FCC REQUEST FOR WAIVER

09/20/2019

Request for Waiver

Marlene H. Dortch, Secretary

Federal Communications Commission

Office of the Secretary

445 12th Street, SW,

Room TW-A325

Washington, DC 20554

CC Docket No. 02-6

**School District:** Contoocook Valley REG SCH DIST

**BEN**: 121098

**FCC Form 471 Number:** 191041867

**FRN:** 1999076777

**RE:** FCC Request for Waiver

Dear Ms. Dortch:

The Contoocook Valley Regional School District acknowledges that USAC cannot waive FCC rules and is respectfully seeking a “One-Time waiver” for the “60 Calendar Day E-rate program rule deadline” to file an appeal with USAC for a Funding Commitment Decision Letter decision issued to District via EPC on 06/06/2019.

On 09/17/2019 the district’s new IT Director, Mark Schaub became aware that the district had been issued a FCDL denial for FY 2019 while preparing to file for the upcoming E-rate funding year and immediately reached out to a Consultant that assisted with E-rate for his previous employer for assistance with this matter.

The district then learned that the previous IT Director for the school district that had E-rate knowledge and performed all E-rate duties for the district for several years had receipt of this FCDL but did not communicate this to anyone else in the district prior to him leaving his position on 06/07/2019 or submit an appeal to USAC on district behalf to dispute this denial decision based on his knowledge of the Red Light reason for denial being satisfied on 06/05/2019, the day before the FCDL was issued.

The District had knowledge of a Red Light Status for their FY 2018 application and in good faith worked with USAC to resolve this issue from November 2018 through May 2019.

A payment to satisfy the outstanding debt was made on 06/05/2019 by Dave Jack, Interim Business Administrator for District that only had knowledge of the financial side of E-rate and was acting in response to the request from Brian Grattan, IT Director to resolve the issue. A Payment ID Satisfaction number of 26HTV6NS was issued for the amount of $3960.00 to Dave Jack, Interim Business Administrator for District via email from USAC’s email address of Payments@usac.org on 06/06/2019---the same day that USAC issued the FCDL denying funding because of the Red Light Status.

The Part-Time Interim Business Administrator, Dave Jack was aware of this payment and satisfaction of the outstanding debt, but did not have knowledge of how this may affect FY 2019 or that a FCDL had even been issued until he was informed of this on 09/17/2019. Dave Jack had no reason to believe there were any issues as he only handled the “finance” side of E-rate for the District and he had receipt that 1) USAC confirmed the payment to satisfy the outstanding debt via email dated 06/06/2019 to Dave Jack and 2) USAC issued a credit to District bank account on 06/17/2019 for $47,198.30 from previous funding year reimbursements that were being held due to Red Light Status, this also confirmed to Interim Business Administrator, Dave Jack that the Red Light Status had been resolved as if not, USAC would have not issued the reimbursement to the District on 06/17/2019 via bank transfer.

In addition to 1) Payment Satisfaction of the outstanding debt and 2) District Transaction Journal posting of funds released to district by USAC, district received the Quarterly E-rate Payment Authorization Report (2nd Quarter 2019) dated 06/30/2019 via US Postal Mail showing the disbursements. Dave Jack opens the US Postal Mail for the district and again stemming from this notification from USAC believed that the Red Light Issue had been satisfied.

While the creation of EPC has been a positive addition to the E-rate program there is still some work that needs to be done to address the notifications that fall through the cracks for school districts and libraries that experience a turnover in staff. If the only means of communication for the notifications to applicant (or designated employee on behalf of applicant) are via EPC (in Contoocook Valley’s case it was the FCDL NL) and the EPC user(s) have abruptly ended employment with an entity, this puts a huge burden on the district as days, months can go by without the knowledge of the information contained in the notifications and/or if there are strict deadlines contained in the notifications that the district has no knowledge of.

Prior to EPC, a hard copy of the FCDL was issued to the person that certified FCC Form 471, with entity name and mailed via US Postal Mail to the entity address stated on the FCC Form 471. We understand that advances in technology are important and by issuing the FCDL via EPC is for the most part efficient, however with only having the FCDL issued via EPC it can be detrimental for districts that have a turnover in staff by leaving important notifications and strict deadlines left unfinished resulting in being penalized for a response request or a deadline that they had no knowledge of and losing out on funding due to circumstances outside of their control.

