

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Petition for Reconsideration and)	
Application for Review by Full Commission)	
Regarding April 30, 2019 FCC Denial of)	
Appeal DA 19-326 Request for Waiver of)	
FCC Form 472 BEAR Invoicing Deadline Date)	
)	
Holy Cross of San Antonio)	CC Docket No. 02-6
AKA Holy Cross JR-SR High School)	
BEN 90856)	
)	
Schools and Libraries Universal Service)	
Support Mechanism)	

**Petition for Reconsideration and Application for Review by Full Commission
Of Summary Denial of Appeal to the FCC in DA 19-326
Regarding FCC Form 472 BEAR Invoicing Deadline Date for Funding Year 2017
RE: FCC Form 472 Invoicing Submissions for Holy Cross of San Antonio, BEN 90856**

I. REQUEST

Holy Cross of San Antonio respectfully submits this request for FCC Reconsideration/Application for Review by Full Commission to approve our appeal that was denied by the FCC in DA 19-326, CC Docket No. 02-6 on April 30, 2019, specifically our Request for Waiver Appeal for Funding Year 2017 FCC Form 472 BEAR Invoicing Deadline Dates for our FCC Form 472 BEAR (Billed Entity Applicant Reimbursement) submissions to enable recovery of \$35,783.81 in E-Rate reimbursement funding already approved and committed by USAC (Universal Service Administrative Company) and already paid to our service providers by Holy Cross pursuant to FCC Form 471 #171045423. These funds were *already committed* and come from telecommunications providers, not from public funding or taxes, and *no new monies are needed* to fund our waiver request. **Extraordinary circumstances** led to Holy Cross filing all BEAR Forms 6 days after the Invoicing Deadline Date; these circumstances include:

-FCC Form 472 filing difficulties resulting from USAC's continued use of two disparate and incompatible online filing systems requiring different credentials, including a reimbursement system that requires the use of an outdated PIN and ID credentials established years ago by previous personnel;

-A transition of school E-Rate personnel due to retirement at a critical stage in the filing cycle, exacerbated by coinciding mutual illnesses and prolonged absences for both employees; the alternating medical leaves coupled with the inability of new personnel to access the outdated online BEAR system without legacy credentials led to a perfect storm of miscommunication and an inability to verify filings of BEAR forms; and

-An inability to use discounted billing from providers due to ongoing, documented overbillings and incorrect billings from service providers, necessitating use of the BEAR process to ensure accurate billing to USAC.

We request reconsideration due to these extraordinary circumstances leading to our near-miss of the Invoicing Deadlines and the subsequent filing of the original FCC Appeal for Waiver less than 14 days after the deadline, along with the fact that *all reimbursement funding sought has already been committed and approved; no new funding is sought*. While the total \$35,783.81 reimbursement requested may seem a minor amount to many, it is an essential portion of the technology budget at a school as small as Holy Cross that is located in San Antonio, Texas' impoverished, historically underserved West Side, striving to educate a student body that is 95% Hispanic and 76% economically disadvantaged where many students still lack access to the Internet at home.

II. BACKGROUND AND SUMMARY

Holy Cross of San Antonio AKA Holy Cross JR-SR High School is a private non-profit school serving predominantly low income Grade 6 through Grade 12 children in San Antonio, Texas. During the 2017 E-Rate Funding Year the school's total enrollment was 303 students; 95% of all students were Hispanic and 76% of all students were economically disadvantaged and classified as NSLP Eligible.

Holy Cross of San Antonio has been a successful participant since the beginning of the federal E-Rate program operated by the Universal Service Administrative Company (USAC) as authorized by the FCC that provides discounted telecommunications and Internet access services to economically disadvantaged schools; E-Rate is funded through surcharges and fees paid by telecommunications vendors; *no E-Rate funding comes from taxes or other public monies*. The percentage of the discount offered to schools by USAC varies based upon the school's percentage of economically disadvantaged students, and Holy Cross of San Antonio is at the highest discount level due to our large population of economically disadvantaged students.

During the 2017 E-Rate Funding Year, FCC Form 470's were posted by Holy Cross of San Antonio and bids were received and reviewed according to FCC rules; FCC Form 471 #171045423 was successfully filed online and was certified in-window on May 11, 2017. The school subsequently received a Funding Commitment Decision Letter (FCDL) on July 8, 2017 approving all FRN funding requests as submitted, and FCC Form 486's were timely filed to verify receipt of services from all vendors.

Due to previous documented experiences with overbilling by major service providers, Holy Cross of San Antonio elected to use the FCC Form 472 Billed Entity Applicant Reimbursement (BEAR) process rather than discounted billing in order to ensure proper reimbursement for committed funds already paid in full to all service providers.

Confusingly, unlike USAC's modern online EPC E-Rate application submission website which is used to submit and monitor FCC Forms 470, 471, 486, etc., filing FCC Form 472 BEAR forms requires users to access a disparate USAC BEAR website which is unique to Form 472 and Invoicing Deadline Date extension requests. The USAC BEAR submission website relies on outdated login credentials and requires use of an old E-Rate PIN number in order to authenticate users; the two separate online filing systems do not communicate with or reference each other. These two disparate E-Rate systems make filing for reimbursement difficult to track for any individual under the best circumstances, but when personnel and E-Rate duty assignments change during an E-Rate submission cycle the situation can easily change from challenging to disastrous.

Retirement of Holy Cross of San Antonio's Director of Technology who had handled all E-Rate submissions from the program's inception left the Instructional Technology Coordinator who now works E-Rate into his already busy schedule as the sole staff member performing E-Rate duties. The formal transition of E-Rate duties occurred after the end of the 2017 E-Rate year but before invoicing, and was complicated by surgery and extended convalescence for the retired Technology Director overlapping with a prolonged illness including precancerous lesions and interventional therapies for the Instructional Technology Director who was now fully overseeing E-Rate, making coordination of tasks very difficult. Combined with the aforementioned fact that the FCC Form 472s had to be submitted in the separate online BEAR system requiring old E-Rate credentials and a PIN which the Instructional Technology Coordinator did not possess, this led to a significant delay in the discovery that 2017 FCC Form 472s were not submitted. The discovery of this oversight was made on March 4, 2019, just 6 days after the February 26, 2019 extended Invoicing Deadline Date for Funding Year 2017. An attempt by the retired Technology Director to extend invoicing deadlines in the online BEAR system led to immediate denials by USAC for further invoicing deadline extensions. A subsequent call to the USAC/SLD Help

Line, Case #268130 resulted in USAC employee Aaron Henton advising Holy Cross of the need to file an Appeal to the FCC for a Waiver of the Invoicing Deadline Date. An official Request for Waiver Appeal was filed with the FCC under CC Docket No. 02-6 as required by USAC and FCC rules on March 8, 2019; this appeal was summarily denied on April 30, 2019. We seek reconsideration of this denial by the Full Commission.

In summary, we request a Waiver of the Funding Year 2017 FCC Form 472 BEAR Invoicing Deadline Dates for FCC Form 472 BEARs for FRN 1799104727 for \$32,649.18, FRN 1799106146 for \$2,223.90, FRN 1799106214 for \$515.81, FRN 1799104134 for \$260.60 and FRN 1799105782 for \$134.32 to enable recovery of the total \$35,783.81 in E-Rate reimbursement funding approved and committed by USAC and already paid to the service providers by the applicant pursuant to FCC Form 471 #171045423.

Respectfully submitted,

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Attached Evidentiary Files:

BEN 90856 USAC Invoice Deadline Extension Request 5740 Denial Email & Spreadsheet.pdf
BEN 90856 USAC Case #268130 waiver filing guidance.pdf
BEN 90856 All 472 BEAR Forms Late Filed by 030619.pdf
BEN 90856 Funding Year 2017 Form 471 & FCDL Funding Commitment Spreadsheet.pdf