

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of:	)	
	)	
Request for Waiver	)	
	)	CC Docket No. 02-6
by	)	
	)	
Louisville City Schools	)	
Louisville, OH	)	

TO: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Louisville City Schools (“Louisville”) respectfully requests the Federal Communications Commission (“FCC” or “Commission”) grant it a Waiver of the invoicing deadline for FCC Form 471 Application #161031417. This Request for Waiver is made pursuant to 54.719 through 54.723 of the Commission’s rules.<sup>1</sup>

**APPLICATION INFORMATION**

Form 471 Application Number:	161031417
Billed Entity Number:	129661
Funding Request Numbers Appealed:	1699064843, 1699064844, 1699064847, 1699064848, 1699064851 and 1699064852
Date of Administrator’s Decision Letter:	August 29, 2018

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<sup>1</sup> 47 C.F.R. §§ 54.719–54.723

**Contact Information:**

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**STATEMENT IN SUPPORT OF WAIVER**

Louisville City Schools is a small public school district located in the City of Louisville, OH. For many years the district has successfully received much needed E-rate reimbursements which, in recent years, have become even more important to the district's financial health. The need to increase reliance on E-rate funds resulted from several extensive recent years' cuts made by State of Ohio to public school funding. These cuts could not be compensated from other funding sources and have resulted in cutting back student services in order to operate within State budgetary parameters. In light of the State funding decreases, reimbursements received from the E-rate program have helped ward off further cutbacks, reduce the adverse financial impact on both the educational and extracurricular activities, and allow Louisville's students to have adequate internet bandwidth to keep up with learning in the 21<sup>st</sup> century.

It was a clerical/ministerial error that caused the BEAR invoices for FRNs 1699064843, 1699064844, 1699064847, 1699064848, 1699064851 and 1699064852 to be submitted after the last date to invoice and necessitated this petition for Waiver. The six BEARs were all created on 01/04/2018; (several weeks prior to the 02/27/2018 last date to invoice), and were thought to have been certified that same date. Given the mental saturation associated with filing season

and the ensuing few weeks, the failure to certify wasn't discovered until several months later. Once aware of the clerical/ministerial error, the BEARs were promptly certified and submitted even though it was past the last date to invoice.

The Commission has repeatedly reiterated its authority under 47 C.F.R. §1.3 to waive rules for good cause shown and may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. See, *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). Additionally, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, supra.

Throughout its application process, Louisville acted in good faith and endeavored to comply with E-rate program rules and regulations. It followed all core E-rate program requirements and committed no fraud, abuse or waste of E-rate funds. Given the financial hardship Louisville will suffer if reimbursements are not received for the six FRNs, it will better serve the public interest and the interests of the students of Louisville City Schools, if the Commission grants it waivers of the invoice deadlines for FRNs 1699064843, 1699064844, 1699064847, 1699064848, 1699064851 and 1699064852.

Respectfully submitted,

/s/ Michele Scaduto

Educational Funding Group, Inc.  
E-rate Consultant Louisville City School District