Rate program requirement that is codified in a FCC regulation. For example, missing the Form 471 application filing window deadline requires the FCC to grant a waiver of the deadline. Please note that waivers are not granted often: only in special circumstances and when a deviation from the rules would serve the public interest. The waiver standard generally requires a showing of circumstances that could not be avoided even with careful planning.

Also, the FCC has made clear that the request for a Form 471 application window waiver, as well as any other waiver of a regulation, must follow the 60-day deadline that applies to filing appeals. The 60-day deadline begins from the date of the USAC decision. In the case of a Form 471 filing window waiver, the deadline is counted from the date of submission of the late-filed Form 471, since that is the date that the Form 471 receipt acknowledgment letter is issued, in which it states that you must file a request for waiver of the window deadline with the FCC.

## Deadline

The general rule is that the appeal or waiver request must be filed within 60 days of the date of the USAC decision. If the appeal/waiver deadline falls on a weekend or on a Federal Holiday, the appeal/waiver is also considered on time if you file it (or it is postmarked) by the first business day following that weekend or holiday.

## FILING AN APPEAL WITH USAC

### 1) What Information to Include in Your Appeal

The following information must be included in a letter of appeal. If USAC is unable to process the appeal because of missing documentation, the appeal will be denied for lack of information.

- Applicant Name and Billed Entity #
- Contact information including name, address, telephone number, and email address of the person who can discuss the appeal with USAC in detail;
- Documentation of USAC's decision;
- Supporting documentation such as forms and previous correspondence
- A precise explanation of the relief sought through the appeal.

## 2) How to Submit Your USAC Appeal

Appeals must be submitted in EPC for any decision arising from a FY 2016 or later action. There is a specific appeal module in EPC. Appeals from FY 2015 and earlier actions must be submitted in EPC as a customer service case. Please refer to the separate EPC Appeals filing guide in this tab.

## FILING AN APPEAL WITH THE FCC

### 1) What Information to Include in Your Appeal

The following information must be included in a letter of appeal.

- Indicate CC Docket No. 02-6 on the first page of your appeal;
- Applicant Name and Billed Entity Number;
- Contact information including name, address, telephone number, and email address of the person who can discuss the appeal with the FCC in detail;
- Provide documentation of USAC's decision or what rule violation is being appealed;
- Include supporting documentation such as forms and supporting documents;
- Explain the appeal to the FCC in as much detail as possible;
- Identify a problem and the reason for its appeal; and
- Explain precisely the relief sought through this appeal.

If you are submitting a letter of appeal requesting review of a decision made by USAC, please use the language "Request for Review" on the first page. If you are filing a request for a waiver of a deadline, please use the language "Request for Waiver" or "Waiver Request," so that it is clear what you request.

### 2) How to file your FCC Appeal

Submit your appeal electronically using the FCC's filing system that is online at <https://www.fcc.gov/ecfs/filings>. It is advisable to convert your file to a PDF format for uploading to the FCC. On the next page there is a screen print of the online filing system with notes to explain what fields must be completed and what information should be provided.

### To Submit an Appeal or Waiver Request to FCC:

- Go to: <https://www.fcc.gov/ecfs/filings> and complete the online submission form as follows:

Proceeding	02-6 (press enter)
Name of Filer	List Name of School or Library (press enter)
Law Firm	Leave blank

Attorney/Author Name	List Name of School or Library Contact ( <i>press enter</i> )
Primary Contact E-mail	E-mail of School or Library Contact
Type of Filing	Appeal or Petition for Waiver
File Number	<i>Leave blank</i>
Report Number	<i>Leave blank</i>
Bureau ID Number	<i>Leave blank</i>
Address of:	Select: Filer
Address	School or Library Address
City	School or Library Address
State	School or Library Address
Zip	School or Library Address
Upload Documents	Upload Word or PDF copy of Your Waiver Letter
E-mail Confirmation?	Check this Box

☒ **Email Confirmation**

Continue to review screen 

**YOUR FILING HAS NOT YET BEEN SUBMITTED!**

Please review the details below. Return to Step 1 above, or press the BACK button on your browser to make any changes. Then press the SUBMIT button at the bottom of this page to complete your submission.

Scroll to bottom of page, and click:

Submit

## Appeals Guidelines

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During the appeal review process, USAC will verify that the original Program Integrity Assurance (PIA) review was performed in compliance with program requirements and that the correct decision was achieved. If USAC made an error during the original PIA review of the application, USAC will correct the error.

For example, during PIA review, USAC lowered the discount rate requested by the applicant. During the appeal review process, USAC will determine if the proper procedures were followed and whether the applicant was given the opportunity to provide supporting documentation to justify the higher discount rate. If the appeal review process determines that procedures were not followed and the applicant was not given an opportunity to provide that documentation, the applicant will be able to do so before the appeal review process has concluded. USAC will grant the appeal and approve the discount rate based on the supporting documentation provided during the appeal process.

