

April 13, 2018

**SUBMITTED VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**RE: CC Docket No. 02-6; Request for Waiver**

On behalf of ORION E-Rate Consortium (BEN: 17016080), VST Services, LP hereby requests a waiver of the Funding Year 2018 471 filing window for Application #181036842, certified on April 4, 2018.

The Federal Communications Commission has established precedent in multiple orders that applicants who met the 28-day mandatory competitive bidding window, and still filed their 471 applications within 14 days of the 471 filing deadline should be considered as properly submitted.<sup>1</sup>

In this case, Appellant waited the mandatory 28-day competitive bidding period, and the 471 application was filed within a 14-day period after the close of the filing window on March 22, 2018.

We ask that the Commission waive the filing deadline for the application listed above and direct the Schools and Libraries Division of the Universal Service Administrative Company to process these application as “submitted within the window.”

Respectfully,

/s/ Russell Neal

Russell Neal, CEMP  
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ATTACHMENT

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<sup>1</sup> See, e.g. *Academy of Math and Science Order*, FCC 10-122, (2010), ¶ 9 (“...we find that these applications were filed close enough to the deadline so as not to impair the administration of the program.”); *Acorn Public Library District Order*, DA 08-2376, (WCB 2008), ¶ 5 (establishing that submission of a 471 application within 14 days is a procedural and not substantive violation. “Because the violation at issue is procedural, not substantive, we find that complete rejection of each of these applications is not warranted. Therefore...because the FCC Form 471 was filed within 14 days after the filing window deadline, we find it in the public interest to waive the FCC Form 471 deadline.”); *Anderson Elementary School Order*, DA 12-796, (WCB 2012) ¶ 2 (“We grant the 40 waiver requests...because those petitioners applications...were filed shortly after the filing window closed.”).

[SAVE DRAFT](#)

## Certifier Information

### ORION E-Rate Consortium (BEN: 17016080) - ORION Consortium 2018 - Form # 181036842

Last Saved: 4/4/2018 10:11 PM EDT

Basic Information

Entity Information

Funding Requests

Certifications

### You have successfully filed FCC Form 471 #181036842 for FY 2018

#### Certification Date

4/4/2018 10:11 PM EDT

Your application is being filed after the close of FY 2018 filing window. Therefore, your application will not be considered for funding.

#### TO REQUEST A WAIVER OF THE FILING WINDOW DEADLINE:

The window filing requirement is contained in the Federal Communication Commission (FCC) rules for the E-rate program. USAC cannot consider requests for waivers of FCC rules. If you missed the FCC Form 471 filing window deadline and wish to request a waiver, you may file a waiver request with the FCC. When you file a waiver request, you should list "CC Docket No. 02-6" on the first page of your waiver request. We strongly recommend that you review the information provided on the USAC website about filing waiver requests.

#### Authorized Person

**Name** Russell Neal**Title** President/Chief Executive Officer**Employer** VST Services LP**Address** 905 Trophy Club Dr Ste 202  
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### FCC Form 471 Help

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