

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Petition for Waiver of)	
FCC Form 472 BEAR Invoicing Deadline Date)	
)	
Holy Cross of San Antonio)	CC Docket No. 02-6
AKA Holy Cross JR-SR High School)	
BEN 90856)	
)	
Schools and Libraries Universal Service)	
Support Mechanism)	

**Petition for Waiver of
FCC Form 472 BEAR Invoicing Deadline Date for Funding Year 2017
RE: FCC Form 472 Invoicing Submissions for BEN 90856**

I. INTRODUCTION AND SUMMARY

Holy Cross of San Antonio AKA Holy Cross JR-SR High School is a private non-profit school serving predominantly low income Grade 6 through Grade 12 children in San Antonio, Texas. During the 2017 E-Rate Funding Year the school's total enrollment was 303 students; 95% of all students were Hispanic and 76% of all students were economically disadvantaged and classified as NSLP Eligible. Since the inception of the USAC/SLD E-Rate program, Holy Cross of San Antonio has been a very small but successful program participant.

During the 2017 E-Rate Funding Year, FCC Form 470's were posted by Holy Cross of San Antonio and bids were received and reviewed according to FCC rules; FCC Form 471 #171045423 was successfully filed online and was certified in-window on May 11, 2017. The school

subsequently received a Funding Commitment Decision Letter (FCDL) on July 8, 2017 approving all FRN funding requests as submitted, and FCC Form 486's were timely filed to verify receipt of services from all vendors. Due to previous experiences with overbilling by major service providers, Holy Cross of San Antonio elected to use the FCC Form 472 Billed Entity Applicant Reimbursement (BEAR) process rather than discounted billing in order to ensure proper reimbursement for committed funds already paid in full to all service providers.

Unlike USAC's modern online EPC E-Rate application submission website which is used to submit and reference FCC Forms 470, 471, 486, etc., filing FCC Form 472 BEAR forms requires users to access a disparate USAC BEAR website which is unique to Form 472 and Invoicing Deadline Date extension requests. The USAC BEAR submission website relies on outdated login credentials and requires use of an old E-Rate PIN number in order to authenticate users; the two separate online filing systems do not communicate with or reference each other. These two disparate E-Rate systems make filing for reimbursement difficult to track for any individual, but when personnel and E-Rate duty assignments change during an E-Rate submission cycle the situation can easily change from challenging to perilous.

Retirement of Holy Cross of San Antonio's Director of Technology who had handled all E-Rate submissions from the program's inception left the Instructional Technology Coordinator who now works E-Rate into his already busy schedule as the sole staff member performing E-Rate duties. The formal transition of E-Rate duties occurred after the end of the 2017 E-Rate year but before invoicing, and was complicated by surgery and extended convalescence for the retired Technology Director overlapping with a prolonged illness including precancerous lesions and interventional therapies for the Instructional Technology Director who was now fully overseeing E-Rate, making coordination of tasks very difficult. Combined with the aforementioned fact that the FCC Form 472s had to be submitted in the separate online BEAR system requiring old E-Rate credentials and a PIN which the Instructional Technology Coordinator did not possess, this led to a significant delay in the discovery that 2017 FCC Form 472s were not submitted. The discovery of this oversight was made on March 4, 2019, just 6 days after the February 26, 2019 extended Invoicing Deadline Date for Funding Year 2017. An

attempt by the retired Technology Director to extend invoicing deadlines in the online BEAR system led to immediate denials by USAC for further invoicing deadline extensions. A subsequent call to the USAC/SLD Help Line, Case #268130 resulted in USAC employee Aaron Henton advising Holy Cross of the need to file an Appeal to the FCC for a Waiver of the Invoicing Deadline Date. In order to provide accurate and actual FCC Form 472 BEARs for the Committee's reference as an attachment to this appeal, Holy Cross of San Antonio filed all 5 required BEAR forms within 8 days after the FCC Form 472 filing deadline of February 26, 2019. Holy Cross of San Antonio has never before missed any E-Rate form submission deadlines.

II. Request

Holy Cross of San Antonio respectfully petitions the Commission to request a Waiver of the Funding Year 2017 FCC Form 472 BEAR Invoicing Deadline Dates for FCC Form 472 BEAR submissions for FRN 1799104727 in the amount of \$32,649.18, FRN 1799106146 in the amount of \$2,223.90, FRN 1799106214 in the amount of \$515.81, FRN 1799104134 in the amount of \$260.60 and FRN 1799105782 in the amount of \$134.32 to enable recovery of the total \$35,783.81 in funding approved and committed by USAC and paid to the service providers by the applicant pursuant to FCC Form 471 #171045423 due to FCC Form 472 filing difficulties resulting from the required use of two disparate USAC online filing systems using differing credentials combined with a transition of school E-Rate personnel at a critical stage in the filing cycle and exacerbated by coinciding mutual illnesses and prolonged absences for both employees as detailed above. We request that the Commission consider the extenuating circumstances leading to the near-miss of the Invoicing Deadlines and the subsequent filing of this Appeal for Waiver within less than 14 days after the deadline, along with the fact that all reimbursement funding sought has already been committed and approved as evidenced in the attached FCC Form 471 and FCDL for BEN 90856; no new funding is sought. While the total \$35,783.81 reimbursement amount requested may seem a small amount to many entities, it is an essential portion of the technology budget at a school as small as Holy Cross of San Antonio that strives to educate a predominately Hispanic, economically disadvantaged student body that is historically underserved.

Respectfully submitted,

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Dated: March 8, 2019

Attached Evidentiary Files:

BEN 90856 USAC Invoice Deadline Extension Request 5740 Denial Email & Spreadsheet.pdf
BEN 90856 USAC Case #268130 waiver filing guidance.pdf
BEN 90856 All 472 BEAR Forms Late Filed by 030619.pdf
BEN 90856 Funding Year 2017 Form 471 & FCDL Funding Commitment Spreadsheet.pdf