### **New Documentation Provided**

In general, a PIA reviewer will contact the applicant and ask for all information necessary to make decisions about an application. If that contact does not occur or the applicant is unable to respond to the request, and funding is denied, USAC may grant an appeal when the appellant provides such original documentation.

For example, during PIA review, the applicant indicated that it did not have a signed contract and USAC denied funding because there was no signed contract. On appeal, the applicant claims that the requested services are services provided under tariff and not covered by a contract. USAC will generally accept this new information on appeal and will issue a decision based on the information provided.

However, USAC will not grant this appeal if the documentation provided on appeal contradicts information contained in the original file and the applicant is unable to resolve the discrepancy.

For example, if the applicant had provided an unsigned copy of a contract during the review of its application, USAC will generally not accept the applicant's claim on appeal that it is a non-contractual tariffed service since it contradicts the documentation previously provided (e.g. a copy of the unsigned contract).

### **Policy Changes or Clarification**

If the Federal Communications Commission (FCC) issues a policy clarification or adopts a new policy that would affect USAC's original decision, applicants who submitted a timely appeal may be given the benefit of the new or changed policies. However, not all policies apply retroactively.

## **Accepting New Information**

USAC will not accept new information if it is apparent that the documentation submitted is not the original documentation and was created in response to a USAC request during the appeal review process.

USAC also may not accept new information on appeal if it is clear that the applicant was not working with USAC in good faith.

Finally, it is important to understand that USAC can grant an appeal assuming no other issues are identified during the appeal review that would lead to a denial. If, on appeal, the basis for a funding denial is successfully refuted, USAC must examine all remaining aspects of the funding request to ensure that all program rules were met. If another reason for denial is not appealed or the appellant does not present a successful argument to USAC's original decision, the appeal will be denied. All funding request denial reasons must be overcome on appeal for USAC to fund the Funding Request Number (FRN).

If USAC makes a new decision to deny funding, the appellant will have 60 days from the date of USAC's decision letter to file a new appeal with the FCC.

# Filing Appeals in EPC

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# EPC Appeals Module

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- Start from Landing Page > Appeal

## My Landing Page



Universal Service  
Administrative Co.

[Funding Request Report](#) | [FCC Form 470](#) | [FCC Form 471](#) | [FCC Form 486](#) | [FCC Form 500](#) | [SPIN Change](#) |  
[Appeal](#) | [Service Substitution](#) | [Hurricane Impact Designation](#) | [Manage My Organization](#) | [USAC](#)  
[Website](#) | [Contact Us](#) | [Help](#)

# Appeal Details – Type of Decision

## Appeal Details

Nickname \*

Create a descriptive nickname

Funding Year \*

Select correct funding year

What type of decision would you like to appeal? ? \*

FCC Form 486 Notification Letter  
Administrator's Decision on Invoice Deadline Extension Request Letter  
FCC Form 472 (BEAR) Notification Letter  
Funding Commitment Decision Letter  
Notification of Commitment Adjustment Letter  
Notification of Improperly Disbursed Funds Recovery Letter  
Quarterly E-Rate Payment Authorization Report  
Remittance Statement  
Revised Funding Commitment Decision Letter  
Administrator's Decision on Invoicing Mode Change Request

Appeal Type \*

-- Select a Value --

Please select a main contact person by typing the contact person's name or email address.



# Appeal Details – Type of Appeal

Appeal Details	
<b>Nickname *</b>	<b>Funding Year *</b>
<input type="text" value="Create a descriptive nickname"/>	<b>Select correct funding year</b>
<b>What type of decision would you like to appeal? ? *</b>	<b>Appeal Type *</b>
-- Select a Value --	-- Select a Value --
<b>Appeal Category *</b>	Commitment Adjustment Appeal
-- Select a Value --	Notification of Improperly Disbursed Funds Recovery
	486 Appeal
	FCC Form 500 Appeal
	Invoice Deadline Extension Appeal
	Service Substitution Appeal
	State Replacement Contract SPIN Change (Non-Appeal)
	FCC Remand, COMAD
	FCC Remand, Non-Commitment
	FCC Remand, Commitment
	Invoice Appeal
	Entity Updates (Non-Appeal)
	SPIN Change Appeal
	Appeal
	FCC 17-139 Hurricane Relief

**Contact Information**  
**Main Contact Person \***  
  
Please select a main contact person by typing the contact person's name or email address.

Pick the best option to describe your **"Appeal Type."**  
If unsure, select "Appeal."

