

**2019**

EdTechnologyFunds, Inc,  
Beverly Sutherland

# **GUTTENBERG SCHOOL DISTRICT – APPLICATION FOR REVIEW BEFORE THE FULL COMMISSION**

**2019**

June 28, 2019

Application for Review  
Federal Communication Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

CC Docket No. 02-6

Entity & BEN	<b>Guttenberg School District (BEN 122769)</b>
Contact Mailing Address Phone Number Email	<b>Beverly Sutherland</b> <b>2400 N Lincoln Ave, Altadena, CA 91001</b> <b>(626) 296-6284</b> <a href="mailto:bsutherland@edtechnologyfunds.com">bsutherland@edtechnologyfunds.com</a>
Application Number	<b>Form 471- Application # 181042633 and 181042634</b>
Reason for Waiver Request	<b>Funding Year 2018 – Form 471 Submitted Out of Window</b>
Funding Request No.	<b>1899083377, 1899083376</b>
CC Docket No. 02-6	

## **Summary:**

Guttenberg School District hereby seeks review of an Order on Reconsideration issued May 31, 2019 by the Wireline Competition Bureau (Bureau) that upheld FCC's decision to deny its Petition for Reconsideration regarding a waiver to the deadline for Guttenberg School District's Funding Year 2018 471 Application Submission. Absent review by the full Commission, this order will have a significant financial impact on Guttenberg USD and may require them to reduce the levels of services being received.

The reason given for the denial can be found in fn. 6, i.e., 6 *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014). This order dismisses petitions for reconsideration that fail to identify any material error, omission,

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or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding.

I believe the Bureau's reliance on the fn. 6 is incorrect as the decision was based on the original FCC Waiver Request on July 12, 2018 and did not consider the additional information that was provided in the Petition for Reconsideration on August 29, 2018 which establishes that the reconsideration decision be based on precedent regarding "Special Circumstances". The Petition for Reconsideration argues that there is ample precedent existing for a waiver in this case, in which the Commission has found similar (and less compelling) facts to constitute special circumstances justifying a waiver. Furthermore, given the small size, limited resources, and financial challenges of the School District and its local community, together with the vital role of E-rate in creating and enhancing educational opportunities, a waiver would clearly serve the public interest. As the Bureau has repeatedly done in the past, it should grant a waiver here, and direct USAC to process the Guttenberg FY 2018 Form 471, as if it had been filed within the filing window.

I respectfully request that the arguments laid out in the Petition for Reconsideration be reviewed before the full Commission and reconsider its denial of Guttenberg's request for a waiver of the filing deadline for the FCC Form 471, and direct USAC to process the Guttenberg Form 471 Applications as if they had been timely filed before the close of the FY 2018 Form 471 filing window.

### **Supporting Documentation:**

These documents are provided in support of the Application for Review before the full Commission to reconsider decision for FY2018 Form 471 deadline waiver request:

#### **Final Draft Guttenberg SD Petition for Recon with Exhibits EXECUTED FINAL.PDF**

- This document contains the Petition for Reconsideration and original FCC Waiver Request, Affidavit of Jolene Mantino, Assistant Superintendent, and both Category 1 and Category 2 FCC Forms 471

#### **FCC Waiver Guttenberg USD FY2018 – Revised 7-12-18.PDF**

#### **Guttenberg LOA.PDF**

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## Relief Sought through this Application for Review before the full Commission:

It is Commission policy to waive the deadline in cases where the application is late filed due to Unexpected Serious Illness or Death<sup>1</sup>. The assistance that Guttenberg School District receives from the E-Rate Program is vital to the District's operations and community outreach. Hence, I respectfully request that Guttenberg USD is granted a waiver to the FY2018 471 deadline for applications listed above.

Sincerely,



Beverly Sutherland

President – EdTechnologyFunds, Inc. (a division of The Sutherland Consulting Group)

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<sup>1</sup> *Requests for Waiver and Review of Decisions of the Universal Service Administrator by A Special Place; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 5827, 5828, para. 1 (WCB 2014) (granting a waiver because applicant filed within 30 days of the close of the filing window despite an unexpected serious illness or death of the person responsible for submitting the form or a close family member of that person).