

**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of)	
)	
Schools and Libraries)	
Universal Service Support Mechanism)	WC Docket No. 02-6
)	
Request for Waiver by)	Funding Request Number
Galena Park Independent School District)	1799042436

**REQUEST FOR WAIVER OF
THE INVOICING DEADLINE
FOR FUNDING YEAR 2017**

Pursuant to section 54.719(c) of the Commission's rules, Galena Park Independent School District (Galena Park ISD or the District) hereby requests a waiver of section 54.514(a) of the Commission's rules for the above-referenced application.¹ That rule provides that invoices for E-rate supported services must be submitted to USAC either 120 days after the last day to receive service or 120 days after the date of the FCC Form 486 Notification Letter, whichever is later. Galena Park timely filed its invoice, but a clerical error caused USAC to reject it. Galena Park did not file a new invoice before the deadline extension expired. For the reasons set forth below, we respectfully request that the Wireline Competition Bureau (Bureau) grant this waiver request.

I. BACKGROUND

On September 19, 2018, USAC rejected an FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) form, which had been timely submitted by Galena Park ISD on

¹ 47 C.F.R. § 54.514(a). Galena Park ISD's billed entity number is 141337.

September 10, 2018.² USAC's stated reason for rejecting the BEAR form was "Billed Date Before 486 Service-Start Date."³ It was at this point that Galena Park ISD realized that its BEAR had contained a clerical error: the service start date should have been January 1, 2018, but instead was entered as July 1, 2017. Rather than notify Galena Park ISD of this error and give the District an opportunity to correct the typo, USAC rejected the invoice.

Galena Park ISD's service provider, AT&T, subsequently requested an extension of the invoicing deadline, pursuant to section 54.514(b) of the Commission's rules.⁴ USAC approved this extension request, resulting in a new invoicing deadline of February 26, 2019.⁵ Unfortunately, Galena Park ISD inadvertently failed to submit a corrected invoice by the extended deadline.

II. A WAIVER OF THE INVOICING DEADLINE IS IN THE PUBLIC INTEREST

Galena Park ISD respectfully requests that the Bureau waive the invoicing deadline. The District submitted its original BEAR form on time and would have received the requested reimbursement but for a typo on the form. Had USAC simply notified Galena Park ISD of this mistake and given the District an opportunity to correct it, there would have been no need to refile the invoice, and thus Galena Park ISD would not have missed the deadline. The fact that Galena Park ISD stands to lose \$146,000 in E-rate funding because of a clerical error is inconsistent with Commission precedent and with the spirit of the E-rate program. Therefore, a waiver of the invoicing deadline is in the public interest.

² Exhibit 1, Form 472 (BEAR) Notification Letter, Sept. 19, 2018; Exhibit 2, Form 472 BEAR (Sept. 10, 2018).

³ *Id.* at 3.

⁴ 47 C.F.R. § 54.514(b).

⁵ Exhibit 3, EPC Screen Shot Showing Invoice Approval.

Any of the Commission's rules may be waived if good cause is shown.⁶ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁷ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁸

In this case, a waiver is in the public interest because the rule violation was, in effect, due to a clerical error on an FCC form. The Commission allows applicants to correct ministerial and clerical errors made on their FCC forms.⁹ USAC did not give Galena Park ISD the opportunity to correct its clerical error before rejecting the invoice entirely. USAC could have simply notified Galena Park ISD of the error and let the District correct it. USAC could even have corrected the error itself, so that the service start date on the form matched the service start date that was already listed in EPC. Had USAC done either of these things, Galena Park ISD would have received its funding and would have had no need to seek a waiver of the Commission's rules. But instead, USAC's processes forced Galena Park ISD to seek an extension and resubmit the BEAR form.

Galena Park ISD acknowledges its own error in missing the extended deadline for submitting a corrected BEAR form. At the same time, the District respectfully argues that it is not unreasonable to expect USAC to make some minimal effort to help applicants obtain the funding that has been committed to them. What happened here—requiring the applicant to expend resources to seek an extension of the invoicing deadline and completely resubmit its BEAR form,

⁶ 47 C.F.R. § 1.3.

⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁸ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁹ See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, FCC 06-54, 21 FCC Rcd 5316, 5326-27 ¶¶ 22-23 (2006) (*Bishop Perry Order*) (directing USAC to provide applicants with an opportunity to cure ministerial and clerical errors on the FCC Forms that they submit to USAC).

when USAC could have allowed it to simply correct the original BEAR—is contrary to the public interest and violates the spirit of the *Bishop Perry Order*. And the resulting loss of \$146,000 in E-rate funding is contrary to the public interest as well.

Galena Park respectfully asks that the Commission consider directing USAC to follow the *Bishop Perry* order with respect to ministerial and clerical errors for invoices as well as for applications. Such a directive was not necessary in past funding years, when applicants could resubmit their invoices numerous times without penalty if either the applicant or USAC committed an error. But now that the Commission has established a hard and fast deadline for invoice submissions, such a process would help applicants file successful invoice requests, thus furthering statutory and Commission goals for the program to pay for funding for telecommunications, Internet access services and the associated necessary equipment to deliver those services. In addition, directing USAC to allow applicants to correct ministerial and clerical errors is, as noted above, consistent with Commission precedent and should reduce the number of appeals USAC and the Commission are forced to review, thus reducing the program’s administrative costs.

