



northside center
for child development

1301 Fifth Avenue
New York, NY 10029

November 3, 2014

Letter of Appeal

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No 02-6

Request for Waiver of "Administrator's Decision on Invoice Deadline Extension Request" regarding Form 471 #s 744185 and 778008, issued on September 3rd, 2014

Authorized person who can best discuss this Appeal with you

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

Information

Entity Northside Center for Child Development, Inc.
Billed Entity Number 130113

| 471 Number | FRN | SPIN | Service Provider Name | Approved Funding |
|--------------------|---------|-----------|------------------------------|---------------------|
| Funding Year 2010: | | | | |
| 744185 | 2040730 | 143001359 | Verizon New York Inc. | \$7,469.82 |
| 744185 | 2040688 | 143000677 | Verizon Wireless | \$3,972.56 |
| 744185 | 2040725 | 143000677 | Verizon Wireless | \$2,176.20 |
| 744185 | 2040745 | 143000677 | Verizon Wireless | \$3,334.93 |
| 744185 | 2040750 | 143000677 | Verizon Wireless | \$927.18 |
| 744185 | 2009321 | 143030766 | Windstream Communications | \$16,777.58 |
| 744185 | 2009330 | 143030766 | Windstream Communications. | \$3,918.56 |
| 744185 | 2009335 | 143030766 | Windstream Communications. | \$6,025.75 |
| 744185 | 2040733 | 143031398 | Communications Xchange | \$3,532.03 |
| 744185 | 2067352 | 143033021 | Telequest Comm. Technologies | \$2,656.80 |
| 744185 | 2067377 | 143033021 | Telequest Comm. Technologies | \$1,350.11 |
| Funding Year 2011: | | | | |
| 778008 | 2165285 | 143008617 | Broadview Networks Holdings | \$3,213.00 |
| 778008 | 2165290 | 143008617 | Broadview Networks Holdings | \$2,010.85 |
| 778008 | 2174690 | 143000677 | Verizon Wireless | \$1,048.79 |
| 778008 | 2174704 | 143000677 | Verizon Wireless | \$524.77 |
| 778008 | 2215483 | 143020273 | Krantz Secure Technologies | \$38,245.72 |
| TOTAL | | | | \$97,184.65 |

Document Being Appealed: "Administrator's Decision on Invoice Deadline Extension Request" regarding Form 471 #s 744185 and 778008, issued on September 3rd, 2014 (16 FRNs per schedule above)¹

ADL Items Being Appealed (same for all 14 FRNs):

Decision on Request "Denied"

Explanation "Current guidelines and procedures require Invoice Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the end of the service delivery date). The extension request was not filed in a timely manner, so it is denied."

Request for Waiver:

Northside Center for Child Development, Inc. (Northside) respectfully requests the Commission to waive the Schools and Libraries Division's (SLD) decision to deny Northside's August 4, 2014, invoice deadline extension requests for 16 FRNs in 471 application numbers 744185 and 778008 (per schedule on page 1).² Approval of these Invoice Deadline Extension Requests will enable Northside to submit Form 472s (BEARs) against the \$97,184.65 of funding for these 16 FRNs. Northside bases this appeal on two grounds:

1. Mitigating Circumstances which led to Northside's failure to file BEAR forms for these FRNs. Northside cites the FCC's "*Clintonville*" decision in support of this basis of its appeal.
2. Non-existent and Poorly Defined Procedures and Deadlines: Northside respectfully contends that the SLD's published online procedures permitted submission of FRN extensions after the deadline, contrary to the SLD's "Explanation" in the ADL. In fact, at that time, there was no definite deadline or deadline algorithm on the SLD website for filing an FRN deadline extension. Accordingly, Northside should not be denied its E-rate discount based upon a procedure that to this day does not exist on the SLD website and a deadline that the SLD website still does not define in any meaningful way.

Mitigating Circumstances:

As is true of a great many small schools, management of the E-rate process is an additional duty to an already overtasked member of the staff. Leo Genn is the Special Projects Coordinator for the five facilities operated by Northside Center for Child Development in three boroughs of New York City. Mr. Genn has a withering list of full-time duties which include:

- writing multiple capital and expense grants (exceeding 250 pages each);
- administration of all previously issued City and State Grants;
- managing purchasing and contract negotiations involving vendors for physical plant maintenance, computer hardware and software, food, security guards, carters, and other vendors;

¹ Letter from Universal Service Administrative Company, Schools and Libraries Division, to Richard Larson, eRate 360 Solutions (consultant for Northside Center for Child Development), 322 Route 46W, Suite 280W, Parsippany, NJ 07054, dated September 3, 2014; Administrator's Decision on Invoice Deadline Extension Request, Re: Form 471 #s 744185 (11 FRNs) and 778008 (5 FRNs).

² Three emails from the SLD Customer Service Bureau to Richard Larson, eRate 360 Solutions (consultant for Northside Center for Child Development), on August 4, 2014, subject: "SLD Inquiry #: 22-663147 Received", "SLD Inquiry #: 22-663149 Received", and "SLD Inquiry #: 22-663152 Received".

- management of contracted vendors including obtaining HIPPA Business Associate Riders, W9s, and certificates of insurance;
- management of all insurance policies to include general liability, professional liability, property, directors and officers, and employment practices liability;
- renewal of the schools' licenses with state;
- registration with various programs such as the Federal government's SAM program and New York City's HHS Accelerator Program;
- writing Northside's administrative policies;
- handling complex reimbursement issues with City and State Agencies;
- performing complex writing assignments for Northside's six Directors;
- filing of all E-rate forms.

Mr. Genn followed the complex, lengthy, and at times bewildering E-rate process to put Northside's services up for bid, submit funding requests, respond to review questions, and certify CIPA compliance and service start dates. However, by the time the multi-year E-rate process called for filing requests for discount reimbursements, Mr. Genn's limited time for E-rate duties was focused on the next two E-rate cycles. As a result, as happens all too often with small schools with over-burdened administrators, Mr. Genn overlooked preparing and filing BEAR forms.

To his credit, Mr. Genn realized that he needed help in managing the multi-year, multi-stepped E-rate process and has sought help from an E-rate consulting firm. Northside asks the Commission to waive the deadline imposed by the SLD in its denial of our extension request and allow us to file for the badly needed \$97,184 of reimbursements.

Northside asks the Commission to consider this request in the light of its "*Clintonville Public School District, Clintonville, Wisconsin, et al.*"³ decision which granted six applicants "*file or resubmit their invoicing forms*". The reasons the FCC honored ranged in this decision ranged from "paperwork mix-ups" (Clintonville) to forgetting to file BEAR forms on a timely basis (Republic SD 309 and Torah Prep Girls School). Northside respectfully submits that Mr. Genn's reasons have at least as much merit, and our need is no less, than these schools.

Non-existent and Poorly Defined Procedures and Deadlines

In its September 3, 2014 ADL which rejected Northside's deadline extension request, SLD stated that "*Current guidelines and procedures require Invoice Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the end of the service delivery date).*"⁴ In November of 2008, in a similar situation, SLD staff confirmed scrutiny by eRate 360 Solutions of SLD's "*current guidelines and procedures*" which failed to find any such "*requirement*".⁵ Examination of SLD's on-line step-by-step procedures reveals that, at the time we filed for this extension, there was no such requirement.⁶ In fact, SLD's deadline

³ DA 12-84, January 25, 2012, "*Clintonville Public School District, Clintonville, Wisconsin, et al.*", File Nos. SLD-744909, et al., CC Docket No. 02-6.

⁴ SLD's Appeal ADL of 8/19/2014 re CEP's FRN Extension Request.

⁵ Email from Schools and Libraries Division (sldnoreply@sl.universalservice.org) to Steve Tenzer, Consultant on behalf of 134781 (stenzer@erate360.com), dated 11/3/2008 2:45 PM, subject: RE: Initial Contact, case 21-802952.

⁶ Web pages from SLD web site entitled "*Step 11: Invoice Deadlines and Extension Requests*" as of 12/5/2008, and "*Step 7: Invoice Extensions*" as of 9/3/2014.

procedure permitted filing of FRN extension requests "after the deadline to invoice USAC",⁷ in contradiction of SLD's ADL explanation.

The ADL's "Explanation" goes on to state "The extension request was not filed in a timely manner, so it is denied." However, at the time we filed for this extension, SLD procedures established no useful guidelines defining "timeliness" for filing FRN extensions.

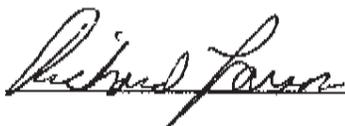
New policies set by the Commission will clarify invoice deadlines and extensions; however, these are still not reflected in the SLD web pages which provide an applicant's day-to-day guidance for these procedures. SLD on one hand maintains the status quo on its web site while retroactively applying new FCC policies in reviewing deadline requests. Northside asks the Commission to abide by SLD's long-standing online policies until such time as SLD updates these on-line procedures.

Conclusion:

Northside respectfully requests SLD to the Commission to waive the SLD's decision to deny Northside's August 4, 2014, invoice deadline extension requests for 16 FRNs in 471 application numbers 744185 and 778008. Approval of these Invoice Deadline Extension Requests will enable Northside to submit Form 472s against the \$97,184.65 of funding for these 16 FRNs.

We are available to respond to questions or to provide any further information requested by the Commission in its review of this appeal.

Authorized signature for this Appeal⁸



Date: 11/3/14

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

⁷ Web pages from SLD web site entitled "Schools & Libraries Deadlines - Extension Requests for Invoicing USAC" dated 12/5-2008 and 9/3/2014.

⁸ "Letter of Agency" from Philip G. Hull, Jr., CFO for Community Education Partners, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of CEP.



Administrator's Decision on Invoice Deadline Extension Request

September 3rd, 2014

Richard Larson
 eRate 360 Solutions, LLC
 322 Route 46W, Suite 280W
 Parsippany, NJ 07054

RE:

| Applicant Name | ECIS File # / Application Number | Funding Request Number | ESIN | Service Provider Name |
|--|----------------------------------|------------------------|-----------|---|
| Northside Center for Child Development, Inc. | 744185 | 2009321 | 143030766 | Windstream Communications, Inc. |
| Northside Center for Child Development, Inc. | 744185 | 2009330 | 143030766 | Windstream Communications, Inc. |
| Northside Center for Child Development, Inc. | 744185 | 2009335 | 143030766 | Windstream Communications, Inc. |
| Northside Center for Child Development, Inc. | 744185 | 2040688 | 143000677 | Verizon Wireless |
| Northside Center for Child Development, Inc. | 744185 | 2040725 | 143000677 | Verizon Wireless |
| Northside Center for Child Development, Inc. | 744185 | 2040730 | 143001359 | Verizon New York Inc. |
| Northside Center for Child Development, Inc. | 744185 | 2040733 | 143031398 | Communications Xchange, LLC |
| Northside Center for Child Development, Inc. | 744185 | 2040745 | 143000677 | Verizon Wireless |
| Northside Center for Child Development, Inc. | 744185 | 2040750 | 143000677 | Verizon Wireless |
| Northside Center for Child Development, Inc. | 744185 | 2067352 | 143033021 | Telequest Communication Technologies Inc. |
| Northside Center for Child Development, Inc. | 744185 | 2067377 | 143033021 | Telequest Communication Technologies Inc. |
| Northside Center for Child Development, Inc. | 778008 | 2165285 | 143008617 | Broadview Networks Holdings, Inc |
| Northside Center for Child Development, Inc. | 778008 | 2165290 | 143008617 | Broadview Networks Holdings, Inc |
| Northside Center for Child Development, Inc. | 778008 | 2174690 | 143000677 | Verizon Wireless |
| Northside Center for Child Development, Inc. | 778008 | 2174704 | 143000677 | Verizon Wireless |
| Northside Center for Child Development, Inc. | 778008 | 2215483 | 143020273 | Krantz Secure Technologies |

Your Correspondence Dated: August 4, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the FRN(s) indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one FRN, please note that for each FRN for which an invoice deadline extension request was submitted, a separate letter may be sent.

Decision on Request: **Denied**

Current guidelines and procedures require Invoice Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the end of the service delivery date). The extension request was not filed in a timely manner, so it is denied.

TO APPEAL THIS DECISION

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - appellant name
 - applicant and service provider names, if different than appellant
 - applicant BEN and service provider SPIN
 - <insert application or form number> as assigned by USAC
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
 - <insert name of the letter and funding year - both are located at the top of the letter> AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in "Appeals" in the "Schools and Libraries" section of the USAC website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

cc: Diane Reese, Verizon Wireless (Cellco Partnership)
Robert J. Kannegieser, Verizon New York Inc.
William L. Elliott, Windstream Communications, Inc.
Dave Heise, Communications Xchange, LLC
Robert DePalma, Telequest Communications Technologies
Silvia Rivas, Broadview Networks Holdings, Inc.
Dennis R. O'Connell, Krantz Secure Technologies

From: sldnoreply@sl.universalservice.org
To: rlarson@erate360.com
Subject: SLD Inquiry #: 22-663147 Received
Date: Monday, August 04, 2014 5:51:43 PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-663147.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

*[FirstName]=Richard [LastName]=Larson [JobTitle]=Consultant for Northside Center
[EmailAddress]=rlarson@erate360.com [WorkPhone]=8885357771102
[FaxPhone]=8665693019 [PreviousCaseNumber]=0 [FormType]=Invoice Extension
[Owner]=DEADLINEEXTENSIONS [DateSubmitted]=8/4/2014 5:50:10 PM
[AttachmentFlag]=N[Question2]=I request an extension of the filing deadline for Form 472
for the following: Contact Person: Richard Larson Contact Phone: 888-535-7771 x.102
Contact Fax: 866-569-3019 Contact Email: rlarson@erate360.com Applicant: Northside
Center For Child Development, Inc. BEN: 10113 471 Application #: 744185 FRN: 2040730
SPIN: 143001359 Service Provider: Verizon New York Inc. Amount of Invoice: \$7,469.82
Reason for request: Documentation requirements that necessitate third-party contact or
certification. 471 Application #: 744185 FRN: 2040688 SPIN: 143000677 Service Provider:
Verizon Wireless Amount of Invoice: \$3,972.56 Reason for request: Documentation
requirements that necessitate third-party contact or certification. 471 Application #: 744185
FRN: 2040725 SPIN: 143000677 Service Provider: Verizon Wireless Amount of Invoice:
\$2,176.2 Reason for request: Documentation requirements that necessitate third-party
contact or certification. 471 Application #: 744185 FRN: 2040745 SPIN: 143000677 Service
Provider: Verizon Wireless Amount of Invoice: \$3,334.93 Reason for request: Documentation
requirements that necessitate third-party contact or certification. 471 Application #: 744185
FRN: 2040750 SPIN: 143000677 Service Provider: Verizon Wireless Amount of Invoice:
\$927.18 Reason for request: Documentation requirements that necessitate third-party contact
or certification.*

From: sldnoreply@sl.universalservice.org
To: rlarson@erate360.com
Subject: SLD Inquiry #: 22-663149 Received
Date: Monday, August 04, 2014 5:52:48 PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-663149.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

*[FirstName]=Richard [LastName]=Larson [JobTitle]=Consultant for Northside Center
[EmailAddress]=rlarson@erate360.com [WorkPhone]=8885357771102
[FaxPhone]=8665693019 [PreviousCaseNumber]=0 [FormType]=Invoice Extension
[Owner]=DEADLINEEXTENSIONS [DateSubmitted]=8/4/2014 5:51:56 PM
[AttachmentFlag]=N[Question2]=I request an extension of the filing deadline for Form 472
for the following: Contact Person: Richard Larson Contact Phone: 888-535-7771 x.102
Contact Fax: 866-569-3019 Contact Email: rlarson@erate360.com Applicant: Northside
Center For Child Development, Inc. BEN: 10113 471 Application #: 744185 FRN: 2009321
SPIN: 143030766 Service Provider: Windstream Communications Amount of Invoice:
\$16,777.58 Reason for request: Documentation requirements that necessitate third-party
contact or certification. 471 Application #: 744185 FRN: 2009330 SPIN: 143030766 Service
Provider: Windstream Communications Amount of Invoice: \$3,918.56 Reason for request:
Documentation requirements that necessitate third-party contact or certification. 471
Application #: 744185 FRN: 2009335 SPIN: 143030766 Service Provider: Windstream
Communications Amount of Invoice: \$6,025.75 Reason for request: Documentation
requirements that necessitate third-party contact or certification. 471 Application #: 744185
FRN: 2040733 SPIN: 143031398 Service Provider: Communications Xchange Amount of
Invoice: \$3,532.03 Reason for request: Documentation requirements that necessitate third-
party contact or certification. 471 Application #: 744185 FRN: 2067352 SPIN: 143033021
Service Provider: Telequest Communication Technologies Amount of Invoice: \$2,656.80
Reason for request: Documentation requirements that necessitate third-party contact or
certification. 471 Application #: 744185 FRN: 2067377 SPIN: 143033021 Service Provider:
Telequest Communication Technologies Amount of Invoice: \$1,350.11 Reason for request:*

Documentation requirements that necessitate third-party contact or certification.

From: sldnoreply@sl.universalservice.org
To: rlarson@erate360.com
Subject: SLD Inquiry #: 22-663152 Received
Date: Monday, August 04, 2014 5:53:44 PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-663152.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

*[FirstName]=Richard [LastName]=Larson [JobTitle]=Consultant for Northside Center
[EmailAddress]=rlarson@erate360.com [WorkPhone]=8885357771102
[FaxPhone]=8665693019 [PreviousCaseNumber]=0 [FormType]=Invoice Extension
[Owner]=DEADLINEEXTENSIONS [DateSubmitted]=8/4/2014 5:53:09 PM
[AttachmentFlag]=N[Question2]=I request an extension of the filing deadline for Form 472
for the following: Contact Person: Richard Larson Contact Phone: 888-535-7771 x.102
Contact Fax: 866-569-3019 Contact Email: rlarson@erate360.com Applicant: Northside
Center For Child Development, Inc. BEN: 10113 471 Application #: 778008 FRN: 2165285
SPIN: 143008617 Service Provider: Broadview Networks Holdings Amount of Invoice:
\$3,177.18 Reason for request: Documentation requirements that necessitate third-party
contact or certification. 471 Application #: 778008 FRN: 2165290 SPIN: 143008617 Service
Provider: Broadview Networks Holdings Amount of Invoice: \$1,475.35 Reason for request:
Documentation requirements that necessitate third-party contact or certification. 471
Application #: 778008 FRN: 2174690 SPIN: 143000677 Service Provider: Verizon Wireless
Amount of Invoice: \$1,048.79 Reason for request: Documentation requirements that
necessitate third-party contact or certification. 471 Application #: 778008 FRN: 2174704
SPIN: 143000677 Service Provider: Verizon Wireless Amount of Invoice: \$524.77 Reason for
request: Documentation requirements that necessitate third-party contact or certification.
471 Application #: 778008 FRN: 2215483 SPIN: 143020273 Service Provider: Krantz Secure
Technologies Amount of Invoice: \$38,245.72 Reason for request: Documentation
requirements that necessitate third-party contact or certification.*

**Before the
Federal Communications Commission
Washington, DC 20554**

| | | |
|---|---|-------------------------------------|
| In the Matter of |) | |
| |) | |
| Requests for Waiver and Review of |) | |
| Decisions of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Clintonville Public School District |) | File Nos. SLD-744909, <i>et al.</i> |
| Clintonville, Wisconsin, <i>et al.</i> |) | |
| |) | |
| Schools and Libraries Universal Service |) | CC Docket No. 02-6 |
| Support Mechanism |) | |

ORDER

Adopted: January 25, 2012

Released: January 25, 2012

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with precedent,¹ we grant six requests from petitioners² seeking review of decisions made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program).³ Based on our review of the record, we find that good cause exists to justify a grant of petitioners’ requests to be able to file or resubmit their invoicing forms (FCC Forms 472 or 474).⁴ We therefore remand the underlying applications listed in the appendix to USAC for further action consistent with this order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of the submitted invoices related to each application and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from its receipt of the submitted invoices. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services requested or the petitioners’ applications.

¹ *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-584091, *et al.*, CC Docket No. 02-6, 26 FCC Rcd 11019 (Wireline Comp. Bur. 2011) (*ABC Order*) (granting 24 appeals after finding good cause to waive USAC’s deadline for filing FCC Forms 472 or 474).

² The requests for waiver or review are listed in the appendix.

