

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
Request for Review of a Decision of the Universal Service Administrative Co. for Robertson County Schools	)	Administrator Correspondence Dated December 27, 2017
	)	
Schools and Libraries Universal Service Support Mechanism	)	CC Docket No. 02-6, 96-45, 13-184

**REQUEST FOR REVIEW OF DECISION OF THE UNIVERSAL SERVICE ADMINISTRATION  
COMPANY, SCHOOLS AND LIBRARIES DIVISION BY ROBERTSON COUNTY SCHOOLS, OR IN  
THE ALTERNATIVE, REQUEST FOR A WAIVER OF SECTION 54.511(a) OF THE COMMISSION'S  
RULES**

Appellant/Organization Name	Robertson County Schools
Funding Year	2016
Billed Entity Number	128250

<b>Form 471#</b>	<b>FRN#</b>
161055847	1699129638

In accordance with sections 54.719 through 54.721 of the Commission's rules, Robertson County Schools ("RCS" or "Applicant") requests the Federal Communications Commission's ("FCC" or "Commission") review of a decision of the Schools and Libraries Division of the Universal Service Administrative Company ("USAC" or "Administrator"). RCS requests the Commission consider the information set forth in this appeal/waiver that supports the extenuating circumstances which resulted in an unknowing circumstance regarding a Service Delivery Deadline Extension request that was inexplicably denied by USAC.

## **OVERVIEW**

Robertson County Schools is a school district in Middle Tennessee comprised of 22 schools serving approximately 11,500 students. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts on eligible telecommunications services, Internet access, internal connections, and basic maintenance of internal connections. Under this regulatory authority, RCS annually submits E-Rate application(s) for discounts on eligible products and services.

## **BACKGROUND and REQUEST FOR REVIEW**

We are asking the Commission to review the Administrator's December 27, 2017 decision to deny a timely filed 2016 Form 500 requesting a Service Delivery Deadline Extension for FRN 1699129638<sup>1</sup> for the following reason:

***"Current deadline guidelines and procedures do not allow approval for the reason submitted."***

It is noteworthy that 8 of the 10 FRNs included in Form 500 #69651 were ***dismissed*** because those FRNs were already automatically extended because of approved Service Substitutions.<sup>2</sup> Also

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<sup>1</sup> See attached file **RCS\_CAT2EXT - #69651** (filed by James Marshall)

<sup>2</sup> See attached **RCS Post Commit Request - 69651 DENIAL RATIONALE**

noteworthy, and very curious, there was another FRN (1699129687) in the list of 10 that was also denied an extension of time to complete the project however, it appears the request was not really needed by the applicant and the service provider was able to fully invoice USAC for the work completed prior to September 30, 2017.

This really does go to the heart of the matter that was the chaos of the 2016 post-commitment activities processing by USAC that is well documented in numerous filings and decisions by the Commission and is clearly present in Robertson County's unfortunate circumstance for FRN 1699129638.

The notification that was sent to RCS regarding disposition of what should have been a 'no-brainer' approval of a Service Delivery Deadline Extension request was delivered via their EPC News Feed, rather than specifically to the contact who submitted the request. The simple truth is that Mr. Marshall did not even know there was a decision made and even if he had, it is doubtful he would have noticed that there was a 'denial' amidst all of the 'dismissals' because the 'official' document from USAC was an excel spreadsheet back in 2016. In fact, this problem was not discovered until the service provider went to invoice prior to what they thought was a January 28, 2019 invoice deadline and the invoice was denied.

In the Commission's "Pribilof Order" (FCC 18-118 adopted August 7, 2018), FCC Commissioner O'Reilly added some strong language regarding his thoughtful opinion that critical funding decisions should NOT be delivered via an applicant's EPC News Feed.

*"Notice by news feed is lazy, inadequate, and wrongly shifts responsibility for some of the failings of the EPC system on to the shoulders of unsuspecting applicants. Given the number of users and actions within the program, the content posted on EPC has been described as voluminous, cluttered, and almost always irrelevant to specific schools or libraries." (page 7)*

FCC Commissioner Rosenworcel also added a statement supporting RCSD's contention that this 'oversight' by USAC went unnoticed until it was 'too late' when she indicated that the Pribilof Decision

was necessary “...due in part to the roll-out of the new portal for applications at the Universal Service Administrative Company, the agency waives its rules concerning appeals and submission deadlines.” (page 8).

Considering the information set forth in this appeal, we urge the Commission to reconsider the decision made by the Administrator to deny the Service Delivery Deadline Extension request for Funding Request Number 1699129638 and reset the associated Invoice Deadline to allow immediate invoicing by the Service Provider on behalf of the applicant. Loss of access to this funding has inflicted undue hardship on the District. The District relies upon Universal Service funds for support of essential Broadband connectivity and communications services. Without availability of these funds, the District will be forced to use its General Funds to pay for these services, funds which could be used for teachers’ salaries and other critical education functions.

### **REQUEST FOR WAIVER**

If the Commission does not grant RCS’ appeal, the District requests, in the alternative, and pursuant to Section 1.3 of the Commission’s Rules, that the Commission grant a waiver of its rules to permit RCSD to qualify for relief under the Telecommunications Act. 47 C.F.R § 1.3. For the reasons detailed below, RCS believes such a waiver is equitable and consistent with the Act as well as prior Commission waivers relating to missed procedural deadlines.

Section 1.3 provides that the Commission may waive its rules “if good cause therefore is shown.” 47 C.F.R § 1.3. A waiver is appropriate here because RCS complied with the requirements of the Schools and Libraries Support Mechanism. USAC erred in its decision and its notification process was inherently flawed.

There is no evidence in the record that RCS engaged in activity intended to defraud or abuse the E-rate program. USAC’s erroneous denial of RCS’ request for an extension of time to complete the work has created undue hardship and continues to prevent invoicing for E-Rate eligible services already

provided by the contracted service provider. Accordingly, good cause exists to grant Robertson County Schools a waiver of section 54.511(a) of the Commission's rules.

We appreciate your consideration of our request and anxiously await your decision.

Most Sincerely,

/S/

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