

May 6, 2019

SUBMITTED VIA ECFS

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

RE: CC Docket No. 02-6; Request for Waiver

On behalf of ESC Region 20 Fiber Consortium (BEN 17015391), VST Services, LP hereby requests a waiver of the Funding Year 2019 471 filing window for Application #191042059, certified on April 10, 2019.

The Federal Communications Commission has established precedent in multiple orders (*Acorn Public Library District Order*,¹ *Academy of Math and Science Order*,² *Anderson Elementary School Order*³) that applicants that filed their 471 applications within 14 days of the 471 filing deadline have filed their applications close enough to the filing window that their applications should be considered timely submitted. In the *Academy of Math and Science Order*, the Commission found that applicants that filed their applications within 14 days of the deadline for filing had satisfied the Commission's requirement to show special circumstances.⁴ The Commission also found that applications that were filed within 14 days were filed close enough to the deadline so as not to impair the administration of the program.⁵

ESC Region 20 Fiber Consortium filed its 471 application on April 10, 2019, which was within 14 days of the filing window deadline of March 27, 2019. See attached FCC Form 471

¹ *Requests for Waiver and Review of Decisions by the Universal Service Administrator by Acorn Public Library District, et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15474, ¶ 5 (WCB 2008) (establishing that submission of a 471 application within 14 days is a procedural and not a substantive violation. "Therefore...because the FCC Form 471 was filed within 14 days after the filing window deadline, we find it in the public interest to waive the FCC Form 471 deadline.").

² *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math & Science, et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259-60, ¶¶ 8-9 (2010).

³ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Anderson Elementary School, et al.*, CC Docket No. 02-6, Order, FCC Rcd 5319, 5319-20, ¶ 2 (WCB 2012) ("We grant the 40 waiver requests...because those petitioners' applications...were filed shortly after the filing window closed.").

⁴ *Academy of Math & Science*, FCC Rcd at 9259-60, ¶¶ 8-9 (2010).

⁵ *Id.*

#191042059 confirmation of filing. ESC Region 20 Fiber Consortium believes it has followed the rest of the Commission's program rules in submitting this application.

We therefore respectfully ask that the Commission waive the requirement that the application be filed by the filing deadline for the application listed above and direct the Schools and Libraries Division of the Universal Service Administrative Company to process this application as "submitted within the window."

Respectfully,

/s/ Russell Neal

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ATTACHMENT – Form 471 Certification Confirmation

Region 20 2019 Library Additions - #191042059



Apr 10, 2019 Comment More Info ▾