# Appeal Details – Appeal Category

## Appeal Details

Nickname \*

Create a descriptive nickname

Funding Year \*

Choose correct yr from drop down menu

What type of decision would you like to appeal? ? \*

-- Select a Value --

Appeal Type \*

-- Select a Value --

**Appeal Category \***

28 Day Violation	Data Entry Errors	Red Light Rule
Beneficiary and Contributor Audit Program	Discount Calculations	Service Delivery/Implementation
Beneficiary Audit	Duplicative Services Issue	Service Eligibility
Bidding Violation	Form 472 (BEAR)	Service Substitution
Cancellation Dispute	Form 474 (SPI)	Services Not Posted
Category of Service Change	Ineligible Entity	SPIN Change - Corrective
Category Two Budget	Invoice Deadline Extension (IDE)	SPIN Change - Operational
CIPA	Late Filing of Form 486	USAC POA (Payment Quality Assurance Audit)
COMAD/RIDF	MPS (Minimum Processing Standards)	
Contract Dates	No Binding Contract	
Cost-Effectiveness	No Response/Insufficient Documentation Violation	
	Post Payment Review Recovery	

# Select FRNs for Appeal

## Choose Search Method

- Use “Search by FRN” for most appeals.
- If the appeal is from a decision made by SLD on a Form 500, SPIN Change, Service Substitution, then select “Search by Post-Commitment Request.”

The search results will show all possible FRNs or post-commitment request decisions that are associated with the BEN and may be appealed.

Important: If your search results do not identify the FRN or the post-commitment request # that you want to appeal, submit a customer service case and submit the appeal as an attachment.

<input type="checkbox"/>	FRN	↑	Application Number	FRN Nickname	Category of Service	FRN Status
<input checked="" type="checkbox"/>	1899054544		181028720	Frontier Cable Modem Internet	Category 1	Funded
<input type="checkbox"/>	1899054580		181028720	Comcast Cable Modem	Category 1	Funded

Must select at least 1 FRN to add to appeal

# Narrative Text/Document Upload

## Appeal Details

### Narrative \*

It is recommended that you write your appeal in a separate document and upload the document, so you have a complete record of your appeal and formatting is retained. Upload all supporting documentation in addition to uploading the appeal (multiple documents may be uploaded). If you choose to use the narrative, keep in mind there is a 2000-character limitation.

0/2000 characters

Please explain the reason for your appeal. If you are appealing multiple decisions by the Administrator (USAC), list all of the decisions you are appealing for FRN(s). You may upload supporting documentation to help further explain your appeal. Please remember that waivers of an official E-rate rule can only be sought at the Federal Communications Commission (FCC), not USAC (this would include such appeals as seeking a waiver of the rule that an invoice extension be filed before the last date to invoice and appeals seeking a waiver of the FCC Form 471 deadline). Conversely, the FCC will not accept appeals of USAC decisions that have not first been appealed to USAC (such as late FCC Form 486s where there is no FCC rule governing the deadline). See 47 C.F.R. § 54.719.

## Upload Document

### New Document #1 ?

UPLOAD



Drop file here

Please note that the document upload is not required to proceed with the Form

SUBMIT

# Retrieve Copy of Appeal

EPC Landing Page > BEN Name > FRN Appeals

Customer Service   Modifications   Additional Information   Discount Rate   Contracts   FCC Forms   **FRN Appeals**   News   Related Actions

## Appeals

Appeal Number	Request Status	Nickname	Created On	Created By
77086	Complete	FRN 1799092779 CTSI Frontier Appeal	10/14/2017 12:36 PM EDT	dmkriete@gmail.com

In-Review

Outreach

Wave Ready

Committed

## ▼ Appeal Information

View Status (+)

