

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of:)	
)	
Request for Waiver)	
)	CC Docket No. 02-6
by)	
)	
Bay Village City School District)	
Bay Village, OH)	

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

For Erate Funding Year 2018 Bay Village City School District (“BVCSD”) Billed Entity # 129511, filed the majority of its funding requests within the window, however an underlying clerical/ministerial error necessitated that a second Category One (“C1”) Form 471 Application, #181042516, containing one funding request for upgraded transport services be filed after the close of the window.

BVCSD respectfully requests that, pursuant to 54.719 through 54.723 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ the Commission grant it a Waiver of the FY2018 Form 471 filing deadline so that Application #181042516 may be considered for funding as though timely filed.

¹ 47 C.F.R. §§ 54.719–54.723

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STATEMENT IN SUPPORT OF WAIVER

In the midst of what is always an intense and overwhelming time, which in FY2018 was exacerbated by the additional challenges of trying to understand the new and unclear changes to the internet access bidding requirements, as well as the never-ending EPC portal issues, Educational Funding Group Inc. ("EFG") (CRN 16043587), inadvertently missed posting a timely Form 470 for BVCS D's desired digital transmission service upgrade. Since no other C1 services needed to be bid, the transport upgrade was unintentionally omitted when the data was inputted from EFG's source spreadsheet to timely posted Form 470 #180015459. The error/omission was discovered on March 2, 2018 and that same date EFG posted Form 470 #180031228 requesting the upgrade to the transport services. However, abiding by the mandatory 28 day waiting period before conducting an evaluation and entering into a legally binding agreement meant missing the FY2018 Form 471 filing deadline of March 22, 2018.

BVCS D's allowable contract date ("ACD") was March 30, 2018, which, unfortunately, was Good Friday and the first day the District was closed for spring break. Since school remained closed for the entire following week, there was no one available to evaluate bids and select a vendor. School re-opened on Monday, April 9, 2018 on which date BVCS D conducted its evaluation. On April 10, 2018 an

agreement was entered into with the selected vendor and Form 471 #181042516 for the transport upgrade was submitted and certified later that day.

BVCSD filed its Form 471 as soon as possible after waiting the requisite 28 days from the posting of Form 470 #180015459. The District diligently complied with all applicable state and local procurement laws, with all substantive E-rate rules and regulations, and intended no fraud, abuse or waste of E-rate program funds. Its clerical error was procedural in nature, not substantive, and a waiver from the Commission will best serve the public interest, the interests of the students of BVCSD, and will avoid imposing undue hardship on the District. Moreover, a waiver of the FY2018 filing deadline would have no adverse effect on the effective administration of the E-rate program.

Commission precedent has been to grant Form 471 deadline waiver requests if a late Form was submitted within fourteen (14) days of the deadline; had BVCSD's ACD not fallen over the District's spring break, it would have been able to submit application #181042516 within that grace period. Since it was unable to do so, BVCSD respectfully request the Commission view the extenuating circumstances presented herein and find that they constitute good cause to waive the deadline for Form 471 #181042516, which was filed only five (5) days after the grace period.

Therefore, in keeping with the Commission's *Bishop Perry* Order (FCC-06-54) and its other established precedents,² BVCSD respectfully requests the Commission grant it a waiver of the filing deadline and allow Form 471 #181042516 considered for funding as though timely filed within the

² The Commission has repeatedly reiterated its authority under 47 C.F.R. §1.3 to waive rules for good cause shown and may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). The Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, *supra*.

Window. BVCSD's two other FY2018 Forms 471 were timely filed, so a filing deadline waiver is being requested only for the circuit upgrade requested in Form 471 #181042516.

Thank you for your consideration.

Respectfully submitted,

/s/ Linda Schreckinger Sadler

On behalf of Educational Funding Group, Inc.
E-rate Consultant to Bay Village City School District