

**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 |
| Orange County Public Schools |) | Number 181042141 |
| |) | |
| Schools and Libraries Universal Service |) | |
| Support Mechanism |) | |
| |) | |

To: Federal Communications Commission

**ORANGE COUNTY PUBLIC SCHOOLS
PETITION FOR WAIVER**

Pursuant to Section 54.719(c) of the Federal Communications Commission's ("FCC") rules,¹ Orange County Public Schools ("OCPS")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

BACKGROUND

OCPS filed and certified two funding year 2018 Forms 471 on March 22, 2018, the final day of the filing window deadline. At that time, however, OCPS was still finalizing an agreement and negotiating the terms and conditions with one of its selected vendors. As a result, OCPS failed to file its third and final application prior to the filing window deadline. OCPS ultimately filed the application on April 4, 2018.⁴

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 to applicants that filed their Forms 471 late but within 14 days after the filing window 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

¹ See 47 C.F.R. § 54.719(c).

² Billed Entity Number 127681.

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 181042141.

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).

procedures would not serve the public interest. According to the Commission, good cause existed to grant the requested waivers.

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. OCPS failed to certify the application in time due in large part to circumstances beyond its control. It was still working out the terms of the agreement with the service provider up to the deadline. As soon as it finalized the terms of the agreement, a little more than week after the USAC-established deadline, it filed and certified the form.

RELIEF SOUGHT

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

Respectfully submitted,

Gregory McIntosh
Director, Enterprise PMO
(407) 317-3200
gregory.mcintosh2@ocps.net

Orange County Public Schools
445 W. Amelia Street
Orlando, FL 3280

April 5, 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).