III. CONCLUSION

For the foregoing reasons, Galena Park ISD respectfully asks that the Bureau grant its request for waiver of section 54.514(a) of the Commission’s rules.

Respectfully submitted,

_____/s/_____

Chris Webber
Consultant For Galena Park
chris@crwconsulting.com
(918) 445-0048
April 25, 2019

CERTIFICATE OF SERVICE

This is to certify that on this 25 day of April, 2019, a true and correct copy of the foregoing Request for Waiver was sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.

/s/

Chris Webber

Exhibit List

- Exhibit 1 Form 472 (BEAR) Notification Letter, Sept. 19, 2018
- Exhibit 2 Form 472 (BEAR)
- Exhibit 3 EPC Screen Shot Showing Invoice Approval



Universal Service Administrative Company
Schools & Libraries Division

Form 472 (BEAR) Notification Letter

September 19, 2018

Brenda Mittison
Southwestern Bell Telephone Company
444 Michigan Ave.
Floor 2
Detroit, MI 48226

Re: Invoice Number - as assigned by USAC: 2858973
Service Provider Identification Number: 143004662
Reimbursement Form Number: 16538
Billed Entity Number: 141337

Phillips Kimberly
GALENA PARK INDEP SCHOOL DIST
CRW Consulting
PO Box 701713
Tulsa, OK 74170

Preferred Mode of Contact: E-mail at kimberly@crwconsulting.com
Total Amount of Reimbursement Approved for Payment: \$0.00

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR using the BEAR Online tool from the Apply Online area or Required Forms section of our website to request reimbursement for any unpaid lines.

If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,

DUPLICATE LETTER

- Applicant BEN and Service Provider Identification Number (SPIN), - FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC,
- "Funding Commitment Decision Letter for Funding Year 2015," AND
- The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.

5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542. To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

CC: GALENA PARK INDEP SCHOOL DIST

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 171020855
Funding Request Number: 1799042436
Funding Year 2017: 07/01/2017 - 06/30/2018
Contract Number: NA
Funding Commitment Decision: \$145800.00
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Billed Date Before 486 Service-Start Date;

Do not write in this space.

Universal Service for Schools and Libraries

Please read instructions before
completing.

(To be completed by schools, libraries, or
consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Only one Service Provider Identification Number (SPIN) per form.

Must be completed and signed by the Billed Entity Applicant.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier for your own reference) 16538	FCC Form 472 Invoice # (To be inserted by administrator) 2858973
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BLOCK 1: HEADER INFORMATION

1. Billed Entity Name	GALENA PARK INDEP SCHOOL DIST
2. Billed Entity Number	141337
3. Service Provider Identification Number (SPIN)	143004662
Applicant FCC Form 498 ID	443012824
4. Contact Name	KARLA HALL
5. Contact Telephone Number	918- 4450048 ext
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$145,800.00

Billed Entity Applicant Reimbursement Form

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name GALENA PARK INDEP SCHOOL DIST Billed Entity Number 141337Contact Name KARLA HALL Contact Telephone Number 918-4450048Applicant Form Identifier 16538**BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER**

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	171020855	1799042436	MONTHLY	7/1/2017		\$162,000.00	90.00	\$145,800.00
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)								\$145,800.00

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name GALENA PARK INDEP SCHOOL DIST

Billed Entity Number 141337

Contact Name KARLA HALL

Applicant Form Identifier 16538

Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in this Billed Entity Applicant Reimbursement Form represent charges for eligible services and/or equipment delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated FCC Form 486.
- B. The discount amounts listed in this Billed Entity Applicant Reimbursement Form were already billed by the Service Provider and paid for by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in this Billed Entity Applicant Reimbursement Form are for eligible services and/or equipment approved by the Fund Administrator pursuant to a Funding Commitment Decision Letter (FCDL).
- D. I acknowledge that I may be audited pursuant to this application and will retain for at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records that I rely upon to complete this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person Signed electronically by CHRIS WEBBER

16. Date 9/10/2018

17. Printed name of authorized person CHRIS WEBBER

18. Title or position of authorized person CONSULTANT

19. Telephone number of authorized person 918- 4450048

20. Address of authorized person PO BOX 701713, TULSA OK 74170-1713

SAVE DRAFT

Request an extension: Invoice Deadline Date

For your records, a News Post and corresponding email will be sent to you with the details of this submitted IDO extension request #5762.

Approved for an IDO extension

The funding request number(s) listed below have been approved for an extension to the Invoice Deadline Date.

Funding Request Number	FRN Nickname	Service Delivery Deadline	Original Invoice Deadline Date	Extended Invoice Deadline Date	BEN	SPIN
1899003414	Cellular	6/20/2019	10/28/2019	2/25/2020	139695	143025240

Denied for an IDO extension

The funding request number(s) listed below have been denied for an extension to the Invoice Deadline Date. Please review the reason below for more information.

Funding Request Number	FRN Nickname	Reason for Denial	Service Delivery Deadline	Invoice Deadline Date	BEN	SPIN

Ineligible for an IDO extension

The funding request number(s) listed below are not eligible for an Invoice Delivery Deadline extension. Please review the reason below for more information.

Funding Request Number	FRN Nickname	Reason for Ineligibility	Service Delivery Deadline	Invoice Deadline Date	BEN	SPIN

No items available

CLOSE