January 4, 2018

Request for Appeal and Waiver–CC Docket No. 02-6

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**“Request for Waiver” and a “Appeal Request to USAC’s Denial of Funding” - Erate Year 19 ( 2016-17)**

**SLD Administrator’s Commitment Decision Funding Notification 06/30/2017**

Dear Sir or Madam,

We are filing an FCC Request for Waiver for exceeding the 60 day Appeal time limit *and* an FCC Appeal for the Yr19 Form 161047508, regarding the Administrator’s decision on Denial of Funding for the three (3) FRNs listed below:

Billed Entity Number: 135105

Name of BEN: MISSOULA COUNTY PUBLIC SCHOOLS

Contact Person Name: Dan Parrish

Contact Information: 215 South Sixth Street West

Missoula MT 59801-4028

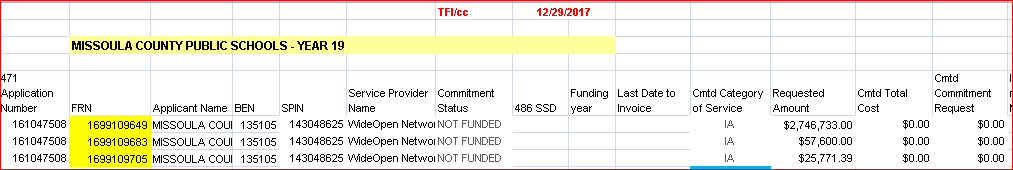
Telephone: 406-728-2400

Email: [dparrish@mcps.k12.mt.us](mailto:dparrish@mcps.k12.mt.us)

Form 471 Number: 161047508

Funding Year: Erate YR19 – 2016—2017

Funding Request Numbers FRNS, 1699109649, 1699109683, 1699109705



Thank you,

Dan Parrish



Accounting Supervisor

Missoula County Public Schools

215 S 6th ST. W. , Missoula, MT

59801 - 4028

406.728.2400 x3031

[dparrish@mcps.k12.mt.us](mailto:dparrish@mcps.k12.mt.us)

FCC ACTION – Request for Waiver and Appeal –CC Docket No. 02-6

**FCC Waiver Request**

**1-** We request a FCC Waiver for the USAC Administrator’s denial of our formal appeal, submitted on 8/30/2017. Their reason for the denial:

***“Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 8/30/2017. The Funding Commitment Decision Letter was issued on 6/30/2017. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.”***

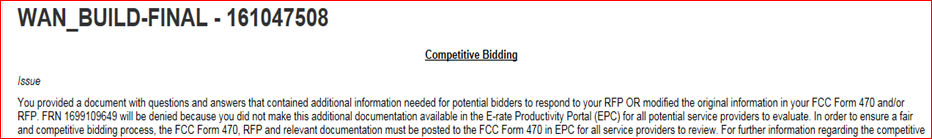
We request a FCC Waiver for exceeding the 60 day limit by 1 day. We inadvertently calculated the 60 day window and submitted the complicated USAC appeal on day 61, missing the deadline by 24 hours. This would correct our procedural and clerical error. We have strictly adhered to all other program requirements. Granting this Waiver would serve the public interest and would not unduly enrich our District. Lastly, our late-filed appeal would never have been necessary absent denial errors on the part of USAC.

***Please see prior FCC decisions on this matter on pages 12 & 13.***

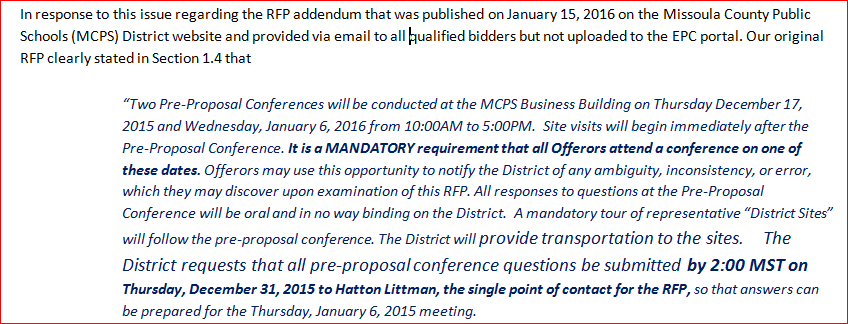
**FCC Appeal Request**

**2-** We request the FCC reconsider the funding denial by the USAC Administrator for the three FRN’s in our Form 471 # 161047508 and grant an Appeal.

