



Tuesday, November 05, 2019

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

RE: CC Docket No 02-6 - Request for Waiver and Extension of Invoice Deadline
Billed Entity Name: Orchard School
Billed Entity Number: 51691
471 Number: 181025136
FRN: 1899057928

Contact: Rachel Parton, E-Rate Contact
AdTec, Inc
PO Box 97
Centerville, IN 47330
734-787-4561
rachel@adtecerate.com

TEXT OF DECISION WE FOR WHICH WE ARE REQUESTING A WAIVER:

“This FRN has already passed its original IDD”

We request a waiver of the deadline to request an extension of the invoice filing deadline for FRN 1899057928.

BACKGROUND

FY2018 was The Orchard School's first year participating in the E-Rate program and we have spent a great deal of time trying to get our FCC Form 498 (498) submitted and approved. Our 498, #443026269, was certified on June 24, 2019 at 2:49pm. Both the school and our E-Rate Consultant have reached out to USAC many times since to get it approved. The response in Customer Service Case #281013 on August 13, 2019 stated "Once USAC is able to verify your banking information, you will receive an email to confirm that your Form 498 was approved - or if there was a problem, that it was denied." The Orchard School has verified that no email was received with further information and we believe we have completed the online steps to provide the necessary banking information to receive approved status for our 498. Our E-Rate Consultant created a new Customer Service Case on August 23, 2019 (#282168) to check the status of our form and was told in response to

call the Client Service Bureau. Our E-Rate Consultant tried on several different occasions to get through to a representative via phone. Our E-Rate Consultant left voicemails and waited on hold until she was automatically sent through to the voicemail service as well. Despite leaving her information in the voicemails, the E-Rate Consultant did not receive a call back from any representative. Focusing so intently on getting the FCC Form 498 approved, we missed the deadline to request an invoice deadline extension on October 28, 2019. On October 29, 2019 we realized our error and immediately attempted to request an extension. This request was denied (see attached). We write today seeking a waiver of the deadline to request an extension of the invoice deadline and seek an extension of the time to invoice for FY 2018 FRN 1899057928 to allow USAC to complete their processing of our FCC Form 498.

ANALYSIS

DA 17-256, colloquially known as the Ada rule, set a new standard for granting waivers of the E-Rate invoice filing deadline and by extension for the deadline to request extension of the deadline. In Ada, the FCC clearly stated that waivers of these deadlines would be appropriate if “(i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will service the public interest.

(i) Special Circumstances – The Ada rule addressed circumstances where delays in approval of FCC Form 498 kept applicants from successfully filing their reimbursement invoices with USAC. At the time of the order, USAC had experienced unprecedented delays in processing new 498 applications as all applicants to the E-Rate process filed their applications in a roughly four-month period. Since then, USAC has instituted new procedures to streamline the 498 processing, but those procedures have not allowed for the timely processing of Orchard’s 498. We have worked with USAC staff to provide the necessary information to approve our 498, but as of the writing of this request for a waiver, the form remains only certified. In Ada, the FCC found the USAC’s inability to provide applicants with approved 498 IDs to be enough of an extraordinary circumstance to warrant waiver of the extension request rule.

One of the new procedures USAC created was a tool in the E-Rate Productivity Center (EPC) to allow applicants to request a one-time 120-day extension of the invoice deadline. E-Rate program rules state that this request must be filed before the invoice deadline. We acknowledge that we missed this deadline by one day and seek a limited waiver of the deadline much like the limited waiver of the certification of FCC Form 471s granted by FCC 10-122 - the Academy of Math and Science rule (where the deadline to file an FCC Form 471 is waived if the form is certified within 14 days of the FCC Form 471 filing window deadline). The Academy of Math and Science rule is grounded in the Bishop Perry Order, where waivers of the FCC Form 471 filing deadline were granted for a variety of reasons including inadvertent errors. Such inadvertent errors have since been termed “ministerial or clerical errors”. This important Order acknowledges that E-Rate applicants are human beings who occasionally, despite their best efforts to avoid them, make mistakes and grants a procedure for forgiveness of these errors. Building on this, the Academy of Math and Science rule grants waivers of the deadline to file an FCC Form 471 for four possible

reasons, one of which is simply that the form was finally filed within 14 days of the filing deadline. We ask that such a similarly reasonable extension of the deadline to request an extension of the invoicing deadline be set and an acknowledgement that our request for such a deadline only one day late be deemed sufficient for a waiver of the deadline.

(ii) Public Interest – FRN 1899057928 was approved for \$22,935.12 for FY2018. With a discount of 40%, Orchard School's funding cap for FY2018 was \$9,174.05. Of that, they spent \$21,801.64 from July 1, 2018 – June 30, 2019, so they are eligible to receive \$8,720.66 in reimbursements. As a private non-profit in the city of Indianapolis, Orchard School relies on their E-Rate reimbursements in order to make the most of their limited operational budget. A strict adherence to the letter of the law will bring undue hardship to the school.

In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements in our request.

