Before the

Federal Communications Commission

Washington, D.C. 20554

In the Matter of

Federal-State Joint Board on Universal Service ) CC Docket No. 96-45

)

Schools and Libraries Universal Service )

Support Mechanism ) CC Docket No. 02-6

**Request for Review and Petition for Waiver For USD 257 Iola**

# On behalf of USD 257, Iola, I respectfully submit this request for review and petition for waiver related to the Administrator’s Decision on Appeal issued by the Universal Service Administrative Company (“USAC” or “Administrator”) on April 10, 2019. In that decision, USAC denied the appeal of USD 257, Iola, (or “applicant”) related to one funding request from E-rate Fund Year 2018 (FRNs 1899046190) for the application Form 471 181021449.

# USD 257 believes that the Schools and Libraries Division (SLD) of USAC failed to take into account all of the facts related to this case, as outlined below. We request that the Commission review the evidence presented herein and in our previous correspondence with USAC and reverse the decision of the Administrator with respect to the funding request previously mentioned.

Background

USD 257 Iola is a small school district serving the southeastern part of Allen County in Kansas with 5 buildings located in one town. Based upon the NSLP data for the 2017 school year (and Erate funding year), USD 493 had a student enrollment of 1256 and a NSLP enrollment of 773, qualifying them for an 80% Erate discount for both Category One and Category Two services. The Erate program, as it does for so many poor, rural school districts, serves as the cornerstone of USD 257’s technology efforts. USD 257 views technology as a critical component in its efforts to bring educational opportunities to its students. Familiarity with and fluency in technology is the key to bringing new opportunities to students living in rural areas. USD 257 has used the E-rate program to put technology tools into the hands of hundreds of students who currently attend and have attended school at USD 257.

Unfortunately, as is often the case with schools that are on an extremely limited budget, staff at USD 257 serve in a variety of roles and capacities.

In Fund Year 2018, USD 257 applied for E-rate funding to cover their Internet service and telecommunication service. After evaluating all the bids received, using price as a primary factor, the FRN was awarded to the vendor listed. During the online filing period, a Form 471 was filed using the dollar amount provided by the school district. Unfortunately, the dollar amount provided, and that was listed at the top of the invoice, was for only one building within the district, not all 5. The error was not noticed until long after the FCDL had been received and the district began receiving their Erare reimbursement. Once the error was noticed, an appeal was immediately filed, although, it was well after the 60 day time frame. During the PIA review, the reviewer did not notice the discrepancy between the dollar amount requested and the dollar amount on the winning bid. Historically, it has been the experience of the consultant, that reviewers have matched the dollar amount requested to the dollar amount on the winning bid. Unfortunately, while the school district and consultant will share in the responsibility of this error, we feel an error was made at the PIA review level as well and the FRN was approved (albeit incorrectly). This error should have been noticed once the FDCL was received, but due to a change over of district staff and a job status change of the consultant, it was not noticed until after the allowed 60 days had lapsed. At that time, an appeal was filed with the Schools and Libraries, but because of the time lapse, the appeal was denied.

The SLD denied the appeal, citing the following reason *“our records show that your appeal was filed more than 60 days after the date your decision letter was issued.”*

Since USAC claims it is unable to restore the proper funding to the funding commitment, we ask that the FCC do so. This is clearly a simple error made by the reviewer, rather than an attempt to increase funding beyond what should have been included in the Form 471 originally. The oversight in not noticing that the FCDL was denied, while it should have been noticed immediately, was due to a change in district personnel and the job status of the consultant.

In addition, we request that the Commission waive the usual deadline for filing such an appeal because of said change in district personnel resulting in the discrepancy in funding going unnoticed by incoming district staff who had no prior knowledge of Erate.

Conclusion

As this appeal makes clear, it is entirely possible – even probable – that the applicant may have made mistakes related to this particular application by not noticing the denial, but it is clear that the initial error was the result of the PIA reviewer not reconciling the dollar amount requested and the dollar amount included on the winning bid contract. The mistakes and errors present in this application are clearly ministerial and/or clerical in nature, however, rather than malicious or fraudulent. Given that the lack of funding for FY2017 has caused serious hardship for the District, we strongly believe that it is in the public interest for the FCC to overturn the Administrator’s decision on the appeal and restore funding to the district at the proper level so that USD 257 can continue to provide a quality educational experience for its rural student body.

Respectfully Submitted,

Denise Grasso, Erate consultant

Southeast Kansas Education Service Center and USD 493, Columbus