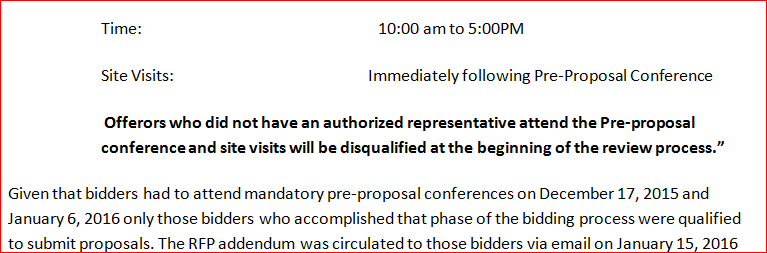
**Denial reason #1** -

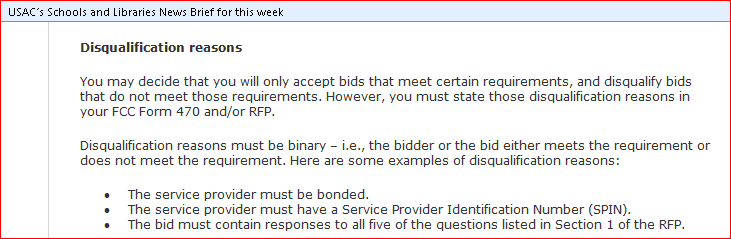


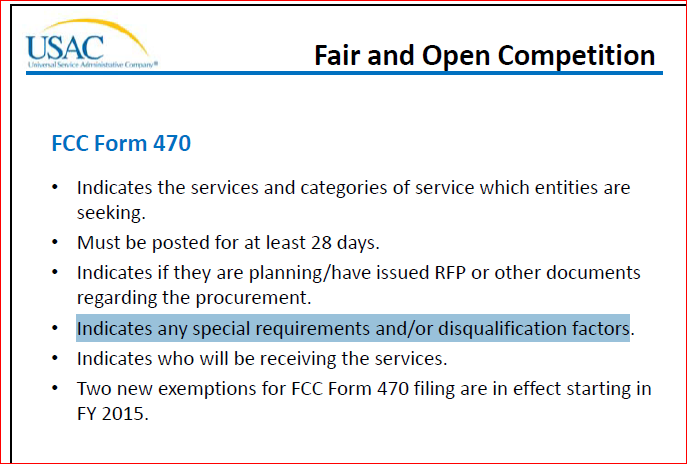
**Our USAC Appeal reply** -

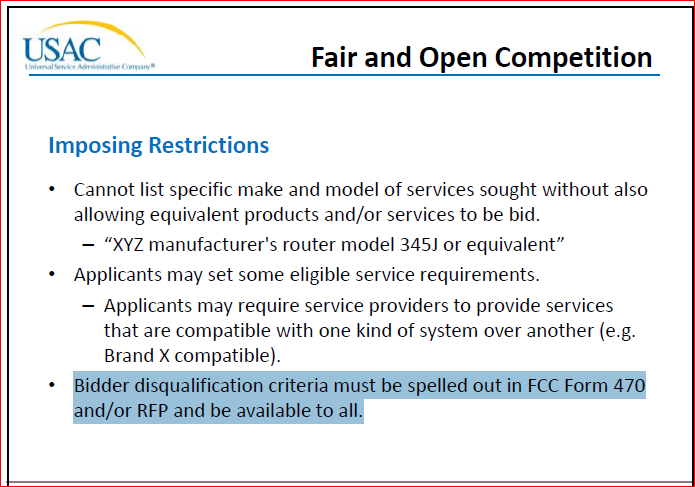


Attendance at a conference meeting was mandatory as listed in the original RFP, uploaded to the EPC portal. This was a Pass/Fail condition for any qualified bidders. USAC guidance on this matter is inserted on the following page.

