



## **REQUEST FOR WAIVER ON BEHALF OF BOGALUSA CITY SCHOOL DISTRICT**

CC DOCKET NO: 02-6

FILING IN SUPPORT OF RULE WAIVER

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Applicant: Bogalusa City School District

Address: 1705 Sullivan Drive, Bogalusa, La. 70427

BEN: 139239

Funding Request Number: 1699095169

Funding Year: 2016

Contact Information: Teri Lawrence, E-Rate Consultant FCC RN #16071123 TeriL@eratesupport.org

Adverse Decision: COMAD-Entity Exceeded Category 2 Budget

Waiver Request: FCC 14-99 Paragraph 104 *Per Entity Basis*

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### **Reason for Denial**

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules.

“After a thorough investigation, it was determined that the funding commitment for this request must be reduced by \$4,963.93. USAC will seek recovery of any improperly disbursed funds from the applicant. The amount of \$7,762.20 committed under FRN 1699095169 for 80411 NORTHSIDE PARENT RESOURCE CENTER exceeded eligible budget for Category Two services. Per FCC Order 14-99, each school or library that requests Category Two funding will be eligible for a budgeted amount of support for Category Two funding over a period of five years. For School budget, each eligible school is eligible for Category Two

funding up to a pre-discounted amount of \$151.50 per student or \$9,292.00 (funding floor) over a period of five years. For Library budget, each eligible library is eligible for support for Category Two services up to a pre-discount price of \$2.32 or \$5.05 (Urban Library) per square foot or \$9,292.00 (funding floor) over a period of five years. The Category Two budget amount for 80411 NORTHSIDE PARENT RESOURCE CENTER is \$9,292.00. The amount committed for 80411 NORTHSIDE PARENT RESOURCE CENTER is \$15,132.00, which is over the budget amount. Since the Category Two budget was exceeded, the commitment has been reduced by \$4,963.93 and USAC will seek recovery of \$2,301.73 of improperly disbursed funds from the applicant.”

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## **Background**

Bogalusa City School District operates four schools and is located in the small rural community of Bogalusa. The District’s enrollment is approximately 2,000 students and the E-Rate Discount is 85% for Category 2.

Since 2013, the District has seen a decline in enrollment and loss of tax revenue. Repayment of funding to the E-Rate program will present a hardship on the small District.

In 2015, the employee filing E-Rate for the past several years became ill and the E-Rate responsibilities were assigned to another employee. The new employee had only limited knowledge of the E-Rate program and relied heavily on guidance from the USAC website, Client Service Bureau and PIA reviewers.

Northside Parent Resource Center is an alternative educational site with fewer than 50 students. The site’s Pre-Discount Category 2 budget was \$9,200 in funding year 2015. The District was approved for a pre-discount amount of \$7,820; therefore, the District’s remaining budget was \$1,380.

Believing the funding was an annual budget of \$9,200, in 2016 the District applied for \$9,132.00 for Northside Parent Resource Center and was approved. The PIA reviewer failed to inform the District that the site was over-budget and instead, approved the funding.

Two and half years later the District received a PIA review of the funded 2016 application. A COMAD in the amount of \$2,301.73 resulted.

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## **Waiver Request**

Bogalusa City School District concurs with the amount of the COMAD and accepts some responsibility. However, the District relied on the knowledge of the PIA reviewer and USAC processes and procedures to prevent such over calculations and mistakes. The repayment may seem insignificant to some, but for Bogalusa, repayment of any funding presents a hardship.

The District is requesting a Waiver of the “Per-Entity Basis” rule for Category 2 Budgets (FCC 14-99, Page 41, paragraph 104:

104. *Per-Entity Basis.* Applicants will be required to seek support for category two services on a school-by-school and library-by-library basis, although school districts will use a single district-wide discount rate for all of their schools, as will library systems for all of their libraries.

A Waiver will allow the District to dedicate its remaining Category 2 budgets from other sites to cover the repayment in full. The District does not plan to apply for any Category 2 funding in the upcoming year and if approved, the left-over funding will help cover the COMAD amount of \$2,301.73. Additionally, since the District applied for E-Rate funding in 2015, the five-year period for using the funding will end in FY 2019.

Sincerely,

*Teri Lawrence*

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## Commitment Adjustment Letter

Mia Kennerson  
BOGALUSA CITY SCHOOL  
DISTRICT  
1705 SULLIVAN DR  
BOGALUSA, LA 70427

12/17/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

**Total commitment adjustment:** \$4,963.93

**Total amount to be recovered:** \$2,301.73

FCC Form 471	FRN	Commitment adjustment	Total amount to be recovered	Explanation(s)	Party to recover from
161040439	1699095169	\$4,963.93	\$2,301.73	Entity exceeded Category Two Budget	BEN

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

### Commitment Adjustment

FCC rules require the Universal Service Administrative Company (USAC) to rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

### FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>.

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because



USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.
- 3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division



## Adjustment Report

FCC Form 471 Application Number:	161040439
Funding Request Number:	1699095169
Commitment Adjustment:	\$4,963.93
Total Amount to Be Recovered:	\$2,301.73
Explanation(s):	Entity exceeded Category Two Budget
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	139239
Services Ordered:	Basic Maintenance of Internal Connections
Service Provider Name:	Hunt Telecommunications, LLC
SPIN:	143028369
Original Funding Commitment:	\$7,762.20
Adjusted Funding Commitment:	\$2,798.27
Funds Disbursed to Date:	\$5,100.00

## Funding Commitment Adjustment Explanation:

After a thorough investigation, it was determined that the funding commitment for this request must be reduced by \$4,963.93. USAC will seek recovery of any improperly disbursed funds from the applicant. The amount of \$7,762.20 committed under FRN 1699095169 for 80411 NORTHSIDE PARENT RESOURCE CENTER exceeded eligible budget for Category Two services. Per FCC Order 14-99, each school or library that requests Category Two funding will be eligible for a budgeted amount of support for Category Two funding over a period of five years. For School budget, each eligible school is eligible for Category Two funding up to a pre-discounted amount of \$151.50 per student or \$9,292.00 (funding floor) over a period of five years. For Library budget, each eligible library is eligible for support for Category Two services up to a pre-discount price of \$2.32 or \$5.05 (Urban Library) per square foot or \$9,292.00 (funding floor) over a period of five years. The Category Two budget amount for 80411 NORTHSIDE PARENT RESOURCE CENTER is \$9,292.00. The amount committed for 80411 NORTHSIDE PARENT RESOURCE CENTER is \$15,132.00, which is over the budget amount. Since the Category Two budget was exceeded, the commitment has been reduced by \$4,963.93 and USAC will seek recovery of \$2,301.73 of improperly disbursed funds from the applicant.