

In the Matter of )  
)  
Requests for Waiver and appeal of )  
Decisions of the )  
Universal Service Administrator by )  
)  
Grants-Cibola County Schools )  
) CC Docket No. 02-6  
Schools and Libraries Universal Service )  
Support Mechanism )

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

April 26, 2018

Request for Waiver of the FCC Form 471 Filing Deadline for Funding Year 2018  
RE: FCC Form 471 Number: 181042128; Billed Entity Number: 143238, Certified April 2, 2018

Grants-Cibola County Schools filed a Form 470 for WAN services for six of its school sites, Cubero, Bluewater, Milan, Laguna-Acoma SRHS, Laguna-Acoma JRHS, and San Rafael, and received only one bid. The bid was received from the incumbent vendor and was an offer to continue the existing micro-wave services on a month-to-month basis.

Two days before the Form 471 filing window the vendor notified the district that it could not offer the services on a month-to-month basis. The vendor indicated that their five-year tower lease was expiring in August of 2018 and would automatically extend for a five-year period if the leases were not cancelled within 90 days of the expiration of the current lease. Because these schools are the only customers the vendor services via these towers the vendor was not willing to obligate itself to a five-year commitment absent a lengthier commitment from the district.

The district was not willing to enter into a five-year commitment because long-term they would like to convert these rural and, in some cases, remote schools to a solution that is scalable to 10 Gbps instead of the current 50 Mbps connection. The district negotiated with the vendor to determine if a shorter-term commitment might be available. The vendor then negotiated with the owner of the towers for a shorter-term lease. The tower owners agreed to extend the lease for a one-year period if the district would commit to continuing the services through June 30, 2019.

All of this activity happened between March 20 and March 22, 2018, which itself was a hefty task. The vendor presented the district with a final contract on March 22, 2018, the last day to file a timely Form 471.

The district's purchasing procedures, which require superintendent approval, could not be completed on March 22, 2018. Once the district completed its purchasing procedures, it entered into a one-year contract for its existing services at a cost that is ten percent less than the current rates. The district then filed a Form 471 on April 2, 2018 within the two-week grace period the FCC has traditionally granted.

Losing E-rate discounts for this service would have a dramatic impact on the district's budget and could require cuts in educational programs targeted at the population of students, many of whom live below the level of poverty. The student body at these schools includes a high percentage of Native Americans. We believe it is in the public interest to grant a waiver, since the late filing was no fault of the district. We further believe it is consistent with past precedent.

In the Academy for Excellence Order released March 9, 2007 the FCC granted Requests for Waiver of the Form 471 filing deadline for applicants who missed the filing deadline due to circumstances beyond the applicant's control such as personal circumstances, illness of staff or of family members of staff. Other circumstances validated by the FCC in this order include unclear and vague instructions for filing the Form 471, and technical problems.

In the Bishop Perry Order, the Commission found that a slight delay in USAC's receipt of the applications did not warrant complete rejection of the application.

The above mentioned application was submitted and certified within two weeks of the filing deadline for applicants. In previous years, applications submitted and certified within two weeks of the filing window were viewed by the FCC as meeting the definition of "slight delay" as referenced in the Bishop Perry Order above.

We acknowledge the Commission's concern and emphasis on retaining discretion to evaluate each situation on a case-by-case basis and respectfully request your consideration of our request.

Sincerely,



Raquel Whitebird

Director of Technology