In addition, the fact that entities still receive “some” notifications via US Postal Mail (e.g. FCC Form 472 BEAR Notification Letters and Quarterly E-rate Payment Authorization Reports) is confusing for a person that has no knowledge or very little knowledge of E-rate program rules and/or is the person that is expected to pick up where the last employee left off and when they see the hard copies received from USAC via US Postal Mail, it is only partial information that they are aware of (in Contoocook Valleys Case, this was the Quarterly E-rate Payment Authorization Report--2nd Quarter 2019 in which there is no mention of a Red Light Status, but instead shows Disbursement Authorization and amounts issued).

With the process of “most” notifications now being issued in EPC with an email issued to the email address stored in EPC, in the event of staff turnover this limits capability of receiving important notifications with the ability to respond by deadlines and there should be some steps put in place to ensure that participant applications do not fall through the cracks, especially if they are not at all familiar with E-rate or EPC.

The District was issued a FCDL on 06/06/2019 that denied their funding request amount of $87,242.40. The FCDL Funding Commitment Decision Comments stated DR1: “On 05/30/2019 your application was denied because you are on Red Light Status with the FCC as of 04/17/2019”. This finding that was discovered on 09/17/2019 was also confusing to the district as the snail mail “Quarterly E-rate Payment Authorization Report” gave an issue date of 06/30/2019 and referenced disbursement authorization date of 04/04/2019, which for a person new to E-rate is very confusing when they do not have any knowledge of the application process flow chart, APs, SPs, FY start and end dates, FCDLs, RNLs, RALs, FCDLs, NLs, Appeals and Waivers.

The District is acting in good faith by filing this Request for Waiver immediately upon learning on 09/17/2019 that the previous employee that was the designated E-rate filer for several years had resigned from the district without communicating to the district prior to his departure date of 06/07/2019 where he had left off in the E-rate process causing hardship to the district.

Below is an outline of the events that took place leading up to this Request for Waiver where timing of Red Light Payment, FCDL NL including Method of FCDL NL and EPC User employee vacancy were all critical factors that contributed to District seeking FCC relief. Relevant attachment #’s are identified for viewing documents that support our Request for Waiver.

**Attachment #1 Contoocook Valley Supporting information pertaining to the Red Light Payment & Status**

Red Light Payment made by District Date: 06/05/2019

Red Light Payment ID Satisfied Confirmation #: 26HTV6NS

Red Light Payment Amount: $3960.00

Red Light Account #: 143021460

Red Light Email Payment confirmation from [Payments@usac.org](mailto:Payments@usac.org) Dated 06/06/2019 to Dave Jack, Interim Business Administrator

**Attachment #2 Contoocook Valley Supporting information pertaining to FCDL**

**FCDL Date:** 06/06/2019 issued to Brian Grattan, IT Director via stored email in EPC

**FCDL Funding Commitment Decision Comments:** DR1: On 05/30/2019 your application was denied because you are on Red Light Status with the FCC as of 04/17/2019

**Attachment #3 Contoocook Valley Supporting E-rate Credits/USAC Quarterly Report/Employee Dates**

Deposit Date by USAC 06/17/2019 Verified by Dave Jack, Interim Business Administrator

Supporting USAC US Postal Mail Quarterly Report with date issued by USAC 06/30/2019, Snail mailed to District address Attn: Brian Grattan, IT Director

Contoocook Valley Supporting Staff Roster dated 09/17/2019 from Dave Jack, Interim Business Administrator verifies the last day of employment for Brian Grattan, IT Director was 06/07/2019 and that the district was not provided with any E-rate guidance to assist staff members to resume the application process or navigate EPC

The District had extraordinary circumstances take place and respectfully requests approval from the Commission for this waiver to best serve the public interest.

Sincerely,

Lori Puckett, Consultant

Federal Funds Assistant LLC on behalf of Contoocook Valley Schools