



## NORTH EAST SCHOOL DISTRICT

50 EAST DIVISION STREET • NORTH EAST, PENNSYLVANIA 16428 • TELEPHONE (814) 725-8671

August 22, 2018

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

Re: Request for Waiver of USAC Appeal Deadline - CC Docket No. 02-6

Billed Entity:	North East School District
Billed Entity Number (BEN):	125567
Contact Name, Title:	Jeffrey A. Fox, CPA, Business Manager
Address:	50 East Division Street, North East, PA 16428
Phone:	814-725-8671, ext. 3905
E-mail:	jfox@nesd1.org

FCC Form 470 #:	170069449	FCC Form 471:	171022684
FRN: 1799087679	SPIN: 143014317	SERVICE PROVIDER:	Velocity Network, Inc.
FRN: 1799087885	SPIN: 143045305	SERVICE PROVIDER:	Neely Communications, Inc.
FRN: 1799088365	SPIN: 143045305	SERVICE PROVIDER:	Neely Communications, Inc.
FRN: 1799088546	SPIN: 143045305	SERVICE PROVIDER:	Neely Communications, Inc.

Dear Ms. Dortch,

I am writing to respectfully request the FCC to grant a waiver of the USAC Appeal Deadline so that our FCDL Appeal Submission dated February 22, 2018 will be considered as having been filed within the 60 day deadline.

Our appeal submission was denied because the Funding Commitment Decision Letter was issued on December 14, 2017 and our appeal was submitted on February 22, 2018. According to USAC they would not consider our appeal because it was 10 days past the 60 day deadline.

I believed that a submission on February 22, 2018 was within the appropriate timelines, because of a post dated January 2, 2018 from the E-Rate Productivity Center meant that an appeal by March 2, 2018 would have been within the deadline. However, I missed the clarification of the FCDL date that was within the 2<sup>nd</sup> paragraph of the post that stated the December 14, 2017 FCDL date. I did indeed miss the deadline.

Unfortunately, my error will potentially result in the loss of approximately \$16,000 of E-Rate reimbursement for projects that were E-Rate 2.0 eligible. I'm hopeful that the FCC will waive the rule so our appeal can at least be heard by USAC and permit us to resume the PIA review process.

The PIA review process started on August 1, 2017 and I ended up receiving ten notices on August 1, 2017, August 2, 2017, August 10, 2017, August 28, 2017, October 12, 2017, October 31, 2017, November 13, 2017, November 29, 2017 and December 7, 2017. I believe I responded to all PIA Review requests, but I'm not completely sure now and I believe I worked with at least three (3) different PIA Reviewers during the process. I was really hopeful at the beginning because it looked like we were going to have a quick review process and it was going to be wrapped up many months earlier than the first year.

To compound the situation further, I submitted Form 500 #56016 to reduce the 2016 commitment to allow more reimbursement in the 2017 funding year for the current year projects. This was filed on July 31, 2017.

The second factor was my submission of enrollment number changes within the Form 471 per Page 2, because I didn't realize that the profiles were locked out during the Form 471 application time period. I thought I was doing the right thing to record the most accurate enrollment figures within the process as defined for those who did not submit before the 470/471 application windows. However, in hindsight I should have kept the numbers the same as 2016-2017, because I believe that also became a factor in creating a shifting Category Two Budget which creates a challenge for a District trying to maximize reimbursement in situations when planned projects costs are well in excess of reimbursements.

The third factor was my inclusion of ineligible products and services. I inadvertently included licensing and a performance bond as eligible services. These were discovered at different times during the PIA Review process.

The three factors above greatly confused the resolution of the PIA Review questions because they were determined by different PIA reviewers at different times during the process. The inability of a Billed Entity to see the cumulative effect of the PIA Review modifications and the Form 500 modification greatly impacted my ability to understand what and when the FRN's were being modified. The prohibition of using e-mail to assist with this process and forcing everything through a complicated EPC website did not help. I had almost given up on the process because the EPC was so frustrating until I reached out by phone and one of the PIA reviewers finally understood what was happening. I believe that was in the late August round. I thought we had all issues resolved and then it started all over again in October and November.

Most of my frustration during this process has been centered on the EPC system. All of the PIA Reviewers have been helpful, but the coordination of effort between them, the interfacing with the EPC system, the timing of the changes, the inability to see a cumulative history from both funding years as related to the Category Two building level budgets and inability to see a cumulative history of all of the changes to the current funding requests made this year's E-Rate process the most tedious and frustrating experience I have ever had during the 12 years I have been submitting forms to USAC.

My hope in this waiver request is to allow the District to proceed with the USAC appeal process to ultimately rescind the denial and put all four (4) of these funding requests back into PIA so I can work with a knowledgeable reviewer that will work with us to have the applications corrected and approved with accurate amounts.

Please contact me if you have any questions regarding this appeal directly at 814-725-8671x3905 or [jfox@nesd1.org](mailto:jfox@nesd1.org).

Sincerely,



Jeffrey A. Fox, CPA

Business Manager