³ Section 54.719(c) of the Commission’s rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

⁴ Generally, the Commission’s rules may be waived if good cause is shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission’s rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), the requests for review or requests for waiver filed by the petitioners listed in the appendix ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

APPENDIX

| Petitioner | Application Number(s) | Funding Year | Date Request for Review/Waiver Filed |
|---|------------------------------|---------------------|---|
| Clintonville Public School District Clintonville, WI | 744909 | 2010 | Dec. 19, 2011 |
| Decatur Public Schools Decatur, IL | 516857, 568177 | 2006, 2007 | Aug. 18, 2009 |
| Hazel Crest School District 152 ½ Hazel Crest, IL | 660692 | 2009 | Nov. 23, 2011 |
| Oran School District R3 Oran, MO | 683786 | 2009 | Nov. 14, 2011 |
| Republic School District 90 Republic, WA | 194826, 558352 | 2000, 2007 | Aug. 26, 2011 |
| Torah Prep School Saint Louis, MO | 621810 | 2008 | Nov. 14, 2011 |



CLINTONVILLE
PUBLIC SCHOOL DISTRICT
Tom O'Toole, Superintendent Of Schools

Administrative Offices
45 West Green Tree Road
Clintonville, Wisconsin 54929-1595
715-823-7215 + Ext 2610
Fax 715-823-1315

December 13, 2011

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

Received & Inspected

DEC 19 2011

FCC Mail Room

Request for Waiver

CC Docket No. 96-45
CC Docket No. 02-6

Clintonville Public School District

BEN: 133465

Contact Information:

Lance Bagstad
Clintonville High School
64 West Green Tree Road
Clintonville, WI 54929
Phone: 715-823-7215 ext. 2203
Fax: 715-823-1481
Email: lbagstad@clintonville.k12.wi.us

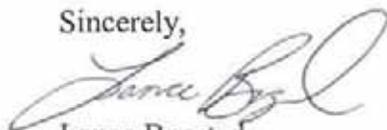
This Request for Waiver is being submitted regarding USAC Invoice Number 1574627. The funding commitment decision amount was \$28,726.93; however the approved reimbursement amount for the FRN was \$0.00.

Due to a mix-up in paper work that was received and filed, the Form 472 was submitted on November 1, 2011 and the invoice was received by USAC on November 18, 2011. As soon as the mix-up was realized by me, I submitted the information for Form 472 online as soon as I had cleared up the paperwork issue in house.

It is my sincere hope that you will grant the Request for Waiver and that this funding decision can be corrected and we can receive our funding commitment. Please give full consideration to the Request for Waiver in this case.

I anxiously await your decision regarding this matter.

Sincerely,



Lance Bagstad

No. of Copies rec'd 0
List ABCDE

| | | | | |
|---|---|---|---|---|
| High School 64 West Green Tree Road Clintonville, WI 54929 715-823-7215 Ext 2200 | Middle School 255 North Main Street Clintonville, WI 54929 715-823-7245 Ext 2400 | Rexford/Longfellow Elementary School 105 South Clinton Avenue Clintonville, WI 54929 715-823-7255 Ext 3200 | Pupil Services 25 Eighth Street Clintonville, WI 54929 715-823-7215 Ext 3221 | Dellwood Early Learning Center 238 North Harriet Street Clintonville, WI 54929 715-823-7295 |
|---|---|---|---|---|



www.eRateProgram.com

Received & Inspected

NOV 14 2011

FCC Mail Room

9666 Olive Blvd, Suite 215
St. Louis, MO 63132
314-282-3676
Fax: 314-395-5882

November 8, 2011

**Request for Review
TO BE ABLE TO SUBMIT A BEAR FORM
FOR THE 2008-2009 FILING YEAR**

CC Docket No. 02-6

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

To whom it may concern;

Appellant Name: Richard Senturia, consultant for applicant.
Applicant: Torah Prep Girls School, 8659 Olive Blvd, University City, MO 63132
Applicant BEN #: 74216
Applicant Form 471 # 621810
BEAR form ID – Our description: NA (we did not file one)
Dated: NA (we did not file one)
Invoice ID #: NA (we did not file one)

We applied for E-Rate funding for 2008-2009 filing year for Torah Prep Girls School BEN 74216.

We were approved in Wave 010.

We filed our Form 486.

We forgot to file our BEAR forms.

We filed an appeal with USAC but it was denied because it was not filed by the end of the relevant invoice receipt period.

We respectfully request to be allowed to submit our BEAR form for Torah Prep Girls School BEN 74216 covering their 2008-2009 telecom service through Windstream (SPIN 143030766), total reimbursement amount of \$6,480.00 and cell phone service through TMobile (SPIN 143026181), total reimbursement amount of \$2,640.00.

