**Before the**

**Federal Communications Commission**

**Washington, D.C. 20554**

In the Matter of )

)

)

Schools and Libraries ) CC Docket No. 02-6

Universal Service Support Mechanism )

)

Request for Review and/or Waiver by )

the Revere (MA) Public School District ) 471 Application No. 864209

of Funding Decision by the ) FRN 2353403

Universal Service Administrative Company )

**REQUEST FOR REVIEW AND/OR WAIVER**

**BY REVERE PUBLIC SCHOOLS**

**OF FUNDING DECISION BY THE**

**UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Revere Public Schools (BEN 120550) respectfully requests a review of the denial in the Administrator’s Decision on Appeal-Funding Year 2012, dated September 26, 2018 (Attachment A). The original appeal refers to the Recovery of Improperly Disbursed Funds (RIDF) Letter issued for FRN 2353403for FY2012. This RIDF letter, dated June 18, 2018, issued the following Funding Commitment Adjustment Explanation:

*You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds on the amount of $15,667.88.*

Revere Public Schools originally submitted a timely Form 472 (BEAR form) for FRN 2353403 on September 16, 2013 (Attachment B). Although it was filed by the applicant within the appropriate timeline, and before the invoice filing deadline, the BEAR form was not timely certified as necessary by the vendor, thus qualifying it under the *Jefferson-Madison decision*. Subsequent BEAR forms were filed on October 20, 2014 and November 3, 2014 (Attachment C). At the times these BEAR forms were filed there were issues with the vendor continuing to not certify the BEAR and also of an issue between the vendor and USAC whereby USAC could not locate the vendor for check mailing purposes. The payment from USAC to the vendor was actually canceled in a letter dated January 14, 2015 (Attachment D) and the school was advised to submit a Good Samaritan request in order to receive payment. Concurrently, the applicant was working with the vendor and USAC on resolving the communication issue so that all USAC systems accurately reflected the vendor’s contact information as they were still actively participating in the E-rate program. It was believed this issue was resolved on multiple occasions. A review of the internal USAC notes associated with SPIN 143008129 should reveal the extensive correspondence between this vendor and USAC.

Then, on August 2, 2017 the school received a letter from USAC, an Administrator’s Decision on FCC Remand-Funding Year 2012 (Attachment E). In that letter, it stated:

*You are receiving this Administrator’s Decision Letter because USAC has identified you as qualifying for relief provided for in FCC Order DA 17-526 released on May 30, 2017.*

*In DA 17-526, the FCC directed USAC to allow applicants to resubmit invoices, or Billed Entity Applicant Reimbursement (BEAR) forms, which had been timely filed between August 2014 and July 2016 and that were rejected "based on a lack of timely service provider certification before the invoice filing deadline." The FCC directed USAC to allow for resubmission of these BEARs and processing within the next 90 days.*

*We have identified your BEAR form for the invoice # 2091995 where the system change prevented service providers from certifying BEARs that were pending on July 1, 2016. The remaining commitment on this Funding Request is $15667.88.*

*Please resubmit your BEAR form for the information identified above by September 1, 2017 for processing.*

As a direct result of the receipt of this letter, the school resubmitted a BEAR for FRN 2353403 (Attachment F) on August 7, 2017, several weeks before the deadline of September 1, 2017 that was identified on USAC’s letter dated August 2, 2017. A formal remittance statement was issued to the applicant on August 10, 2017 approving the BEAR in full at $15,667.88 (Attachment G).

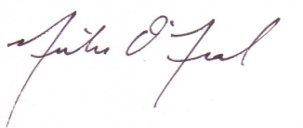
The FCC’s Fifth Order and Report allows flexibility when seeking repayments of funds. According to paragraph 19, “recovery may not be appropriate for violation of all rules regardless of the reason for their codification… Likewise recovery may not be appropriate for violation of procedural rules codified to enhance operation of the e-rate program.” This is not an instance where the outcome violated rules that undermined “statutory requirements or substantive policy goals of the program” as indicated in paragraph 29 of the same FCC document.

Nor is it a case of wasteful, fraudulent or abusive activity towards the E-rate program by Revere Public Schools. Rather, it is simply a case of an applicant who correctly followed all guidelines and was awarded funding which they tried on several occasions to access via the BEAR form process. Then, when told to do so by a letter from USAC, filed a claim to receive reimbursement for their E-rate eligible project and then later was told they must return those funds.

Therefore, we respectfully ask that the USAC Administrator’s Decision on Appeal be overturned and the Recovery of Improperly Disbursed funds be withdrawn so that the school district can keep the funds they were awarded. The RIDF letter appears to be an error on USAC’s part and to punish the applicant would not work within the spirit of the program. In addition, the funds have already been disbursed to the school district and the budget for this year has already been established. It would be crippling for the school district to try to repay the funds at this time. This would fail to serve the public interest of the community.

Should you have any questions or require additional information please do not hesitate to contact me.

Warmest regards,



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President

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