

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|                                       |   |                                       |
|---------------------------------------|---|---------------------------------------|
| In the Matter of                      | ) |                                       |
|                                       | ) |                                       |
| <b>Missouri Network Alliance, LLC</b> | ) |                                       |
|                                       | ) |                                       |
| Petition for Waiver of                | ) | CC Docket No. 02-6                    |
| FCC Form 474 Filing Deadline          | ) | DA 17-1130 released November 30, 2017 |
| Petition for Reconsideration          |   |                                       |

**Request for Reconsideration on Petition for Waiver of FCC Form 474  
Filing Deadline for Funding Year 2016**

Missouri Network Alliance, LLC. (“Missouri Network Alliance”) hereby respectfully requests the Commission to reconsider its previous findings denying a waiver of the Form 474 filing deadline for good faith effort, a lack of good cause and extraordinary circumstances.

**I. Background**

Missouri Network Alliance began providing E-Rate services to Carlinville Community United School District (“Carlinville”) on July 1, 2015. Carlinville was the first and only school (or any customer) that Missouri Network Alliance was providing service to that utilized the Form 474 Service Provider Invoice (“SPI”) method of invoicing for reimbursement from USAC. Missouri Network Alliance had several other customers at the time, but these other E-Rate customers used the Form 472 Billed Entity Applicant Reimbursement (“BEAR”) method.

After working with Carlinville in December 2015 to determine who would be responsible for receiving reimbursements, Missouri Network Alliance filed its first Form 474 SPI for July – November 2015 (since it was still December, the company could not request that period

yet). Following the submission of the Carlinville Form 474 in December 2015, Missouri Network Alliance did not have any additional E-Rate Form 474 SPI customers until the end of 2016 or the beginning of 2017. In early 2017, the company started going through all of the funding for its five E-Rate customers currently utilizing the SPI method and discovered that the company still had billing outstanding for Carlinville for the period of December 2015 – June 2016. In good faith and immediately on recognizing its error, Missouri Network Alliance submitted this Form 474 SPI on February 10, 2017, exactly 7 business days after missing its deadline. This mistake while the accounting staff was going through its busy financial statement year end closing, board presentation and tax preparation where multiple audits were being conducted. A remittance statement from USAC indicated that the disbursement would be \$0.00 as the request date was after the cut-off date of January 30, 2017 for filing the Form 474.

On September 15, 2017, Missouri Network Alliance filed an appeal requesting an Invoice Deadline Extension for Application 10018785, CC Docket 02-6. The Commission denied the appeal (DA 17-1130; released November 30, 2017) citing in a footnote that the appeal “failed to demonstrate extraordinary circumstance justifying a waiver” and noting, “it is generally not in the public interest to waive the Commission’s invoicing rules absent extraordinary circumstances.”<sup>1</sup> Missouri Network Alliance now timely files a Request for Reconsideration of its Appeal for a waiver of the Form 474 deadline.

## II. Request for Reconsideration

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<sup>1</sup> See DA 17-1130, CC Docket 02-6, footnote 15, citing *Requests for Waiver of Decisions for the Universal Service Administrator by Ada School District et al; Schools and Libraries Universal Service Support Mechanisms*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) and *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29, FCC Rcd 8870, 8966, para. 240 (2014); See also 47 CFR §54.514.

Missouri Network Alliance Requests Reconsideration of its Appeal that was denied by the Commission so that it may present additional information not included in the original appeal and the company believes that it provides a basis for the Commission to reconsider the denial in its previous decision.

A. Special Circumstances

Missouri Network Alliance's appeal did not provide any information for why the Form 474 was filed late or any argument for why a waiver should have been granted. This petition for Reconsideration presents new information that the company believes warrants reconsideration of the previous denial.

As previous noted, Carlinville was the first E-Rate Applicant that Missouri Network Alliance provided services to that used the Form 474 SPI method for reimbursement. In December 2015, the company submitted Form 474 for the period July 2015 through November 2015, but because it was still in December, the company did not submit the Form 474 for the services ending on December 31, 2015. Since that time the company acquired additional customers and began to submit the Form 474 for funding, when available, every quarter. With the exception being for Carlinville for this past funding year, July 2016 to June 2017, because an approved Form 486 was not sent to Missouri Network Alliance until June 25, 2017. This was after the services were provided for from July 2016 – June 2017. Therefore, the company submitted for funding all at once in July 2017. However, the company, in most situations now seeks to submit the Form 474 every quarter.

Regarding the instant Form 474 that is in question for the petition for Reconsideration, the Form 474 was filed on February 10, 2017 after it had been discovered that there were outstanding

billing for Carlinville for the period December 2015 through June 2016. The Form 474 submission was ultimately rejected because the deadline for submitting this particular Form 474 was January 30, 2017.

