**Before the**

**FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

In the Matter of )

)

Request for Review of a Decision of the ) Administrator Correspondence Dated

Universal Service Administration Corp. for ) May 4, 2016

Martinsville, Virginia Public Schools )

)

)

Schools and Libraries Universal Service ) CC Docket No. 02-6

Support Mechanism )

**Request for Review or Waiver**

**Form 471 Application Number: 940682**

**FRN:** [**2682513**](http://www.e-ratecentral.com/us/reports/frnDetail_all.asp?v=&frn=2302679&fy=2012)

**Billed Entity Number:** [**126580**](http://www.e-ratecentral.com/us/reports/utilizationSummaryChart.asp?typ=entNum&ky=126973&ste=NC)

In accordance with sections 54.719 through 54.721 of the Commission's rules, Martinsville City Public Schools (Martinsville Schools) requests Federal Communications Commission (Commission) review of a decision of the Schools and Libraries Division of the Universal Service Administrative Company (Administrator). Martinsville Schools requests the Commission overturn an Administrator denial for an Invoice Deadline Extension Request resulting from a Zero Passed BEAR. Commission precedent supports granting this request.

The Administrator issued a “Zero Passed” BEAR for this FRN because the service provider had not filed a Form 473 for Fund Year 2014. The record shows the service provider submitted a Form 473 two months before the BEAR filing deadline but the Administrator failed to timely process the form resulting in the BEAR denial. Commission precedent clearly provides relief in situations where the Administrator fails to timely process forms.[[1]](#footnote-1)

**BACKGROUND**

For the 2014 E-Rate filing Martinsville Schools posted a Form 470 for Wide Area Network and Internet access service. Martinsville City had recently established a metropolitan network to serve businesses and government entities in Martinsville (MINET). In response to the Form 470 posting MINET proposed services and was selected by Martinsville Schools. This was the first year MINET participated in the E-Rate program.

When preparing BEARs for funding reimbursement it was discovered a Form 473 had not been filed for 2014. On October 5, 2015 the Martinsville Schools E-Rate consultant sent an email requesting MINET file a Form 473 for Fund Year 2014. On November 2, 2015 Martinsville Schools filed the first BEAR for this FRN. In correspondence dated December 9, 2015 the Administrator issued a BEAR notification letter with a Zero Passed BEAR because “service provider not certified.” It appeared MINET filed a Form 473 for 2015, not 2014 as a result of the October email. A request was sent for MINET to file a Form 473 for 2014. Martinsville Schools filed another BEAR and received a BEAR notification letter on December 23. The E-Rate consultant immediately requested MINET file a new Form 473 and copy the consultant. A copy of the Form 473 is attached with this filing. It was mailed to the Administrator on December 26, 2015. The consultant monitored the Administrator’s website daily from mid January through the BEAR filing deadline and submitted a final BEAR the day before the invoice deadline. On March 11, 2016 the Administrator Zero Passed the BEAR, again because “Service Provider Not Certified.”

Martinsville filed an Invoice Deadline Extension Request with the Administrator because of the Zero Passed BEAR, which was denied on May 4, 2016.

**DISCUSSION**

Despite MINET’s confusion with required forms and funding year terminology because it was the first year of E-Rate participation for MINET, a properly filed Form 473 was eventually filed with the Administrator a full two months before the filing deadline. The Administrator failed to timely process the Form 473 resulting in a loss of funding for Martinsville Schools. Commission precedent in Ada states that deadline waivers should be granted due to “…delays in data entering a form that ultimately result in a late invoice.”[[2]](#footnote-2) Without question, two months should be enough time for the Administrator to process a Form 473.

**CONCLUSION**

In light of the facts presented here, the Commission should overturn this denial and extend the BEAR deadline for Martinsville Schools.

Respectfully,

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1. Ada School District Decision, DA 16-448, Rel. April 25, 2016 at 3, footnote six “(5) USAC delays in data entering a form that ultimately result in a late invoice” [↑](#footnote-ref-1)
2. Ada footnote six. [↑](#footnote-ref-2)