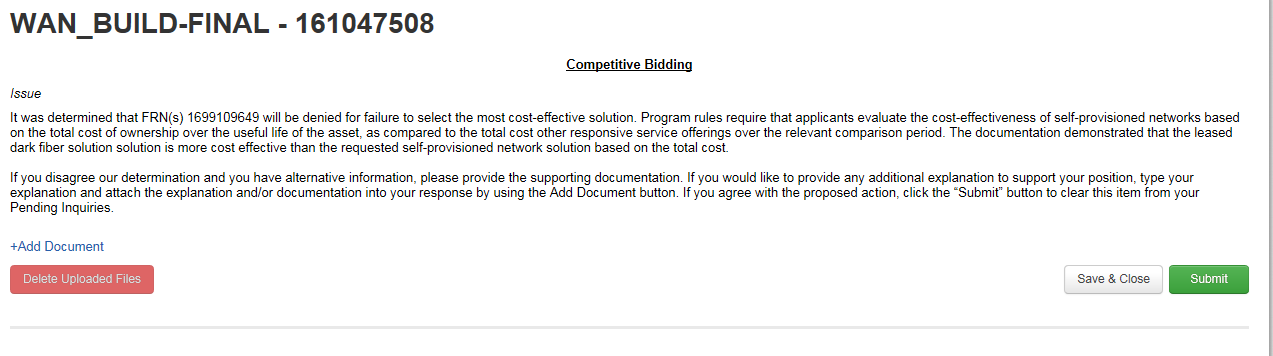




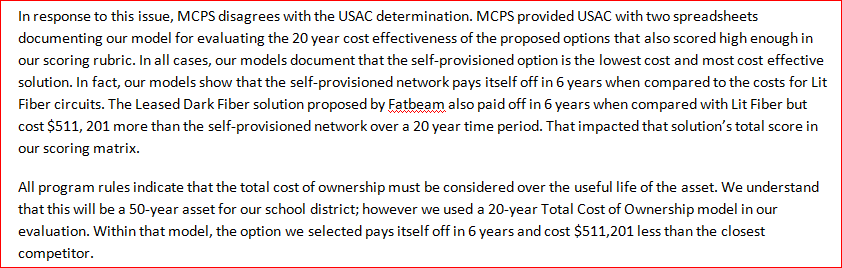




**Denial reason #2** -

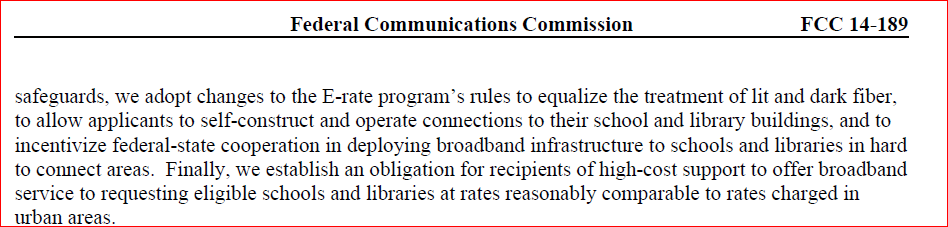


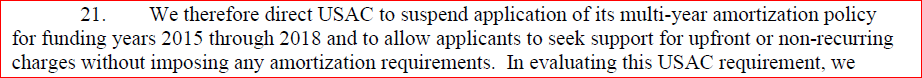
**Our USAC Appeal reply** -

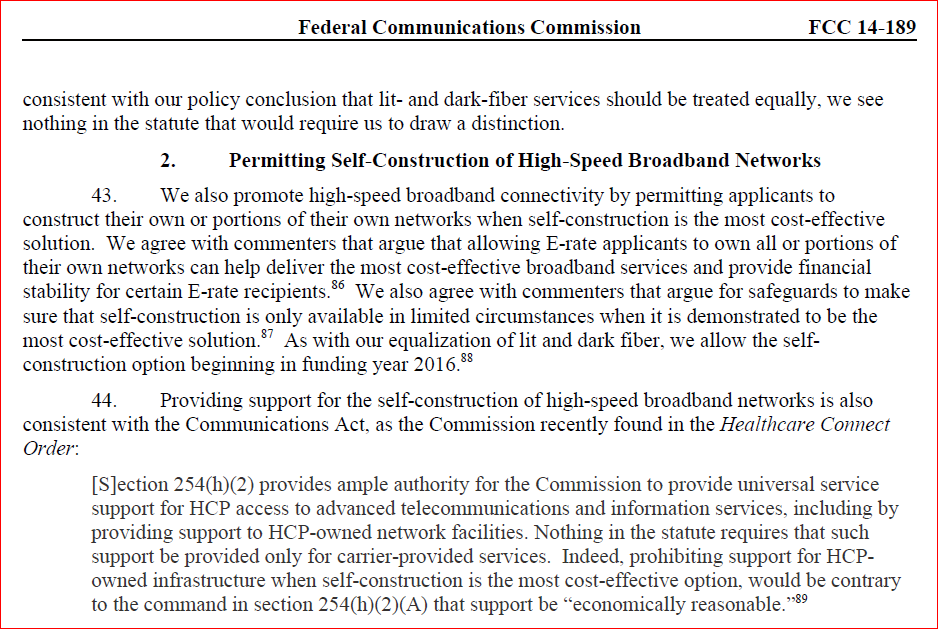


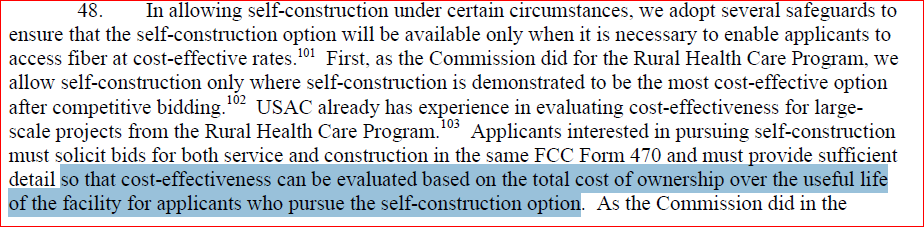
Program rules require that cost must be the highest weighted factor, but not the only factor used in scoring proposals. Other major factors that led to the self-provisioned network winning the bid included installation period and proposed method of construction. The installation period for this network was under 1 year, where the next closest competitor was 3 years. The method of construction for this network was 100% underground, where the other bids consisted of significant amounts of fiber runs attached to telephone and utility poles. Western Montana has severe weather including large snowfall and high winds. A 100% underground network has significantly less percentage of failure due to weather. While the self-constructed network was the lowest priced bid, this proposal also scored higher in many other categories further increasing is total score.

This category of service requires districts to create their own models and justify how we applied the model in our own evaluation. If USAC used a different model in this circumstance, it does not fit within program rules.

