

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

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Waiver by)	Application No. 181001800
Carroll County School District)	
Of Section 54.504 of the)	
Commission's Rules)	

**REQUEST FOR WAIVER
BY THE CARROLL COUNTY SCHOOL DISTRICT
OF SECTION 54.504 OF THE COMMISSION'S RULES**

The Carroll County School District (Carroll County or the District) hereby respectfully requests a waiver of section 54.504(a) of the Commission's rules.¹ Carroll County discovered its clerical error after the Universal Service Administrative Company (USAC) issued the District's Funding Commitment Decision Letter for funding year 2018. USAC has informed Carroll County that it does not have the authority to correct the clerical error so Carroll County is submitting this waiver request.

Background

Carroll County is located in Carrollton, Georgia. In funding year 2018, Carroll County requested funding for Category One data transmission services for its 23 school sites.² Infinity Communications and Consulting, Inc. is the consultant for Carroll County.³

¹ 47 C.F.R. § 54.504(a).

² Attachment 1, FCC Form 471, Application No. 181001800.

³ Attachment 2, Infinity Letter of Agency.

Carroll County used its invoice from the previous funding year USAC as support for the requested amount when it filed its application.⁴ The invoice shows the total monthly rate for the service of \$1,560 – the amount that should have been input on the FCC Form 471.⁵

That \$1,560 was then divided by three for the three locations served for a “unit cost” per location of \$520. When entering line item 1899002555.002, Infinity accidentally left the zero off the end of \$520 which resulted in the “unit cost” being filed as only \$52 for each of the three circuits per month.⁶ Carroll County only requested \$156 per month for the three circuits of Ethernet services, instead of \$1,560.⁷ As a result the total annual pre-discount cost for the circuits was only \$1,872 (\$156 x 12 months).⁸ The total annual pre-discount cost requested should have been \$18,720. The total amount, pre-discount, on the application was \$917,832.⁹

Carroll County timely filed an appeal with USAC within 60 days and is now appealing USAC’s denial within 60 days.¹⁰

⁴ Spectrum invoice to Carroll County, December 22, 2017, page 7 (optical Ethernet) (highlighting added).

⁵ Carroll County’s service provider, Spectrum, did not break the Ethernet costs down into the three locations.

⁶ Attachment 1, FCC Form 471 at page 8.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 16.

¹⁰ Carroll County filed an appeal with USAC on June 20, 2018 – within 60 days of receiving its FCDL on April 21, 2018. Attachment 3, Carroll County’s Funding Commitment Decision Letter (FCDL). Carroll County’s appeal was denied on August 6, 2018. Attachment 4, Revised FCDL (USAC decision on appeal). The instant appeal is being filed within 60 days of that decision.

Waiver Request

Any of the Commission's rules may be waived if good cause is shown.¹¹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹² In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹³

As the Commission noted in its *Bishop Perry Order*, the Commission allowed applicants to correct ministerial and clerical errors made on their FCC forms.¹⁴ Here, this error was of the type—dollar amounts incorrectly copied from the source material—that USAC could have corrected had the error been discovered before the funding commitment decision letter was issued.¹⁵ Unfortunately, however, Carroll County did not realize the error had occurred until after the FCDL was issued and so USAC no longer has the authority to make the correction.¹⁶ It was an easy mistake to make given the number of funding requests on the application and the total dollars involved.

¹¹ 47 C.F.R. § 1.3.

¹² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

¹³ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

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*, CC Docket No. 02-6, Order, FCC 06-54, 21 FCC Rcd 5316, 5326-27 ¶¶ 22-23 (2006) (directing USAC to provide applicants with an opportunity to cure ministerial and clerical errors on the FCC Forms that they submit to USAC).

¹⁵ <http://www.usac.org/sl/applicants/step01/clerical-errors.aspx> (dollar figures copied incorrectly from contracts; misplaced decimal points).

¹⁶ Attachment 4, Revised FCDL (USAC Decision on Appeal), August 6, 2018.

We note that the Wireline Competition Bureau has granted waiver numerous requests of this type, allowing applicants to correct their ministerial and clerical errors.¹⁷ We respectfully request that the Bureau grant this waiver request as well.

A waiver would result in a corrected pre-discount annual cost of \$18,720, instead of \$1,870. Because Carroll County receives a discount of 80 percent, the difference in E-rate funding requested is only \$13,480 (post-discount amount of \$14,976 – post-discount amount of \$1,496). This amount is not large, but it will make a difference to the District. The change to the FCC Form 471 also will not harm the program. The program demand is not near the cap so no other applicants will be disadvantaged. And because it is only a few months into the program year, there will be no more administrative burden to USAC than if the District had requested the change before the FCDL was issued. As such, we believe it is in the public interest to grant this waiver request.

¹⁷ *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518 (Wireline Comp. Bur. 2008) (permitting applicants to include item omitted from FCC Form 471, which was included on its source list, and to correct typographical errors); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319 (Wireline Comp. Bur. 2010); *Request for Waiver and Review of Decisions of the Universal Service Administrator by Erie I BOCES et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13381 (Wireline Comp. Bur. 2013) (Erie I BOCES Order) (granting appeals and petitions for reconsideration from petitioners seeking a waiver of the Commission's E-rate rules in order to correct ministerial or clerical errors on petitioners' E-rate applications or associated forms); *see also* numerous Public Notices granting similar appeals, including *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6 and 06-122, Public Notice (WCB August 31, 2018) (granting Request for Waiver by Cave City Public Schools, AR, CC Docket No. 02-6).

For the foregoing reasons, Carroll County respectfully requests that the Bureau grant this appeal and remand this application to USAC so that Carroll County can correct this minor error on its application.

Respectfully submitted,

Fred Brakeman

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October 5, 2018

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of October, 2018, a true and correct copy of the foregoing Request for Review was sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.

Fred Brakeman

Fred Brakeman

ATTACHMENTS

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| Attachment 1 | FCC Form 471, Application No. 181001800 |
| Attachment 2 | Infinity Letter of Agency |
| Attachment 3 | Carroll County Funding Commitment Decision Letter |
| Attachment 4 | Revised FCDL (USAC Decision on Appeal), August 6, 2018 |