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May 30, 2018

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

Re   **CC Docket No. 02-6**
        Petition for Waiver of 47 CFR §54.720(a), and
        Appeal of Administrator decision
                FCC Form 472 Invoice Nos. 2781072, 2781307
                FCC Form 471 Funding Application No. 161058184
                Funding Request Nos. 1699135597, 1699135599

        Applicant: Detroit Service Learning Academy, BEN 208680

Dear Secretary Dortch,

With this letter Detroit Service Learning Academy ("DSLA") requests a waiver of the deadline[1] by which it was required appeal a decision by Universal Service Administrative Company ("USAC") to deny reimbursement of the captioned FCC Form 472 invoices.

Since USAC is prohibited by Federal Communications Commission ("Commission") rule for considering an underlying appeal of the reimbursement denial (due to the passage for more than 60 days), DSLA asks that the Commission direct USAC to reimburse the captioned FCC Form 472 invoices based on the applicable FCC Form 486 Service Start Date ("486 SSD"). In the alternative DSLA asks that the Commission direct USAC to adjudicate DSLA's appeal of the reimbursement denial on its merits.

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[1] See 47 CFR §54.720(a) (requiring an affected party requesting review or waiver of an Administrator decision by the Commission to file such a request within sixty (60) days from the date the Administrator issues a decision).

Background

DSLA is a unique educational institution which integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities. As members of the community, DSLA's students have the responsibility to live the core values of wisdom, justice, integrity, love, compassion, respect, and courage.

Due to confusion about which funded services were actually going to be used, DSLA's original FCC Form 486 for this funding year did not list the captioned funding request. The omission was realized only after the end of the funding year, at which time DSLA filed an FCC Form 486 listing the missing funding request.

On 8/3/2016 USAC notified DSLA that most funding for the funding request would be lost, due to the late FCC Form 486 filing. DSLA has appealed that decision to USAC on 5/4/2017, but USAC has not yet acted on that appeal.

On 2/27/2018 DSLA submitted FCC Form 472 reimbursement requests for the two captioned funding request, with the expectation that USAC would issue reimbursement at least for services used on or after the adjusted 486 SSD. Although each FCC Form 472 listed a contact of DSLA's Hisan Richardson, DSLA learned only on 5/23/2018 that USAC had sent a letter to DSLA's Maurice Evans dated 3/9/2018 denying funding (citing a reason that the 486 SSD specified on the FCC Forms 472 was entered as 7/1/2016 – a date that is earlier than the adjusted 486 SSD coming from the late FCC Form 486 filing). For reasons that we do not fully understand, the letter apparently never reached Mr. Evans (but in any case Mr. Evans was not the contact person listed on the FCC Form 472, and was not the person responsible for resolving FCC Form 472 problems).

Analysis

USAC denied the captioned FCC Form 472 reimbursement requests due to a minor misunderstanding or clerical error in the entry of the 486 SSD. It is our understanding that it is USAC's policy to work informally with an applicant to correct minor errors in an FCC Form 472 submission provided that such errors are resolved within 30 days of the FCC Form 472 submission. However, the responsible person at DSLA – the person whose name is listed on the FCC Form 472 – was never notified of the problem, and that person only learned of the issue more than 60 days after the FCC Forms 472 were filed.

It is Commission policy to waive the 60-day appeal and waiver petition filing deadline in cases where the deadline is missed by only a short period of time, and where the

appeal or waiver is filed with the Commission within a reasonable period of time after the petitioner actually receives notice of the adverse decision[2].

Although the underlying FCC Form 472 reimbursement requests each specified a 486 SSD of 6/1/2016 – the first day of the funding year – USAC should have paid each request based on the adjusted 486 SSD rather than totally denying funding. Furthermore, USAC should have reached out to the specific contact person listed on each FCC Form 472, and this it did not do.

Request for Relief
For the reasons stated in this letter, DSLA respectfully requests that the Commission grant a waiver of 47 CFR §54.720 to the extent necessary for the Commission or USAC to consider disbursing funds under the captioned FCC Forms 472 based on the adjusted 486 SSDs.

DSLA further asks that for administrative efficiency the Commission direct USAC to disburse funds as requested by the FCC Forms 472 cited herein for at least services provided on or after the adjusted 486 SSDs. In the alternative DSLA asks that the Commission direct USAC to adjudicate our request for reconsideration of its decision to deny funding notwithstanding the passage for more than 60 days from the date on which it issued a notification letter to Mr. Evans.

E-RATE SUPPORT SERVICES

David A. Behar

David A. Behar
General Manager

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[2] E.g., see Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision).