Before the

Federal Communications Commission

Washington, D.C. 20554

In the Matter of

Federal-State Joint Board on Universal Service ) CC Docket No. 96-45

)

Schools and Libraries Universal Service )

Support Mechanism ) CC Docket No. 02-6

**Request for Review and Petition for Waiver For USD 493 Columbus**

# On behalf of USD 493, Columbus, I respectfully submit this request for review and petition for waiver related to the Administrator’s Decision on Appeal issued by the Universal Service Administrative Company (“USAC” or “Administrator”) on July 10, 2018. In that decision, USAC denied the appeal of USD 493, Columbus (or “applicant”) related to four funding request from E-rate Fund Year 2017 (FRNs 1799059614, 1799059618, 1799059627, 1799059638) for the application entitled ‘Second 471 for USD 493 Columbus Category One (Form 471 171027938).

# USD 493 believes that the Schools and Libraries Division (SLD) of USAC failed to take into account all of the facts related to this case, as outlined below. We request that the Commission review the evidence presented herein and in our previous correspondence with USAC and reverse the decision of the Administrator with respect to the 4 funding requests previously mentioned.

Background

USD 493 Columbus is a small school district serving the southeastern part of Cherokee County in Kansas with 4 buildings located in one town. Based upon the NSLP data for the 2017 school year (and Erate funding year), USD 493 had a student enrollment of 983 and a NSLP enrollment of 544, qualifying them for an 80% Erate discount for both Category One and Category Two services. The Erate program, as it does for so many poor, rural school districts, serves as the cornerstone of USD 493’s technology efforts. USD 493 views technology as a critical component in its efforts to bring educational opportunities to its students. Familiarity with and fluency in technology is the key to bringing new opportunities to students living in rural areas. USD 493 has used the E-rate program to put technology tools into the hands of hundreds of students who currently attend and have attended school at USD 493.

Unfortunately, as is often the case with schools that are on an extremely limited budget, staff at USD 493 serve in a variety of roles and capacities.

In Fund Year 2017, USD 493 applied for E-rate funding to cover their Internet service and telecommunication service. After evaluating all the bids received, using price as a primary factor, the four FRNs were awarded to the four vendors listed. During the online filing period, a Form 471 was inadvertently filed. Once the error was noticed, a second Form 471 (the one being referenced in this appeal) was filed and entitled “Second Form 471.” During the PIA review, the consultant for USD 493 informed the reviewer that the first Form 471 was to be cancelled (Form 471 171025102). Unfortunately, an error was made at the PIA review level, and both forms were inadvertently cancelled. This error should have been noticed once the FDCL was received, but due to a change over of district staff and a job status change of the consultant, it was not noticed until June of 2018. At that time, an appeal was filed with the Schools and Libraries, but because of the time lapse, the appeal was denied.

The SLD denied the appeal, citing the following reason *“our records show that your appeal was filed more than 60 days after the date your decision letter was issued.”*

Since USAC claims it is unable to restore the proper funding to the funding commitment, we ask that the FCC do so. This is clearly a simple error made by the reviewer, rather than an attempt to increase funding beyond what should have been included in the Form 471 originally. The oversight in not noticing that the FCDL was denied, while it should have been noticed immediately, was due to a change in district personnel and the job status of the consultant.

In addition, we request that the Commission waive the usual deadline for filing such an appeal because of said change in district personnel resulting in the discrepancy in funding going unnoticed by incoming district staff who had no prior knowledge of Erate.

Conclusion

As this appeal makes clear, it is entirely possible – even probable – that the applicant may have made mistakes related to this particular application by not noticing the denial, but it is clear that the initial error was the result of the PIA reviewer cancelling both Form 471s, when the only one to be cancelled was the first one filed. The mistakes and errors present in this application are clearly ministerial and/or clerical in nature, however, rather than malicious or fraudulent. Given that the lack of funding for FY2017 has caused serious hardship for the District, we strongly believe that it is in the public interest for the FCC to overturn the Administrator’s decision on the appeal and restore funding to the district at the proper level so that USD 493 can continue to provide a quality educational experience for its rural student body.

Respectfully Submitted,

Denise Grasso, Erate consultant

Southeast Kansas Education Service Center and USD 493, Columbus

