

**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC 20554**

In the Matter of:	)	
	)	
Request for Waiver of Commission Rules	)	
by	)	
	)	
Wayne Library Authority	)	Application No. 191035686
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**WAYNE LIBRARY AUTHORITY**  
**REQUEST FOR WAIVER**

Wayne Library Authority (“WLA” or the “Library”),<sup>1</sup> by its representative, pursuant to Section 54.719(c) of the Federal Communications Commission’s (“FCC”) rules,<sup>2</sup> hereby submits this petition for waiver of Section 54.503(c) of the Commission’s rules.

Due to what the Commission has admitted to be confusing categorizations of services on the FCC Form 470 (“Form 470”), the Library selected a function from the pre-defined drop-down menu that was not reflective of its service needs. Specifically, WLA intended to request E-rate discounts for internet access which *included* transport services. However, it mistakenly selected the “Internet Access: ISP Service Only (No Transport Circuit Included)” option rather than the “Internet Access and Transport Bundled (Non-Fiber)” option.

WLA complied with program requirements in all other respects, including the timely posting of both the Form 470 and FCC Form 471 (“Form 471”). The Form 470 adequately notified potential bidders of the services sought. And the Library’s mistake did not compromise or otherwise adversely affect the validity of the competitive bidding process.

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<sup>1</sup> Billed Entity Number 226549.

<sup>2</sup> See 47 C.F.R. § 54.719(c).

For the reasons set forth below, WLA respectfully requests that the Commission (1) instruct USAC not to deny the funding request (“FRN”) at issue and (2) waive Section 54.503(c)<sup>3</sup> and any other of the Commission’s rules as are necessary to grant the requested relief. Given the facts and special circumstances of this case, there are ample grounds to grant the requested relief.

## **I. BACKGROUND**

WLA is small, public library system in rural Pennsylvania. Since 2002, the Library has consistently applied for and received E-rate funding. Beginning in funding year 2019, E-rate application responsibilities fell for the first time to Ms. Vicki Lawless, Administrative Assistant with Wayne County Public Library.

Ms. Lawless, on behalf of WLA, posted the Form 470<sup>4</sup> on February 21, 2019, requesting bids for Category One services. Ms. Lawless indicated on the form that WLA was seeking bids for the provision of Data Transmission and/or Internet Access to one library location.

Being a new employee, Ms. Lawless attempted to copy the required Form 470 information from the form filed in funding year 2018 but was unable to find an exact match to the description. WLA intended to request bids, and eventually E-rate discounts, for internet access that included broadband service, as it had the previous two years. In making its selection from the Form 470 drop-down menu, however, the Library selected the “Internet Access: ISP Service Only (No Transport Circuit Included)” rather than the “Internet Access and Transport Bundled (Non-Fiber)” option. To this point, neither Ms. Lawless nor any other WLA representative was aware of the mistake.

Consistent with Commission rules, the Library waited the requisite 28 days before reviewing and evaluating any bids received. On March 26, 2019, WLA filed and certified its FCC Form 471,<sup>5</sup> requesting discounts for the internet access service.

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<sup>3</sup> 47 C.F.R. § 54.503(c) (requiring eligible school or library applicants seeking bids for services to submit a completed FCC Form 470 to initiate the competitive bidding process and setting forth the information required in the FCC Form 470).

<sup>4</sup> FCC Form 470 Application Number 190026523.

<sup>5</sup> FCC Form 471 Application Number 191035686. The affected funding request number is FRN 1999064812.

WLA has since been informed that it selected the wrong service function from the numerous options available on the Form 470. Due to the timing of the filing, and to avoid unnecessary delay and/or denial, the Library is filing the instant request.

## **II. ARGUMENT**

Given the facts and circumstances of this case and the hardship that would accompany an adverse decision, good cause exists to grant the requested waiver.

The Library's service needs have not changed. It still requires transport services in order to effectively provide the internet access for which funding was requested.

The funding year 2019 Form 470 provided a pre-defined drop-down menu of service functions from which applicants were required to choose: (1) Leased Lit Fiber (with or without Internet Access); (2) Internet Access and Transport Bundled (Non-Fiber); (3) Transport Only – No ISP Service Included (Non-Fiber); (4) Internet Access: ISP Service Only (No Transport Circuit Included); (5) Leased Dark Fiber and Leased Lit Fiber; (6) Self-Provisioned Network (Applicant Owned and Operated Network); (7) Network Equipment; (8) Maintenance and Operations; (9) Cellular Data Plan/Air Card Service; and (10) Other.

Notably, the Library did not mistakenly select or click the wrong service function. It intentionally selected the “ISP Service Only (No Transport)” option. WLA was simply not aware of the distinction between the different non-fiber options and that one included transport services while the other did not. In other words, an ordinary E-rate applicant was unable to distinguish the technical differences among the available service options.

The amount of funding at issue, though insignificant for many larger schools and libraries, amounts to a significant portion of the Library's technology budget. Such a loss in funding would be devastating to the Library and its patrons. A denial of funding would also be particularly unfair in this case, where the error in question has been a persistent E-rate program issue in recent history and WLA otherwise attempted in good faith to comply with USAC requirements and Commission rules.

### III. RELIEF SOUGHT

For the foregoing reasons, WLA respectfully requests that the Commission (1) instruct USAC not to deny the funding request at issue and (2) waive Section 54.503(c) and any other of the Commission's rules as are necessary to grant the requested relief.

Respectfully submitted  
*on behalf of Wayne Library Authority,*

/s/ John D. Harrington

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cc (via email): Ms. Kris Monteith  
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