

April 27, 2019

**Marlene H. Dortch, Secretary**  
**Federal Communications Commission**  
**Office of the Secretary**  
**445 12<sup>th</sup> Street SW**  
**Washington, DC 20554**

**Filed Electronically via ECFS**

**CC Docket No. 02-6**

**RE: Appeal - Request for Reconsideration of Decision and Waiver of Commission Rules**

Organization: United Systems, Inc  
5700 N Portland, Suite 201  
Oklahoma City, OK 73112  
Contact: Alvin Myers  
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Title: President/COO  
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**Applicant:** Seiling Indep School Dist 8  
**BEN:** 139942  
**Form 471:** 171037046  
**FRN:** 1799087372

**Decision being appealed:** FCC Denial of Appeal for Invoice Deadline Extension

Dear Secretary Dortch,

United Systems, Inc respectfully submits this request in accordance with the procedure designated by the Commission and after following suggested prior remedies.

**Reason for Request**

The original FCC Appeal for Request of Waiver was submitted on February 20, 2019 and was denied by the Commission in Public Notice DA 19-213 dated March 29, 2019. A Waiver of Commission Rules is needed to allow valid and eligible products and services, that were

delivered to the Applicant by the Services Delivery Deadline, to be submitted to USAC-SLD Invoicing. Additionally, if this Appeal is not granted, it will create significant hardship on our company, which is a small business entity employing 30 people.

## **Background**

United Systems, Inc delivered eligible and funded, products and services to the Applicant prior to the Services Delivery Deadline of 09/30/2018, in accordance with USAC-SLD Program Rules. These products and services were a small portion of a larger new school construction project that was significantly delayed. In addition, the construction project dictated progress invoicing for elements of the project that were not related to USAC-SLD Funding. Progress invoicing uses a percentage of completion approach to requests for payment and does not list detailed product or services. The projects and operations team who was responsible for progress invoicing of the overall project did not realize that there was a separate USAC-SLD invoicing component that had a strict deadline and required detailed invoicing. On February 20, 2019, final invoicing for the overall project was being reviewed by the projects, operations and accounting team for our company. At this time the discovery of the failure to invoice USAC-SLD for the eligible and funded components was made. When this discovery was made, we were past the Invoice Deadline of January, 28, 2019 by 22 days. Our accounting team immediately contacted the Client Services Bureau at USAC-SLD to receive guidance on how to resolve this issue. They were advised that the only option was to file an FCC Appeal for Waiver of Commission Rules. This action was taken immediately, and on March 29, 2019, a decision of Denied was issued related to our request. We are now respectfully requesting reconsideration of this decision and a related waiver of commission rules that will allow the Invoice Deadline to be extended and the invoices to be submitted and paid.

## **Additional Information**

United Systems, Inc has been a Service Provider participating in the USAC-SLD USF program since the program's inception. During this long period, we believe there has only been one other request by us for a Waiver of the Rules, and that was due to circumstances outside of our control. I only mention this to exhibit that we take great measures internally to meet deadlines, request extensions of the deadlines and comply with rules of the program, and, generally be good stewards of the program.

We feel that that this failure to meet the Invoicing Deadline could be considered an extraordinary circumstance due to the delay of the construction project and the progress invoicing approach related to it.

I would also like to request that you consider the minimal number of days (22) that we were past the Invoicing Deadline before discovering the error and trying to rectify it.

The products and services that we are unable to receive payment for due to the Invoice Deadline had to be purchased, they are not items we manufacture. Therefore, the costs associated to them are a real impact to us. The USAC-SLD program has continued to promote competitive bidding, which means that we have limited profit margins in this and all other USAC-SLD projects. There is no way for us to just absorb these costs without it being detrimental to our company.

If this Waiver is not granted, it will place a significant financial hardship on our company, which as mentioned above is a Small Business entity and employs 30 people.

We understand the Commission's stance on participants in the program needing to know and abide by the rules, as well as deal with deadlines on a timely basis. We take all of these expectations seriously. At the same time, we humbly ask you to consider the expediency in which we tried to deal with the issue once we were aware of it, and the truly detrimental impact a denial of this request will have on our Small Business entity.

We respectfully request that the Waiver is granted with an invoice deadline extension date that would allow us to get the invoice submitted and processed.

If you do have any concerns or questions about this request, please feel free to contact me directly at 405-778-8305, or by email at [amyers@unitedsystemsok.com](mailto:amyers@unitedsystemsok.com).

Thank you for your consideration of our request.

Sincerely,



Alvin Myers  
President and Chief Operating Officer

Attachments:

Original FCC Appeal Filing