Missouri Network Alliance acknowledges that it is its responsibility to understand how the E-Rate reimbursement process functions and the dates that forms need to be filed by for reimbursement. As noted previously, Missouri Network Alliance now generally files quarterly Form 474 for reimbursement but the Carlinville Form 474 was its first SPI method used by an applicant and, unfortunately, it was inadvertently filed late. Although Missouri Network Alliance understands that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances, under these particular circumstances it believes a reconsideration for a waiver is in the public interest for the following reasons:

1. The Form 474 was filed upon discovering the past due amounts were still outstanding and only 7 business days after the filing deadline of January 30, 2017.
2. With the exception of the December 2015 and January 2016 billing period, the other billing periods listed on the Form 474 that was filed by Missouri Network Alliance were for relatively recent billing periods and less than 8 months old.
3. Immediately upon realization of its error, Missouri Network Alliance implemented set procedures to ensure it filed Form 474 invoices on a quarterly basis and to ensure there will not be a repeat of the inadvertent filing error for the Carlinville Form 474 that was filed late. Missouri Network Alliance has had no filing issues since or before this isolated incident.

4. Carlinville will suffer a financial hardship of \$18,620 if the Form 474 filing deadline is not waived because it cannot afford to pay Missouri Network Alliance the total amount for the service provided if the company is not allowed to receive the E-Rate reimbursement for these services. Further, it would potentially cause financial harm to Missouri Network Alliance if the deadline was not waived and would do further damage to the service provider / customer relationship based on issues that would arise from unpaid commitments.

#### **Conclusion**

Missouri Network Alliance requests the Commission to reconsider its previous findings denying a waiver of the Form 474 filing deadline because strict enforcement of the filing deadline in this case would be inconsistent with the public interest, would unfairly penalize Missouri Network Alliance, and would cause a substantial undue financial hardship on the Company or the E-Rate school.

Respectfully submitted,

**Missouri Network Alliance, LLC**

By:   
Chris Bach  
Chief Financial Officer

**EXHIBIT A – FIRST USAC INVOICE**


|  |  |  |
|--|--|--|
| FCC Form 474   | <b>Do not write in this space.</b>                                     | Approved by OMB<br>OMB Control No. 3060 – 0856<br>Estimated time per response: 1.0<br>hour |
| <b>Schools and Libraries Universal Service<br/>Service Provider Invoice FCC Form 474</b>             |  |  |
| Please read instructions before completing   |  |  |
| Service Provider Form Identifier<br>CFLNVL1215-0616<br>(Create an identifier for your own reference) | FCC Form 474 Invoice<br># 2525691<br>(To be inserted by administrator) |  |
| <b>Block 1: Service Provider Information</b>   |  |  |
| 1. <b>Service Provider Name</b> Missouri Network Alliance, LLC                                       |  |  |
| 2. <b>Service Provider Identification Number (SPIN)</b> 143027882                                    |  |  |
| 3. <b>Contact Person's Name</b> Chris Bach   |  |  |
| 4. <b>Contact Telephone Number</b> <b>Area Code:</b> 573 <b>Phone Number:</b> 7774211 <b>Ext.</b>    |  |  |
| <b>Contact Fax Number</b> <b>Area Code:</b> 573 <b>Fax Number:</b> 7774201                           |  |  |
| <b>Contact Email Address</b> chris.bach@bluebirdnetwork.com  |  |  |
| 5. <b>Total Invoice Amount</b> (total of Block 2, Column 13) 18620                                   |  |  |

Approved by OMB  
OMB Control No. 3060 – 0856

| SPIN <u>143027882</u>   |  |   |   |  |  |                         |  |
|---|--|---|---|--|--|-------------------------|--|
| Service Provider Form Identifier <u>CFLNVL1215-0616</u>   |  |   |   |  |  |                         |  |
| Contact Person <u>Chris Bach</u>  |  |   |   |  |  |                         |  |
| Contact Telephone Number <u>573-7774211</u>   |  |   |   |  |  |                         |  |
| <b>Block 2: Funding Request Number Information</b>  |  |   |   |  |  |                         |  |
| 6.<br>FCC Form<br>471<br>Application<br>Number<br>(from<br>Funding<br>Commitment<br>Decision<br>Letter) | 7.<br>Funding<br>Request<br>Number<br>(FRN)<br>(from<br>Funding<br>Commitment<br>Decision<br>Letter) | 8.<br>Bill<br>Frequency<br>(e.g.,<br>Monthly,<br>Quarterly,<br>Annually,<br>One-time,<br>Other) | 9.<br>Customer<br>Billed<br>Date<br>(mm/yyyy)   | 10.<br>Shipping<br>Date to<br>Customer<br>or Last<br>Day of<br>Work<br>Performed<br>(mm/dd<br>/yyyy) | 11.<br>Total<br>(Undiscounted)<br>Amount for<br>Service per<br>FRN | 12.<br>Discount<br>Rate | 13.<br>Amount<br>Billed to<br>USAC<br>(Column<br>11<br>multiplied<br>by<br>Column<br>12) |
|   |  |   | For each FRN, there should be<br>an entry in<br>Column 9 or Column 10 but<br><b><u>NOT BOTH</u></b> |  |  |                         |  |
| 1018785   | 2789397  | MONTHLY   | 12/01/2015  |  | 3800   | 70                      | 2660   |
| 1018785   | 2789397  | MONTHLY   | 01/01/2016  |  | 3800   | 70                      | 2660   |
| 1018785   | 2789397  | MONTHLY   | 02/01/2016  |  | 3800   | 70                      | 2660   |
| 1018785   | 2789397  | MONTHLY   | 03/01/2016  |  | 3800   | 70                      | 2660   |
| 1018785   | 2789397  | MONTHLY   | 04/01/2016  |  | 3800   | 70                      | 2660   |
| 1018785   | 2789397  | MONTHLY   | 05/01/2016  |  | 3800   | 70                      | 2660   |
| 1018785   | 2789397  | MONTHLY   | 06/01/2016  |  | 3800   | 70                      | 2660   |
| <b>TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM 5</b>   |  |   |   |  |  |                         |  |



