

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

)	
Request for Review of a decision)	
by the Schools and Libraries Division)	Administrator Correspondence Dated
for Ruidoso Municipal Schools)	August 22, 2018
)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Billed Entity Number: 143374

FCC Form 471 Application number: 171019718

Funding Request Numbers: 1799094447, 1799079843

October 19, 2018

Ruidoso Municipal Schools requests a waiver of the 60-day deadline and a revised funding commitment for FRNs 1799094447 and 1799079843.

Background:

On October 20, 2017 USAC denied two FRNs for Ruidoso Municipal School District's application number 171019718. The FRN for ISDN PRI service (1799094447) and the FRN (1799079843) were both denied. The other 3 FRNs on the application were approved for funding.

On September 21, 2017, Jeffry Rappaport, the PIA reviewer sent a message to the applicant regarding questions for review. On October 20, the application was denied because the reviewer did not receive answers to the questions that he asked.

On December 21, 2017 an appeal was filed in behalf of the applicant, two days after the 60-day deadline. USAC denied the appeal due to the expired 60-day deadline.

Discussion:

In 2016, the USAC began using the E-rate Productivity Center (EPC) and since then, all E-rate applications must be filed through EPC. Before EPC, the review process took place via email between the reviewer and the applicant. Since EPC, an email is generated by EPC to the applicant when the reviewer provides questions in EPC. During the review of this application,

the same reviewer was reviewing Ruidoso's Category 2 application, 171019721, and the applicant was working on responses to both applications. Because of an oversight, we did not respond to the deadline for the Category 1 application in a timely manner and the reviewer denied it without warning, even though we were actively still responding to questions on the other application.

In the past, when a funding request was going to be denied, the reviewer was required to notify the applicant. In this case, the reviewer denied the application without warning.

For FRN 1799079843, the applicant used the 2017 funding year Form 470 number but should have used the Form 470 that was used to procure the Internet Access: 159310001258446. The contract that resulted from the procurement was a 36-month contract. (See exhibit A) We failed to notice and the reviewer did not ask if the Form 470 referenced on FRN 1799079843 was correct. The reviewer presumed that the contract was extended because the contract expiration date was changed and denied it because of a presumed competitive bidding violation.

Funding Request 179909447 for PRI service had an error as well. Ruidoso had a multi-year contract with Windstream for PRI service from Windstream and reported that the FRN was a continuation from the previous year. An error was made when entering the SPIN number for the 471 and the wrong service provider was listed on the funding request.

Conclusion:

We respectfully request waiver of the USAC 60-day appeal deadline and the opportunity to provide documentation showing that a multi-year contract was in place. In our failure to respond to the reviewer in a timely manner, we believe that ours is a procedural deadline, and in the Bishop Perry Order, the FCC found that complete rejection was not warranted in cases where a procedural violation caused a denial.¹

In FCC 14-99, In the Matter of Modernizing the E-rate Program for Schools and Libraries, the FCC stated that after the first year of a multi-year contract, applicants would be permitted to use a streamlined application process that would be provided through an expedited review process. This process is not in place. Had it been in place, the application would have been approved, as in both cases these FRNs were under multi-year contracts.²

In closing we respectfully request waiver of the USAC appeal deadline and a revised funding commitment so that we may receive E-rate discounts. We understand that rules must be in place to prevent waste, fraud and abuse. In this case, these were mistakes, that although

¹ Bishop Perry Order (FCC 06-54)

² E-Rate Modernization Order (FCC 14-99)

careless, should not be subject to the harsh penalty of outright denial, as these are legitimate requests that we can document.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Spencer H. Smith". The signature is written in a cursive, flowing style with a large initial "S" and a distinct "H".