ACTION REQUESTED

We believe we have successfully met the requirements of special circumstances and public interest required by the Ada rule and respectfully request a waiver of the deadline to request an invoice deadline extension and approval of the standard 120 day invoice deadline extension for FRN 1899057928. Once the FCC Form 498 is approved by USAC we stand ready to submit the invoice for reimbursement.

Thank you for the consideration of our request.

Thank you,



Courtney Williams
Chief Financial Officer

Attachments:

Copy of Extension Request Denial Letter
Copy of Customer Service Cases

#281013 - 498 Form 443026269

[Summary](#) [News](#) [Related Actions](#)

Case Details

Topic FCC Forms 498/499 - Status Inquiry

Status Closed

Priority High

Inquiry Type Web

Created By Nate Surls

Created On 8/13/2019 3:24 PM EDT

Organization [ORCHARD SCHOOL](#)

Case Description

Description To whom it may concern:
498 Form 443026269 has been certified, but still doesn't populate in the BEAR form. Please let me know what is missing so we can complete the process for our reimbursements.
Thank you.

Case Artifacts

Documents			Attachments	
Name	Uploaded By	Upload Date	Attachment	Attachment Type
No items available			No items available	

Case Thread

User	Note	Date

User	Note	Date
USAC	<p>Once USAC is able to verify your banking information, you will receive an email to confirm that your Form 498 was approved - or if there was a problem, that it was denied. This email goes to the General Financial Contact on the Form 498.</p> <p>To check the status of your Form 498 please use the Search for 498 ID Status tool on the Schools and Libraries website. To Search for your Form 498 use Ctrl+F and look by either the BEN or 498 ID. You can access the tool by following this link: https://efile.universalservice.org/ServiceProviderManagement/V1/Report498/Index</p> <p>If you cannot find your Form 498 using the search tool, you can check on the status by contacting USAC Customer Support at 888-641-8722, option 4.</p> <p>To confirm receipt of your banking documentation, you may send an email to FinOps-Processing@usac.org or contact USAC Customer Support at the phone number listed above.</p> <p>If you have any questions or believe this case was closed incorrectly, please re-open this case or contact us at (888)-203-8100.</p> <p>Thank you, Derrick H Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	8/14/2019 4:29 PM EDT

Case Contact

Case Contact Nate Surls



#282168 - Orchard School 498

[Summary](#) [News](#) [Related Actions](#)

Case Details

Topic	FCC Forms 498/499 - Status Inquiry	Created By	Rachel Parton
Status	Closed	Created On	8/23/2019 9:59 PM EDT
Priority	High	Organization	ORCHARD SCHOOL
Inquiry Type	Web		

Case Description

Description	To whom it may concern: Can you please let me know what is needed for Orchard School to receive their 498 number? They are under the impression that they've completed all steps, so I'd like to know what guidance to give them. I appreciate your prompt response, as the deadline for BEAR filing is approaching. Thank you!
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Case Artifacts

Documents			Attachments	
Name	Uploaded By	Upload Date	Attachment	Attachment Type
No items available			No items available	

Case Thread

User	Note	Date

User	Note	Date
USAC	<p>Thank you for contacting USAC's Client Service Bureau regarding FCC Form 498.</p> <p>Rachel, I am suggesting that your client give the 498 Finance team to check on the status of their FCC Form 498 application.</p> <p>If you need to contact them in the future, please dial 888-641-8722, Option 4.</p> <p>They are available from 9:30 - 4:30, Eastern Standard Time.</p> <p>If you have any question or believe this case was closed incorrectly, please re-open this case or contact us at (888)-203-8100.</p> <p>Thank you,</p> <p>Avila W.</p> <p>Universal Service Administrative Company (USAC)</p> <p>Client Service Bureau</p> <p>(888) 203-8100</p>	8/26/2019 6:11 PM EDT

Case Contact

Case Contact Rachel Parton



Rachel Parton

From: portal@portal.usac.org on behalf of EPC Application Administrator
<EPC.Application.Administrator@portal.usac.org>
Sent: Tuesday, October 29, 2019 7:11 PM
Subject: USAC: Invoice Deadline Extension Request 10592
Attachments: Invoice Deadline Date Extension Request 10592 Details_10-29-2019_19_10_25.xlsx



The attached file lists the Invoice Deadline Date for all funding request numbers (FRNs) submitted in Invoice Deadline Extension Request 10592. Out of 1, 0 FRNs were approved for an invoice deadline extension on 10/29/2019. 1 was denied and 0 were ineligible for an invoice deadline extension. This notification serves as USAC's decision on your invoice deadline extension request. No further extensions may be granted. An invoice requesting reimbursement must be submitted to USAC by the following date in order to be considered as timely filed. Please check the attached spreadsheet for a detailed breakdown of your new approved deadlines by FRN.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's website for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System \(ECFS\)](#). Include your contact information, a statement that your filing is a waiver request, identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

If you need assistance, you may contact our Client Service Bureau toll-free at (888) 203-8100, or by submitting a customer service case in EPC. To do so, select "Contact Us" from the menu in the top right corner of your landing page and then provide the requested information.

Sincerely,
Universal Service Administrative Co.

NOTE: Please do not reply to this email.

This message has been sent by EPC

