

## Appeal for Waiver of Program Rules on Service Substitution

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This is an electronic appeal to the FCC via ECFS concerning:

BEN Name: Woodbourne School  
470: 170067596  
471: 171011418  
BEN: 16068096  
FCC RN: 0011996535  
FRN: 1799088078  
Service Provider SPIN: 143003990

This submission serves as an appeal to waive program rules as USAC issued a denial of an appeal to process a service substitution, as USAC mistakenly applied the 60 day appeal window to the date of the original FCDL versus the inability of EPC to process a service substitution after the end of the funding year but before the last date to invoice. Per USAC:

*Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on November 15, 2018. The Funding Commitment Decision Letter was issued on June 16, 2017. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.*

The service speed on the invoice did not match the service delivered. The applicant did not upgrade as planned (note: the establishing 470 requested both speeds). The issue was discovered after the funding year closed and EPC would not allow for a service substitution, even though the last date to invoice had not passed. USAC denied the appeal to process the service substitution, citing the original FCDL, versus addressing the actual issue of not being able to invoice in a compliant manner.

This appeal and request for rule waiver is to allow for the processing of the service substitution and to extend the Last Date to Invoice so that the applicant may seek the reimbursement that was approved.

It is understood that the Commission may waive its rules for "good cause shown." The Commission may exercise its discretion to waive a rule where (a) the particular facts make strict compliance inconsistent with the public interest, (b) special circumstances warrant a deviation from the general rule, and (c) such

deviation will serve the public interest. In making these determinations, the Commission may consider evidence of hardship, equity, and more effective implementation of overall policy on an individual basis.

The school works with an extremely strict budget to serve disadvantaged and underprivileged children. 100% of the kids are eligible for free and reduced lunch. Granting this appeal is absolutely in the spirit of demonstrating good cause and is in our public's best interest. Yes, as demonstrated, there were special circumstances.

The applicant: The Woodbourne School provides therapeutic educational services to boys residing in the Woodbourne Residential Treatment Center and to students from the community who need a more specialized and intensive school program in order to be successful. Accreditation and licensing:

- Accredited by The Joint Commission (TJC)
- Licensed by the Department of Health and Mental Hygiene (DHMH)
- Approved for full-day special education, partial-day education, and regular education by the Maryland State Department of Education (MDSE)

Please help the students at the Woodbourne School. Denying this appeal will eliminate valuable resources needed in helping these students become successful member of our society. The issue of timing is at the heart of the matter and we ask that program rules be waived so that the applicant may be reimbursed in accordance with expectations. The circumstances and system limitations are outside of the applicant's control. Please contact us if further clarity is needed.

Thank you,

A handwritten signature in black ink that reads "Dan Kettwich". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dan Kettwich on behalf of The Woodbourne Schools