**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 ) Application No. 171045841

By Riverwalk Education Foundation, Inc. )

)

**Request for Waiver**

Riverwalk Education Foundation, Inc. (Riverwalk) respectfully requests that the Wireline Competition Bureau (Bureau) waive the invoice deadlines detailed in the table below. We are writing to appeal the denial of two (2) FCC Form 472’s for Funding Year 2017 in the USAC denial letters dated July 8, 2019.[[1]](#footnote-1)

|  |  |  |  |
| --- | --- | --- | --- |
| **Form 471** | 171045841 | 171045841 | 171045841 |
| **FRN** | 1799105081 | 1799105454 | 1799105302 |
| **SPIN** | 143033070 | 143028685 | 143028685 |
| **Invoice Deadline** | 5/28/2019 | 5/28/2019 | 5/28/2019 |
| **Invoice #** | 2936897 | 2936900 | 2936900 |
| **Amount of invoice** | $22,135.68 | $41,550.70 | $31,202.40 |

**Explanation of Appeal/Waiver**

We are writing to appeal the decision made by the Schools and Libraries Division (SLD) of the Universal Service Administration Company to deny the Form 472 (BEAR) invoices listed above for services funded on FCC Form 471 171045841 for funding year 2017. The reason given for both denials was “*Invoice Received Date (06/06/2019) Later Than;*”.

We respectfully disagree with the denial of this invoice for reimbursement because there were barriers beyond the control of the school that caused them to miss the invoicing deadline. Difficulties took place between the school and USAC that cause procedural delays for the school to get to a point where they could submit the BEAR forms listed above.

**Background**

The issues that ensued with USAC were beyond Riverwalk’s control, which ultimately caused them to miss the invoicing deadline of May 28, 2019. Below is an account of the barriers and how we attempted to remedy them so the invoices could be submitted within the deadline.

Riverwalk formerly engaged Harmony Public Schools to file their E-Rate applications until they hired ESC Region 12 E-Rate Consulting (August 2017) to take over the E-Rate process. This transition required Riverwalk to attain a new PIN to access the BEAR system before they could submit an FY 2017 invoice to USAC.

On May 21, 2019, a BEAR PIN was requested for Helen Hernandez and a case was created in EPC (case # 275353).[[2]](#footnote-2) As you can see from the case log (more contacts occurred by phone that are not logged), there were attempts to expedite the process. Despite several phone calls and emails with the Client Service Bureau at USAC to accelerate the process, the waiting period ended up taking seven (7) days. During this waiting period, we involved John Noran, Senior Manager at USAC, and sent an email directly to him on May 28, 2019, since we were in such a time crunch.[[3]](#footnote-3) Mr. Noran issued the PIN immediately. However, this left us with one day to get the BEAR filed. Normally it would not be an issue to file a BEAR the same day as receiving the PIN, but more barriers continued that further hindered the BEAR filing.

Riverwalk recalled submitted a Form 498 back in January but there was no record of it so we had to file a new one. During the waiting period for the BEAR PIN, we filed the Form 498 knowing it might also take a couple of days to get approved – the Form 498 was filed on May 22, 2019. Again, we tried numerous times to escalate the 498 approval process with USAC because the system *will not allow a BEAR submission* unless the Form 498 is associated with the entity. Happily seeing the status of an approved Form 498 on May 28, 2019, we logged in to submit the BEAR but the approved Form 498 did not populate.[[4]](#footnote-4) We immediately got on the phone with the Form 498 team at USAC to find out why. The 498 team stated there was an issue with the BEAR PIN. They stated the BEAR PIN had to be issued to the same contact as the General Financial Contact on the Form 498; which was the Superintendent, not Helen.

Speculating this was erroneous guidance, we email John Noran again to assist. He said the Form 498 contact should not make a difference to the BEAR PIN.[[5]](#footnote-5) We also received confirmation that the Form 498 had been approved but we still could not see it in the BEAR. Mr. Noran was perplexed as well so he decided to reissue a new BEAR PIN for the Superintendent, Mehmet Nalcaci, even though he did not believe that was the issue. After more correspondence with John Noran,[[6]](#footnote-6) it was discovered that the Form 498 would not update until the next day. Painfully, that meant the BEAR forms would be submitted one day late.

Moreover, the BEAR was not filed the next day due to another round of issues. When the BEAR PIN was created for Mr. Nalcaci, it disabled Helen’s PIN. Mr. Nalcaci could not file the BEAR and authorized Helen to do this for him. It took an additional 8 days to reinstate Helen’s PIN before she could submit the BEAR form. Inadvertently, June 6, 2019 is when the BEAR forms were finally filed.[[7]](#footnote-7)

**Conclusion**:

As you can see, there were several barriers that took place causing Riverwalk to miss their BEAR deadline. We hope the FCC and Bureau will recognize the extraordinary circumstances and struggles that kept us from filing within the deadline. Under normal circumstances, these deadlines would have been met but the extenuating circumstances were beyond our control.

There was an earnest effort to meet the BEAR deadlines and we respectfully request the FCC allow the district to be reimbursed for these services by waiving the May 28, 2019, invoice deadline and allow Riverwalk an opportunity to file these invoices. We further attest there is no intent to defraud the program in any way.

Sincerely,



Ginnie Harwood

ESC Region 12 E-Rate Consulting

O: 254.297.2914 | C: 254.717.0238

[gharwood@esc12.net](mailto:gharwood@esc12.net)

CRN 16062048

1. Exhibit A - RW\_2017\_BEAR denial notices [↑](#footnote-ref-1)
2. Exhibit B - RWEDF\_BEAR PIN\_Case #275353 [↑](#footnote-ref-2)
3. Exhibit C – Email to JN [↑](#footnote-ref-3)
4. Exhibit D – RWEDF\_498\_Cases 275862\_275777 [↑](#footnote-ref-4)
5. *Id.* at 3 [↑](#footnote-ref-5)
6. *Id.* at 3. [↑](#footnote-ref-6)
7. Exhibit E – RWEDF\_2017\_BEARs [↑](#footnote-ref-7)