



# East Noble School Corporation

October 14, 2014

## REQUEST FOR REVIEW

**CC Docket No. 96-45 and CC Docket No. 02-6**  
**E-Rate Appeal Filed Electronically via the FCC ECFS System**

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

**RE:** Request for Review of the Administrator's Decision on Appeal 471 Application 943560  
FRN 2628233.

Re: Applicant: East Noble School Corporation  
BEN: 130429  
Form 471 Application Number: 943560  
FRN: 2628233  
Funding Year: 2014  
Applicant Form Identifier: 2014-128  
Service Provider Identifier Numbers (SPIN): 143031119

This letter is an appeal to the Funding Commitment Decision Letter dated June 11, 2014 and USAC's decision to deny the appeal on September 11, 2014.

**USAC's Reason for Denial:**

"Program Integrity Assurance (PIA) processed FRN 2628233 as submitted and approved \$3,278.60 one-time charge requested. On appeal, you requested an increase in funding to \$9,835.80 one-time charge. According to program guidance, increases to funding may be requested when the applicant submits increase in funding on the FCC Form 471 Receipt Acknowledgement Letter (RAL) or during Program Integrity Assurance (PIA) review. Requests to increase funding may be submitted up until the FCDL letter is issued. Based on the documentation in the record, USAC determined that you did not request an increase in funding on the Receipt Acknowledgement Letter (RAL) or during the original/PIA review. Consequently, the appeal is denied." (Exhibit A)

**Issue:**

USAC's denial was based on the applicant not submitting a request to increase the funding through the FCC Form 471 Receipt Acknowledgement Letter (RAL) or during Program Integrity Assurance (PIA) review. However, during the PIA review, the applicant did submit source documentation (signed contract) that listed the correct amount for the increase of funding.



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### **Appeal Review Request:**

A clerical error occurred when inputting the data for Block 5 for the eligible and ineligible amounts for FRN 2628233. The applicant used the FY2013 data for the amount instead of FY2014 data. This was a clerical error and is the kind of error that a typist might make when entering data from one list to another.

### **Response and Request for Review:**

A PIA review was conducted on 3/24/2014 (Exhibit B). Source documentation (Exhibit C) was submitted on 3/25/2014 which was the signed and dated contracts for two Funding Years:

1. Remaining months of FY2013
2. Full year for FY2014

The first pages of the source documentation submitted were the contract for the remaining months of FY2013. This contract listed an eligible pre-discount amount of \$3,380, which was erroneously listed on the FY2014 471 for FRN 2628233. This was a clerical error and is the kind of error that a typist might make when entering data from one list to another. The last pages of the source documentation were the correct contract for FY2014 with an eligible pre-discount amount of \$9,835.80. This amount should have been listed on the FY2014 471 for FRN 2628233.

The PIA reviewer noticed that the first pages of the source documentation did not reflect contract dates for FY2014 and thus attempted to deny the entire FRN (Exhibit D and E). The PIA reviewer did not notice that the last pages of the source documentation were the contract for FY2014. On 3/25/2014, the applicant sent the PIA reviewer the source documentation again, but with only the FY2014 contract attached. The applicant did not send the portion listing the amount for the remaining months of FY2013, which had been confusing to the PIA reviewer and applicant.

The PIA reviewer accepted the source documentation for FY2014, which listed the correct dates, but did not accept the increase in funding during the PIA review. Per the FCC's directive (FCC Order DA 10-2354), applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. The contract clearly showed a pre-discount amount of \$9,835.80, and the PIA reviewer did not follow FCC directive (FCC Order DA-2354) or established practice by increasing the pre-discount amount. Not increasing the pre-discount amount to \$9,835.80 places a financial burden on East Noble School Corporation and does not serve the public interest.

### **Attached Documents Supporting the Request for Review**

1. Exhibit A – Administrator's Decision on Appeal – Funding Year 2014-15 – East Noble School Corporation – FRN 2628233
2. Exhibit B – PIA Review Conducted 3/24/14 – East Noble School Corporation – FRN 2628233
3. Exhibit C – Applicant Source Documentation for PIA submitted 3/25/14 – East Noble School Corporation – FRN 2628233
4. Exhibit D – PIA Decision 3/25/14 – East Noble School Corporation – FRN 2628233
5. Exhibit E – Applicant Communication with PIA Reviewer – East Noble School Corporation – FRN 2628233



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### Request to Correct Error for FRN 2628233

The School Corporation believes special circumstances warrant a deviation from the FCC general rule and such deviation would better serve the public interest than strict adherence to the general rule. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. At a minimum, we believe that we have demonstrated that PIA had the documents available to them to make the necessary determination to increase the pre-discount amount to \$9,835.80. We further believe that no FCC rules were violated and that good cause exists to justify a waiver of the Commission's rules to permit the correction of the error made for FRN 2628233. We also believe granting this request will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the "Act"), by helping to ensure that eligible schools and libraries obtain access to discounted telecommunications and information services.

Thank you for your time and consideration. You are hereby authorized to contact our E-rate Consultant, Rachel Parton, if you have questions concerning this appeal or require additional information. Her contact information is as follows:

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Respectfully,

Brian Leitch, Business Manager