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|  |                           |
|--|---------------------------|
| <b>Service Provider Invoice FCC Form 474</b>   |                           |
| <b>Service Provider Form Identifier</b> <u>CFLNVL1215-0616</u>   |                           |
| <b>Contact Person</b> <u>Chris Bach</u>  |                           |
| <b>Contact Telephone Number</b> <u>573-7774211</u>   |                           |
| <b>Block 3: Service Provider Certifications &amp; Signature</b>  |                           |
| <b>I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Invoice Form (FCC Form 474) and acknowledge to the best of my knowledge, information and belief, as follows:</b>   |                           |
| <p><input checked="" type="checkbox"/> A. I certify that this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments.</p> <p><input checked="" type="checkbox"/> B. I certify that the certifications made on the Service Provider Annual Certification Form (FCC Form 473) by this Service Provider are true and correct.</p> <p><input checked="" type="checkbox"/> C. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.</p> |                           |
| <b>14. Signature of authorized person</b>   | <b>15. Date</b> 2/10/2017 |
| <b>16. Printed name of authorized person</b><br>Chris Bach   |                           |
| <b>17. Title or position of authorized person</b><br>Chief Financial Officer   |                           |
| <b>18. Telephone number of authorized person</b><br>573-7774211  |                           |
| <b>19. Address of authorized person</b><br>2005 W. Broadway<br>Bldg. A, Ste. 215<br>Columbia MO, 65203   |                           |

Approved by OMB  
OMB Control NO. 3060 – 0856

**Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.**

**FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

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**THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**

**Do not staple the FCC Form 474.**



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**EXHIBIT B – SECOND USAC INVOICE**

143027882|Missouri Network Alliance,  
L.L.C.|chris.bach@bluebirdnetwork.com|usacstatement@universalservice.org|  
7|\$0.00|Schools And Libraries|As of February 13, 2017  
SPI|143027882|CFLNVL1215-0616|2789397|"SLD Invoice Number:2525691;Line  
Item Detail Number:8431556;Amount Requested:2660.00;Invoice Received Date  
[02/10/2017] Later Than Invoice Acceptable End Date  
[01/30/2017];12;"|062016|\$0.00  
SPI|143027882|CFLNVL1215-0616|2789397|"SLD Invoice Number:2525691;Line  
Item Detail Number:8431558;Amount Requested:2660.00;Invoice Received Date  
[02/10/2017] Later Than Invoice Acceptable End Date  
[01/30/2017];12;"|062016|\$0.00  
SPI|143027882|CFLNVL1215-0616|2789397|"SLD Invoice Number:2525691;Line  
Item Detail Number:8431560;Amount Requested:2660.00;Invoice Received Date  
[02/10/2017] Later Than Invoice Acceptable End Date  
[01/30/2017];12;"|062016|\$0.00  
SPI|143027882|CFLNVL1215-0616|2789397|"SLD Invoice Number:2525691;Line  
Item Detail Number:8431561;Amount Requested:2660.00;Invoice Received Date  
[02/10/2017] Later Than Invoice Acceptable End Date  
[01/30/2017];12;"|062016|\$0.00  
SPI|143027882|CFLNVL1215-0616|2789397|"SLD Invoice Number:2525691;Line  
Item Detail Number:8431563;Amount Requested:2660.00;Invoice Received Date  
[02/10/2017] Later Than Invoice Acceptable End Date  
[01/30/2017];12;"|062016|\$0.00  
SPI|143027882|CFLNVL1215-0616|2789397|"SLD Invoice Number:2525691;Line  
Item Detail Number:8431564;Amount Requested:2660.00;Invoice Received Date  
[02/10/2017] Later Than Invoice Acceptable End Date  
[01/30/2017];12;"|062016|\$0.00  
SPI|143027882|CFLNVL1215-0616|2789397|"SLD Invoice Number:2525691;Line  
Item Detail Number:8431566;Amount Requested:2660.00;Invoice Received Date  
[02/10/2017] Later Than Invoice Acceptable End Date  
[01/30/2017];12;"|062016|\$0.00

Your Total Actual Disbursement: \$0.00.