

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

In the Matter of)	
)	
)	CC Docket No. 02-6
Petition for Waiver of Commission Rules)	
by)	
)	File No. FCC Form 471 Application
Fairfield City School District)	Number 181041982
)	
Schools and Libraries Universal Service)	
Support Mechanism)	
)	

To: Federal Communications Commission

**FAIRFIELD CITY SCHOOL DISTRICT
PETITION FOR WAIVER**

Pursuant to Section 54.719(c) of the Federal Communications Commission's ("FCC") rules,¹ Fairfield City School District ("Fairfield")² hereby requests that the Commission waive the FCC Form 471 ("Form 471") filing window deadline in Section 54.507(c) of the its rules.³

Fairfield completed the funding year 2018 Form 471 in the E-rate Productivity Center ("EPC") on March 22, 2018.⁴ Its designated E-rate contact attempted to certify the application in EPC and believed she had prior to the midnight deadline. However, Fairfield later discovered that, although the application was timely prepared and simply awaiting certification, it failed to certify the application in time. Fairfield ultimately certified the application on April 4, 2018.

The Commission has routinely waived its rules for applicants filing their Forms 471 after the USAC-established deadline. In the *Acorn Public Library District Order*, for example, the Commission granted waivers of the filing window deadline to applicants that filed their Forms 471 late but within 14 days after the deadline.⁵ The Commission found that such a violation was procedural rather than substantive in nature, and therefore, a complete rejection of the applications was not warranted. The Commission noted that applications filed within 14 days were filed close enough to the deadline so as not to impair the administration of the E-rate program. The Commission also found that, in the absence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements, rigid adherence to filing procedures would not serve the public interest. According to the Commission, good cause existed to grant the requested waivers.

¹ See 47 C.F.R. § 54.719(c).

² Billed Entity Number 127927.

³ See 47 C.F.R. § 54.507 (Requiring the Administrator to implement a filing period and to determine dates on which the filing period shall begin and conclude).

⁴ FCC Form 471 Application Number 181041982.

⁵ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Acorn Public Library District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-637819, *et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15474 (Wireline Comp. Bur. 2008).

More recently, in the *Academy of Math and Science Order*, the Commission reiterated that the filing of the Form 471 late but within two weeks after the deadline constituted a special circumstance justifying a waiver.⁶

Consistent with this precedent, the Commission should grant the instant petition for waiver. Fairfield prepared the Form 471 at issue in EPC prior to the deadline. It simply was not aware that it failed to certify the application until after the close of the filing window deadline. Given the facts and circumstances of this case, together with prior Commission precedent, there are ample grounds to grant the requested relief.

RELIEF SOUGHT

For the foregoing reasons, Fairfield respectfully requests that the Commission waive Section 54.507(c) of its rules and direct USAC to process the application.

Respectfully submitted,

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Fairfield City School District
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April 4, 2018

⁶ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256 (2010).