FCC Waiver request for late USAC filing

Duluth Public Library, 520 West Superior Street, Duluth MN 55802

Post Commitment Request Number: 165125

BEN: 166697 FRN: 1899051452

Please waive the USAC filing deadline for submitting a FCC Form 472 late.

I believed the conversations and inquiries I had with USAC related to this filing extended our timeline for filing the corrected forms, including our revised 472.

The 9/23/2019 USAC update to my appeal said “customer will update case with her questions and concerns” which I took to mean my case was still ongoing and therefore the deadline extended. I didn’t know each inquiry was a stand-alone item, even when they related to the same form and issues, until I called about the ‘Closed’ status listed on the same form that said ‘customer will update case’.

Since June 2019 I have been working with USAC to answer questions and provide the needed, correct information to receive reimbursement for our 2018 cabling work.

Here is the timeline and information provided to USAC:

1. We received a Request for Information on June 12, 2019.

* We had to answer USAC inquiry about the 2018 wiring done on the top floor for moving the computer lab. I had provided wrong contract.
* The inquiry related to the contract expiration date coming before the work started plus we needed to explain the delay in starting the work.
* We did answer the inquiries, after first asking for a time extension which was automatically granted.
* Inquiry answered June 26, 2018. Follow-up phone call received June 27, 2019.

1. New inquiry sent to us June 27, 2019 asking for more details. As we weren’t sure what was needed a lot of information was sent:

* Contractor (Parsons) quote for this work, had an original submission date of 10-16-2018. It included notice that the bid was good for 30 days, expiring on 11-15-2018.
* We provided the ‘Parsons Notice to Proceed 1.18.2019’ from the City of Duluth that tells Parsons they can proceed with the work and cites their 10.18.2018 bid.
* We provided the ‘Parsons-Library Cabling Contract-City of Duluth L30145’ that Parsons signed on 12-17-2018 and City signed on 1-18-19 that also referenced the terms of the original 10.18.2018 bid.
* We provided copies of Parsons equipment lists as USAC asked for more equipment details then provided by the bid document.
* We provided document called ‘Parsons\_Library Cabling update’ that showed City signing off on this work.
* We provided ‘invoice from Parsons’ when I submitted original 472, BEAR form, for payment and provided it again during inquiry. This payment was before the end of the state fiscal year 2018 and it showed the work was done within the 2018 funding year, which goes from July 1, 2018 to June 30, 2019.

1. We thought all questions were answered and we submitted our revised 472 BEAR form on August 29, 2019
2. We received notice that our revised submission for this work was denied. I didn’t understand the reason for this decision as I thought we’d answered all the questions and provided the necessary paperwork.
3. I submitted a request for clarification on this denial, after telephoning USAC and not getting any answered but told I needed to do on EPC appeal. So case #282153 was created 08/23/2019 asking for clarification on the reasons for denial. I thought we’d opened a dialog about our BEAR 472 submission where we would get questions answered and we could submit the correct paperwork.
4. My question about why we were denied was answered, once again telling me the same information.
5. I called USAC again and asked about this and they repeated what was in the paperwork and didn’t explain any further.
6. USAC added more information to my appeal on 9.6.2019.
7. I thought I’d continue to get more questions and information from USAC but did not.
8. When I realized I wasn’t getting another updated I called again, about a week later, and was told that each appeal was separate from any other inquiry or appeal and that I’d need to do another appeal.
9. On 9/23/2019 I submitted another appeal in EPC.
10. On 9/23/2019 I received an email that additional information had been provided. When I checked the appeal the Case Description described my phone call and states “Questioning on how to submit her appeal. BEAR notification letter… Customer will update case with her question and concerns.”
11. As soon as I realized I needed to create another I appeal I did so. Our second appeal was filed that same day, on 9/23/2019.
12. This is the appeal that was denied as past the deadline.
13. I’ve also attached 5 documents, 2 are emails showing USAC contact dates and 3 are forms from EPC.