

May 8, 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 Nixon-Smiley Consolidated Independent School District (BEN 141521), VST Services, LP hereby requests a waiver of the Funding Year 2019 471 filing window for Application #191041775, certified on April 8, 2019, and Application #191041779, certified on April 9, 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

Nixon-Smiley Consolidated Independent School District filed its 471 applications on April 8, 2019 and April 9, 2019, which was within 14 days of the filing window deadline of March 27, 2019. See attached FCC Forms 471 #191041775 and #191041779 confirmations of

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.*

filing. Nixon-Smiley Consolidated Independent School District believes it has followed the rest of the Commission's program rules in submitting these applications.

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

Respectfully,

/s/ Russell Neal

Russell Neal, CEMP
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ATTACHMENTS – Form 471 Certification Confirmations

 SAVE DRAFT

Certification Confirmation

NIXON-SMILEY CONS IND SCH DIST (BEN: 141521) - Nixon Smiley CISD Form 471 Self Provisioned Fiber 2019-2020 - Form # 191041775

Last Saved: 4/8/2019 7:20 PM EDT

Basic Information

Entity Information

Funding Requests

Certify

You have successfully filed FCC Form 471 #191041775 for FY 2019

Certification Date

4/8/2019 7:20 PM EDT

Your application is being filed after the close of FY 2019 filing window. Therefore, your application will not be considered for funding.

TO REQUEST A WAIVER OF THE FILING WINDOW DEADLINE:

The window filing requirement is contained in the Federal Communication Commission (FCC) rules for the E-rate program. USAC cannot consider requests for waivers of FCC rules. If you missed the FCC Form 471 filing window deadline and wish to request a waiver, you may file a waiver request with the FCC. When you file a waiver request, you should list "CC Docket No. 02-6" on the first page of your waiver request. We strongly recommend that you review the information provided on the USAC website about filing waiver requests.

Authorized Person

Name Tracy Neal**Title** E-Rate Consultant**Employer** VST Services LP**Address** 905 Trophy Club Dr Ste 202
VST Services LLC
Trophy Club, TX 76262- 5572**Phone** 682-237-7671**Email** tracyneal@vstservices.comPlease click [here](#) to access your certified FCC Form 471 PDF

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Certification Confirmation

NIXON-SMILEY CONS IND SCH DIST (BEN: 141521) - Nixon Smiley CISD Cat 2 Form 471 2019-2020 - Form # 191041779

Last Saved: 4/9/2019 11:32 AM EDT

[Basic Information](#)[Entity Information](#)[Funding Requests](#)[Certify](#)

You have successfully filed FCC Form 471 #191041779 for FY 2019

Certification Date

4/9/2019 11:32 AM EDT

Your application is being filed after the close of FY 2019 filing window. Therefore, your application will not be considered for funding.

TO REQUEST A WAIVER OF THE FILING WINDOW DEADLINE:

The window filing requirement is contained in the Federal Communication Commission (FCC) rules for the E-rate program. USAC cannot consider requests for waivers of FCC rules. If you missed the FCC Form 471 filing window deadline and wish to request a waiver, you may file a waiver request with the FCC. When you file a waiver request, you should list "CC Docket No. 02-6" on the first page of your waiver request. We strongly recommend that you review the information provided on the USAC website about filing waiver requests.

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