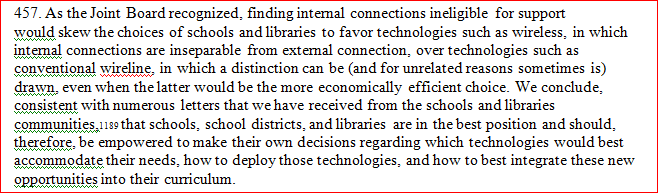


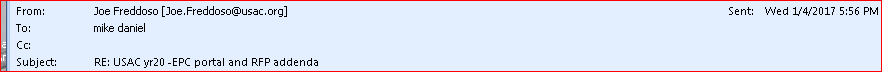


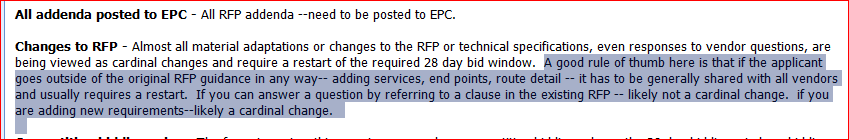


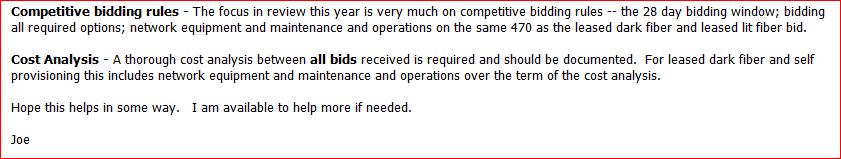


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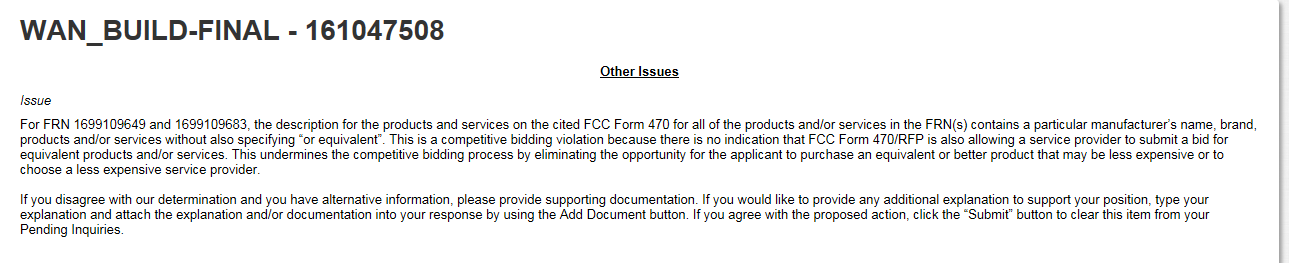
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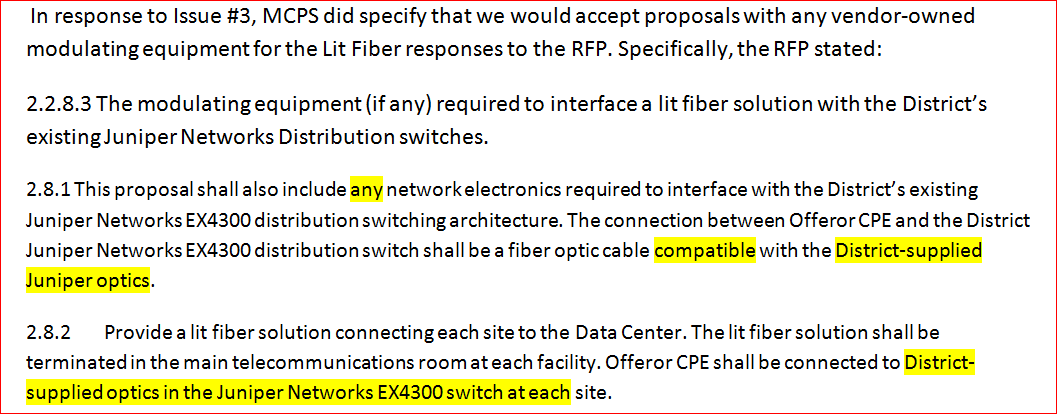
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**Denial reason #3** -



**Our USAC Appeal reply** -

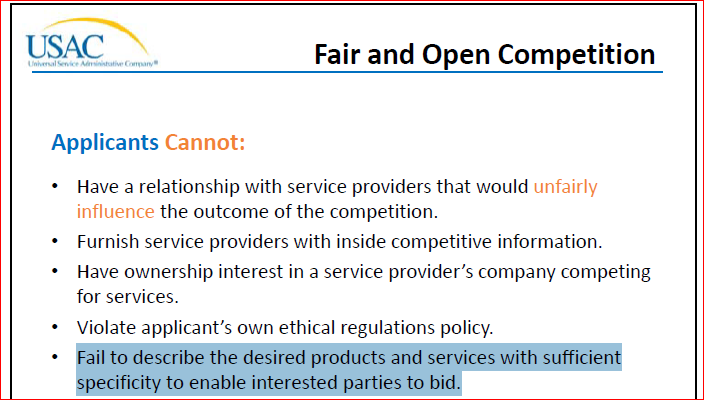


Our Priority 1 request **did not** include “CPE” (Customer Premise End) equipment (or internal connections).

