

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Schools and Libraries	)	CC Docket No. 02-6
Universal Service Support Mechanism	)	
	)	
Request for Waiver of Form 471	)	
Filing Deadline by Port Arthur	)	Application No. 161057264
Independent School District	)	

**Request for Waiver**

In accordance with Sections 54.719 through 54.721 of the Commission's Rules,<sup>1</sup> Port Arthur Independent School District, (PAISD or the District), through its consultant, requests Federal Communications Commission (Commission) waiver of the May 26, 2016 deadline for submission of Funding Year 2016 Form 471 No. 161057264 Description of Services Ordered and Certification Form. Consistent with precedent in the Academy of Math and Science, Pribilof School District and other orders, we ask the Commission waive the filing deadline for this application.<sup>2</sup>

**Port Arthur Independent School District**  
**Billed Entity Number: 141377**  
**FCC Registration Number: 0012708426**  
**Form 471 Number: 161057264**

**Discussion:**

On May 26, 2016 7:47 PM EDT (6:47 PM CDT) Port Arthur Independent School District created FCC Form 471 No. 161057264, prior to the funding year 2016 Form 471 Filing Deadline of May 26, 2016 11:59 PM EDT (10:59 PM CDT). PAISD's FCC Form 471 was certified at 12:19 AM EDT on May 27, 2016 (11:19 PM CDT on May 26, 2016), a mere 20 minutes after the deadline. At the time of certification the District was unaware that FCC Form 471 No.

---

<sup>1</sup> 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

<sup>2</sup> Academy of Math and Science, FCC 10-122, Rel. July 8, 2010 at 4. Pribilof School District, FCC 18-118, Rel. August 8, 2018 at 4.

161057264 was considered certified Out-Of-Window, as the E-Rate Productivity Center (EPC) did not provide notification of being filed Out-Of-Window without going into the applicants news feed, additionally, it was 11:19 PM local time on May 26, 2016 in Texas when this application was certified.

Port Arthur ISD is a low income district, which was still recovering from Hurricane Rita and Hurricane Ike when Hurricane Harvey hit in 2018.<sup>3</sup> The District suffered from the flooding causing damage to the District Buildings and the loss of documentation due to Hurricane Harvey<sup>4</sup> in addition to the trauma to the students from their loss of homes.<sup>5</sup>

## **Conclusion**

This Form 471 was filed within 14 days of the filing window close. Based on longstanding precedent, consistent with guidance provided in the May 31, 2019 notification letter from USAC (Attachment A) and the Pribilof School District Order, we ask that this application FCC Form 471 161057264 be considered filed and certified within the 2016 Form 471 filing window. Granting this waiver request is in the public interest to help Port Arthur continue to rebuild from the devastation they suffered. Consistent with precedent Port Arthur ISD should not miss out on \$487,632.15 in eligible necessary funding over a certification made 20 minutes late, a disproportionate penalty the applicant would suffer<sup>6</sup>.

Sincerely,

A handwritten signature in blue ink that reads "David LeNard". The signature is fluid and cursive, with the first name "David" and last name "LeNard" clearly distinguishable.

David LeNard

---

<sup>3</sup> <https://www.wsj.com/articles/as-texas-recovers-from-harvey-port-arthur-struggles-1534152600>

<sup>4</sup> <https://www.panews.com/2018/05/01/beyond-the-storm-tenacity-and-grit-lessons-learned-for-port-arthur-independent-school-district/>

<sup>5</sup> <https://www.texastribune.org/2018/08/13/harveys-not-over-schools-about-start-trauma-hurricane-harvey-lingers/>

<sup>6</sup> *Metropolitan Nashville Public Schools, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, DA 18-1283, (WCB Dec. 20, 2018), 2018 WL 6722648,

Consultant to Port Arthur Independent School District  
[dlenard@erateelite.com](mailto:dlenard@erateelite.com)  
410-902-5800 ext 103

