*St. Bernard-Elmwood Place City Schools*

**•***Administration Office* **•**

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St. Bernard-Elmwood Place City School Bruce Helwagen

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BEN: 12987 513-482-7113

Request Type: Appeals Application #: 35688

FRN: 1699038306 FCC Form 471: 161020509

Service Type: Broadband Form 470: 160017591

SPIN: 143024403 Start/End Date: 7/1/2016-6/30/2021

Recurring Charges: $25,188.00 Discount: 85.00%

Commitment: $21,409.80 Funding Approved by USAC

We are filing an appeal to the FCC because our appeal to Schools and Libraries was denied because it was outside of the 60 day filing window. It was funded under Category 2 service, which is incorrect and I am requesting it be switched to the Category 1 service for proper funding.

Here is their denial response:

Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 02/08/2017. Funding Commitment Decision Letter (FCDL) was issued on 08/19/2016. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

The reason for our original appeal is as follows:

We filed for only Category One (1) service on the 470 with no Category Two (2) services at all. When I went to file my 471 for the Internet Services I mistakenly selected Category 2 for the Category of Service.

Unfortunately we were not contacted by any PRI agent about this matter, but I am the one that made the error and take responsibility. The 471 was approved and fully funded along with the 486 that was also submitted and approved/certified for this service also.

Therefore:

We are seeking a appeal/wavier for the 60 day rule with the SLD/USAC for filing our appeals outside the 60 days. When we became aware of the error in filing the 471 in Category 2 (two) we immediately filed our appeal to have the Category switched to 1 (one) where it should have been filed. We followed all competitive bidding processes and filed the 470 request under the proper category (Category 1) during the 470 filing window. The error was only in the filing of this one 471 application and this one FRN.

We are also asking for relief/appeal on our administrative and clerical error of misfiling this service on our 471 as Category 2 (two) when it should have been filed as Category 1 (one). All other services were filed properly and with the correct Category of service. We would like to switch my 471 Category of Service for the application number 161020509 to Category One (1) and re-file a 486 for this service.

I apologize for the error I have made and this is the first time I have made this error in the 19 years of doing this.

Thank you for your help in this matter.

Please let me know if you need additional information.

Bruce Helwagen

Director of Business & Technology

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