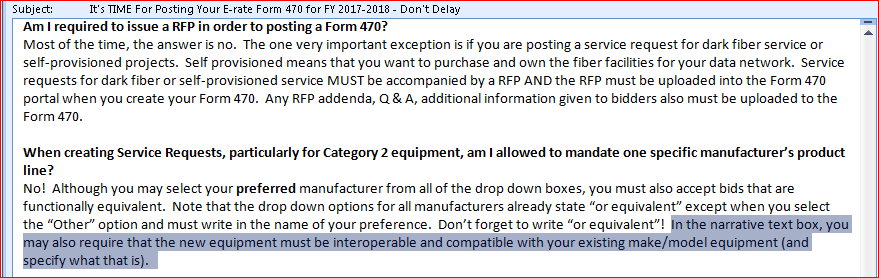
It simply stated that we had specific fiber interfaces from that brand and manufacturer (**Juniper**) in use and it was noted in the RFP to insure compatibility (modulating electronics) with the Single mode fiber handoff.

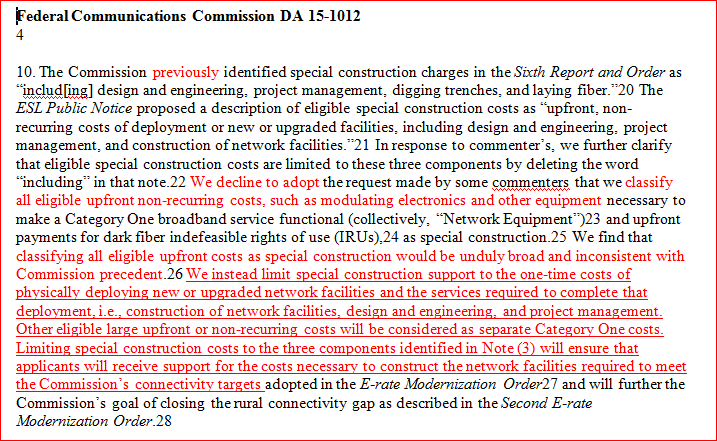
USAC misconstrued the RFP information and denied funding since it did not state “or equal”. “Or Equal” did not apply. The school district had already invested $379,484, in switching hardware and optics in FY15 and FY16 as part of a three-year network upgrade plan.

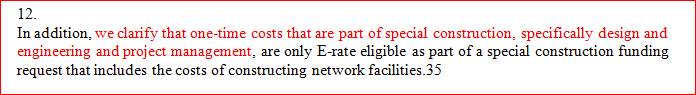
Had we not included the information in Section 2.2.x.x in the RFP, we may not have met the “specificity” requirement by USAC.

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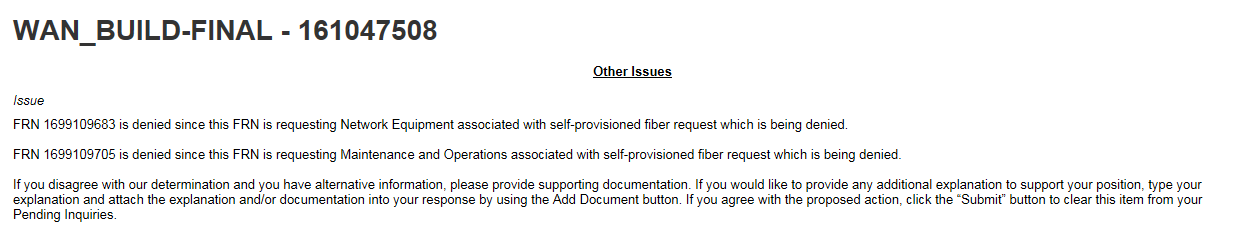
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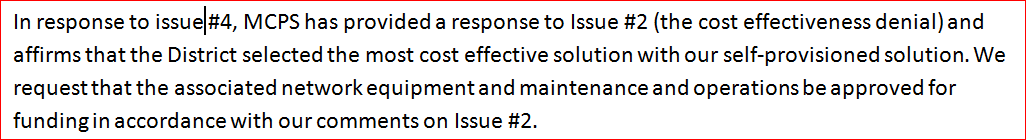
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**Denial reason #4** -