E-Rate Elite Services, Inc.  
10989 Red Run Blvd.  
Suite 202  
Owings Mills, MD 21117

**Subject:** FW: Potential Eligibility for Funding Year 2016 Out-of-Window Waiver Relief – TIME-SENSITIVE & ACTION REQUIRED WITHIN 60 DAYS OF THIS NOTICE

**From:** E-rate Program <[DoNotReply@usac.org](mailto:DoNotReply@usac.org)>  
**Sent:** Friday, May 31, 2019 1:11 PM  
**To:** Anthony Jackson  
**Subject:** Potential Eligibility for Funding Year 2016 Out-of-Window Waiver Relief – TIME-SENSITIVE & ACTION REQUIRED WITHIN 60 DAYS OF THIS NOTICE

[View](#) this email as a web page.



Universal Service  
Administrative Co.

Schools and Libraries

## Potential Eligibility for Funding Year 2016 Out-of-Window Waiver Relief--TIME-SENSITIVE & ACTION REQUIRED WITHIN 60 DAYS OF THIS NOTICE

May 31, 2019

Dear Funding Year 2016 E-Rate Applicant,

You are receiving this letter because you may be eligible for relief under the Federal Communications Commission's (FCC) *Pribilof School District Order*, which was released on August 8, 2018. To be eligible for relief, you must demonstrate that your situation was similar to that of the Pribilof School District and that acceptance of your late-filed funding year (FY) 2016 FCC Form 471 application would be in the public interest, thereby warranting a waiver of the application filing deadline.

In the *Pribilof School District Order*, the FCC granted a waiver to the Pribilof School District after determining that the school district's waiver request met the FCC's established waiver criteria. The FCC found that although the Pribilof School District filed its FY 2016 FCC Form 471 application beyond the close of the filing window (i.e., within 14 days after the window closed) and did not timely file a waiver request with the FCC, the Pribilof School District was unaware that its application had been rejected as a result of platform failures of the Universal Services Administrative Company's (USAC) E-rate Productivity Center (EPC). The FCC found that it was in the public interest to waive its appeal deadline rules in this case and granted the Pribilof School District's request to allow submission of its waiver request more than 60 days after USAC's decision regarding the school district's FY2016 FCC Form 471 application.

In its *Pribilof School District Order*, the FCC directed the Wireline Competition Bureau to initiate a process by which other applicants could demonstrate that they are similarly situated to the Pribilof School District and, thus, that a waiver is in the public interest to allow for the processing of their respective late-filed FY 2016 E-Rate applications. USAC records indicate that your FY 2016 FCC Form 471 application was filed late but within 14 days of the close of the filing window. Therefore, your situation may be similar to that of the Pribilof School District and, as a result, you are receiving this notice. If you believe you are similarly

situated, you must file a waiver request within **60 days** of the date of this letter. Your waiver request must be filed with the FCC through the FCC's [Electronic Comment Filing System \(ECFS\)](#), in CC Docket No. 02-6. The waiver request should reference the *Pribilof School District Order* and describe with specificity why your factual situation is like that of the Pribilof School District and how a waiver would be in the public interest. A copy of the *Pribilof School District Order* can be found here: <https://docs.fcc.gov/public/attachments/FCC-18-118A1.pdf>.

For further information, please contact our Client Service Bureau at (888) 203-8100.

Sincerely,

Schools and Libraries Division  
Universal Service Administrative Company

Contact Person	BEN	BEN Name	471 #
Anthony Jackson	141377	Port Arthur Indep School Dist	161057264

Need Help? Contact Us!  
Call the Client Service Bureau at (888) 203-8100.

This email was sent to: Please do not reply to this email.

USAC | 700 12th Street NW, Suite 900 | Washington, DC 20005  
[www.usac.org](http://www.usac.org) | © 1997- 2019 USAC | All Rights Reserved | [USAC Privacy Policy](#)