

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

In the Matter of)	
)	
Request for Waiver of Commission Rules)	CC Docket No. 02-6
by)	
)	
McAllen Independent School District)	
)	File No. 191037868
Schools and Libraries Universal Service)	
Support Mechanism)	

To: Federal Communications Commission

**MCALLEN INDEPENDENT SCHOOL DISTRICT
REQUEST FOR WAIVER**

McAllen Independent School District (“MISD”),¹ pursuant to Section 54.719(c) of the Federal Communications Commission’s (“FCC”) rules,² hereby requests a waiver of the FCC Form 471 (“Form 471”) application filing window deadline and any other Commission rules necessary to grant the requested relief.

On the date of the deadline, MISD was still finalizing agreements with two of its vendors. As a result, MISD failed to file its Form 471 prior to the March 27, 2019 application filing window deadline.³ MISD ultimately filed the Form 471 on April 9, 2019.

The Commission has routinely waived its rules for applicants filing their Forms 471 after the established deadline. In the *Acorn Public Library District Order*, for example, the Commission granted

¹ Billed Entity Number 141633.

² 47 C.F.R. § 54.719(c).

³ FCC Form 471 Application Number 191037868.

waivers to applicants that filed their Forms 471 late but within 14 days after the filing window deadline.⁴

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 the applications 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.

More recently, in the *Academy of Math and Science Order*, the Commission reaffirmed that the filing of the Form 471 late but within two weeks after the deadline constituted a special circumstance to justify a waiver.⁵ The Commission explained that procedural deadlines are integral to the efficient administration of the application process. But, for the reasons set forth in the *Acorn Public Library District Order*, the Commission again found that good cause existed to grant waivers to the petitioners.

Consistent with this precedent, the Commission should grant the instant request for waiver. MISD failed to file the Form 471 due in large part to circumstances beyond its control, as it was still working on a fully executed and approved contract with the selected vendors. MISD also filed the Form 471 at issue within 14 days of the original filing window deadline.

For the foregoing reasons, MISD respectfully requests that the Commission (1) waive the FCC Form 471 deadline and any Commission rules necessary to grant the requested relief and (2) direct USAC to review MISD's application and issue a funding commitment decision upon a complete review of the application. Given prior Commission precedent and the circumstances of this case, there are ample grounds to grant the requested waiver.

⁴ *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).

⁵ *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).

Respectfully submitted *on behalf of*
McAllen Independent School District,

Dr. Jose Gonzalez
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April 9, 2019