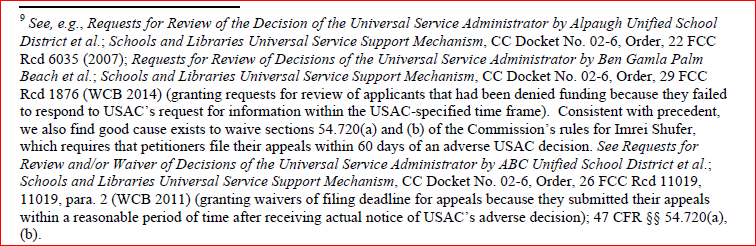


**Our USAC Appeal reply** -

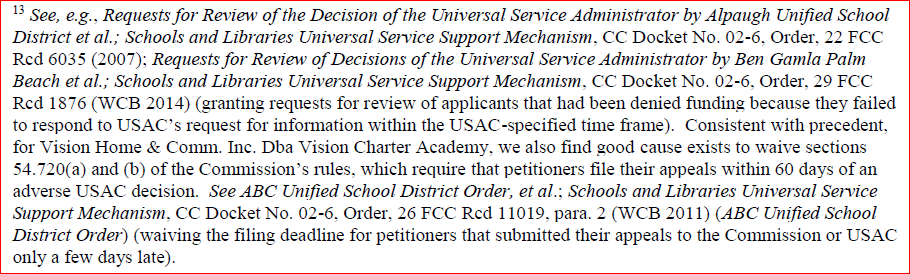


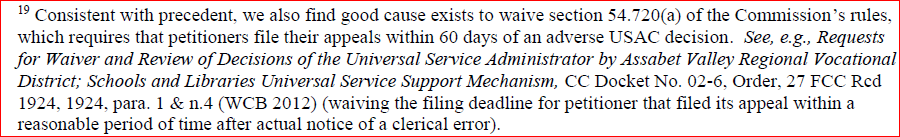
**Prior FCC dockets ruled in support of our Waiver Request are inserted below;**

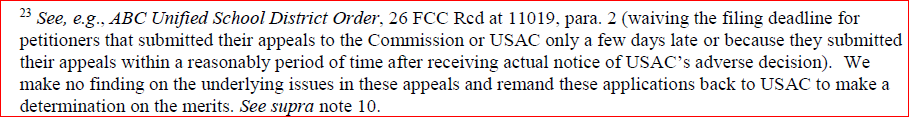




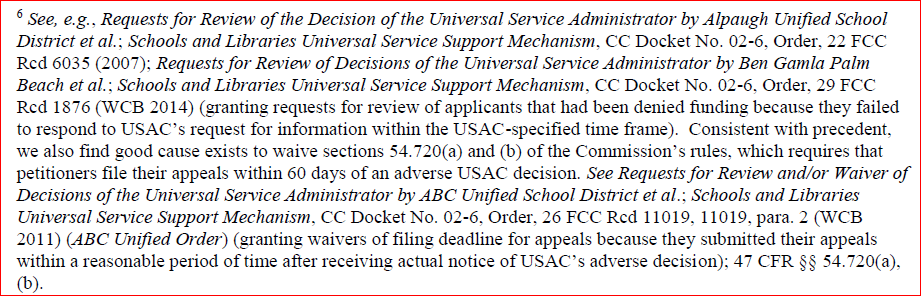
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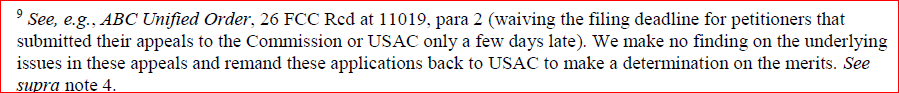
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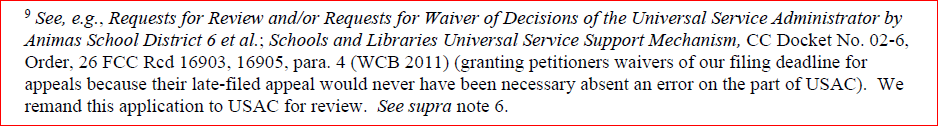
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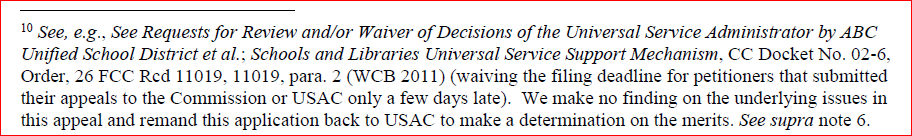
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