**Status** USAC issued a revised funding decision on 03/19/2018. Check your Newsfeed for the decision.

# Next Steps

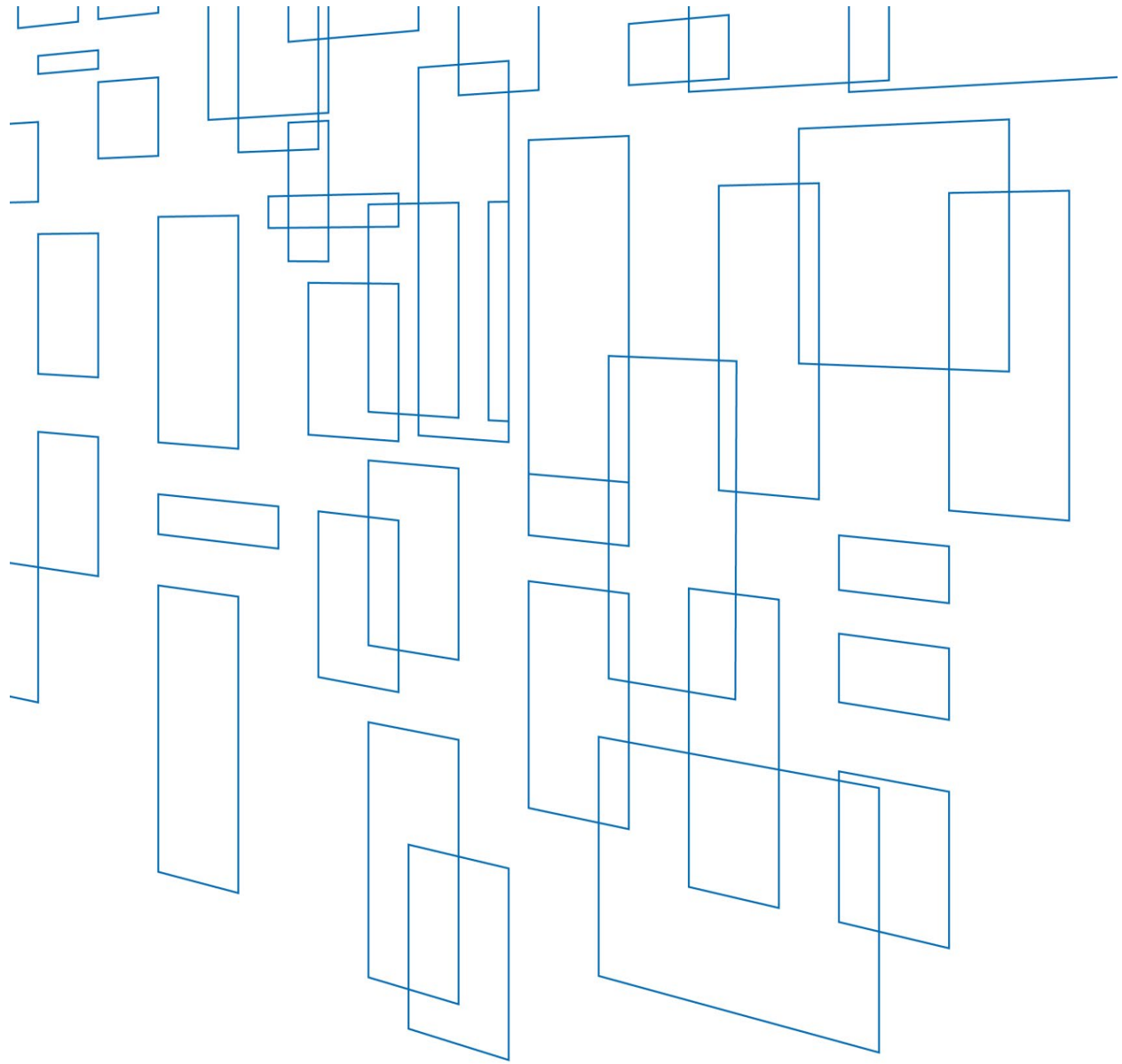
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- Respond to any questions that you may receive
  - Email from EPC will require you to log in and respond to questions in your portal
  - Locate questions either:
    - In your news feed or
    - From your Landing Page, scroll to bottom section, FCC Forms and Post-Commitment Requests
      - Select Post-Commitment Requests
      - Request type = appeal
      - Select applicable FY
      - Then select Request Number
      - Select Related Actions
        - » Respond to Inquiries

# Appeal Decision

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- Decision will be issued in the form of a Revised FCDL (RFCDL)
- Will be emailed to appeal contact person in the same manner as a FCDL
  - PDF and .CSV file will be attached
  - Revised FCDL will indicate whether appeal was approved
    - If appeal was denied, you have 60 days to file a further appeal to the FCC



# 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](mailto: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
<p><b><u>Granted</u></b><sup>4</sup></p> <p><i>Allowing Service Delivery Extension</i><sup>5</sup></p> <p style="padding-left: 40px;">Archbishop Molloy High School, NY, Application No. 221028889, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2024)</p> <p><i>Cost-Effectiveness</i><sup>6</sup></p> <p style="padding-left: 40px;">Mary Queen of Peace, OH, Application Nos. 734493, 766542, Request for Review, CC Docket No. 02-6 (filed Nov. 18, 2010)</p> <p><i>Granting on Reconsideration – Late-Filed FCC Form 471</i><sup>7</sup></p> <p style="padding-left: 40px;">Yukon Independent School District 27, OK, Application No. 241028548, Petition for Reconsideration, CC Docket No. 02-6 (filed May 20, 2024)</p>	
<p><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 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).</p> <p><sup>5</sup> 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).</p> <p><sup>6</sup> <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).</p> <p><sup>7</sup> 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).</p>	

## 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.