

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Appeal for denial of 2014 funding by USAC Schools) CC Docket No. 02-6
and Libraries Division to the Markesan WI District)
Schools)

—APPEAL—

**REQUEST FOR REVIEW AND WAIVER OF DECISION
OF THE UNIVERSAL SERVICE ADMINISTRATOR**

Appellant:

Duane Bark, Administrator
Markesan District Schools
100 E. Vista Blvd., P.O. Box 248
Markesan, WI 53946-0248
Phone: 920-398-4202; Fax: 920-398-3281
Email: barkdua@markesan.k12.wi.us
(BEN: 133070)

RE: Appeal for denial of 2014 funding for the following two funding requests:

FRN: 2591009
Form 470: 872420001194296
Form 471: 946575
Category of service: Internet Access
Service provider: WiscNet **SPIN:** 143004351

FRN: 2591030
Form 470: 872420001194296
Form 471: 946575
Category of service: Internet Access (webhosting)
Service provider: Intrafinity Inc. **SPIN:** 143031119

To Whom It May Concern:

The Markesan District Schools is appealing the denial of 2014 funding for the above two referenced funding requests. The denial for both requests was in a funding commitment letter we received from USAC dated June 11, 2014. On June 16, 2014, the district filed an appeal with USAC and on September 8, 2014, we received a denial letter. In the letter USAC stated that it did not have the authority to waive the Federal Communication Commission's E-rate program rules but that we had the option to then file an appeal with the FCC. Thus we are submitting this appeal to the Commission.

The facts of this appeal are straight-forward.

USAC reason for denying the appeal: The Contract Award Dates for both of the above referenced funding requests was February 18, 2014. The Form 471 certification was postmarked one day earlier on February 17, 2014. Thus the district violated C.F.R. 54.504(a) that requires a contract to be signed prior to submission of the Form 471.

District's explanation of the contract rule violation. We do not dispute USAC's finding that the district was one day late in signing the contracts. However, we hope the Commission will agree that the following extenuating circumstances provide sufficient grounds to grant our appeal.

1) Kathy Scheier, District Office Aide, was responsible for filing the requisite E-rate forms for these two funding requests but prior to 2014 Ms. Scheier had *no experience with the E-rate application process*. As Ms. Scheier noted in our USAC appeal, "This is my first E-RATE filing and it had many challenges."

2) Ms. Scheier had both contracts (i.e., WiscNet and Intrafinity Inc.) in her possession when she filed the Form 471 but because of her inexperience she simply was not aware that they had to be signed prior to filing the 471. (As part of filing the Item 21 documentation she submitted the signed contracts the day following the Form 471 filing.)

3) The contracts were signed and submitted to USAC *just one day* (February 18, 2014) after the Form 471 was certified on February 17, 2014.

- 4) There was no violation of the competitive bidding process. Both WiscNet and Intrafinity Inc., offered the best price for the services offered.
- 5) At the same time Ms. Scheier was learning about the E-rate application process the district was in the middle of its third attempt to get a referendum passed (the previous two efforts failed). Ms Scheier had to devote considerable time to this effort, which fortunately was successful.

We are a small, rural school district in central Wisconsin and the \$7,624.65 in funding that was denied in these two requests is important to us. I hope you will see that our error with the contracts was simply an innocent mistake. Thus, we hope you will grant our request to waive the Commission's rules in this area and direct USAC to proceed with review of our two 2014 funding requests. Thank you for your consideration of this issue and please contact me if you have any questions.¹

Sincerely,

Duane Bark, Administrator
Markesan District Schools
Phone: 920-398-4202; Fax: 920-398-3281
Email: barkdua@markesan.k12.wi.us

¹ I have given Robert Bocher, State E-rate Support Manager in the Wisconsin Department of Public Instruction, permission to file this appeal on our behalf.