Respectfully,

Richard Senturia, Consultant
9666 Olive Blvd, Suite 215
Olivette, MO 63132
314-282-3676 office
314-395-5882 fax
rsenturia@erateprogram.com

No. of Copies rec'd _____
List ABCDE _____

From: sldnoreply@sl.universalservice.org
Sent: Monday, November 03, 2008 2:45 PM
To: stenzer@erate360.com
Subject: RE: Initial Contact, case 21-802952

Thank you for your inquiry. This information is not currently on the website.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates:
<http://www.sl.universalservice.org>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: stenzer@erate360.com
Subject: Initial Contact

[FirstName]=Steve
[LastName]=Tenzer
[JobTitle]=Consultant on behalf of 134781 [EmailAddress]=stenzer@erate360.com
[WorkPhone]=8885357771101
[FaxPhone]=8665693019
[PreviousCaseNumber]=0

[FormType]=Other
[Owner]=TCSB
[DateSubmitted]=11/3/2008 1:00:56 PM
[AttachmentFlag]=Y[Question2]=I received a Denial for FRN 1251988 dated 10/22/2008. the explanation is as follows: CURRENT GUIDELINES AND PROCEDURES REQUIRE INVOICE DEADLINE EXTENSION REQUESTS TO BE FILED BY THE END OF THE RELEVANT INVOICE RECEIPT PERIOD FOR THE SERVICE CATEGORY OF THE FRN REQUIRING AN EXTENSION (120 DAYS AFTER THE END OF THE SERVICE DELIVERY DATE). THE EXTENSION REQUEST WAS NOT FILED IN A TIMELY MANNER, SO IT IS DENIED. Both I and the SLD Help Desk cannot find these "current guidelines and procedures" anywhere on the USAC/SLD website. I intend to file an appeal to this denial so please send me the referenced guidelines and procedures or let me know whether they exist on the SLD website so that I can file the appeal.

No virus found in this incoming message.
Checked by AVG - <http://www.avg.com>
Version: 8.0.175 / Virus Database: 270.8.5/1762 - Release Date: 11/2/2008 9:51 AM



Step 11: Invoice Deadlines and Extension Requests

Invoicing Deadlines

After a *Receipt of Service Confirmation Form* (Form 486) has been properly filed, USAC must receive an invoice from either the applicant or the service provider in order to make payments for approved support on eligible services. The *Billed Entity Applicant Reimbursement (BEAR) Form* (Form 472) is filed jointly by the applicant and service provider. The *Service Provider Invoice (SPI)* (Form 474) is filed by the service provider.

Invoices must be postmarked no later than:

- 120 days after the last date to receive service, or
- 120 days after the date of the Form 486 Notification Letter, whichever is later.

If an invoice is postmarked after the deadlines listed above, payment will be denied.

Example 1. If your last date to receive service was June 30, 2007 and your Form 486 Notification Letter was dated October 26, 2006, then invoices must be postmarked no later than 120 days after the last date to receive services, the later of the two dates.

Example 2. If your last date to receive service was September 30, 2007 and your Form 486 Notification Letter was dated October 20, 2007, then invoices must be postmarked no later than 120 days after the date of the Form 486 Notification Letter, the later of the two dates.

USAC will base the billing mode (reimbursement using the BEAR form or discounting using the SPI form) on the first invoice type that it processes for payment. Applicants and service providers should work together, before the first invoice is submitted, to determine whether a BEAR or a SPI will be filed. That type of invoice must then be used for the remainder of that funding year.

Invoice Deadline Extension Requests

USAC provides for the extension of invoice deadlines under certain conditions. These conditions include:

- Authorized service provider changes
- Authorized service substitutions
- No timely USAC notice (e.g., the service provider's Form 486 Notification Letter is returned as undeliverable)
- USAC errors (for example, in data entry) that ultimately result in a late invoice
- Documentation requirements that necessitate third-party contact or certification
- Natural or man-made disasters that prevent timely filing of invoices
- "Good Samaritan" BEARs
- Circumstances beyond the service provider's control

Applicants can use the [FRN Extension Table](#) to determine if their deadline for postmarking an invoice to USAC has been extended. Applicants whose deadlines have been extended should locate the Funding Request Number (FRN) in the table and then look to the far right of the FRN to find the extended deadline for postmarking an invoice to USAC.

To request an invoice deadline extension, send a letter to USAC detailing your request and include the following information:

- Contact person name
- Contact information (including email address)
- Form 471 Application Number
- Funding Request Number (FRN)
- Service provider name
- Service Provider Identification Number (SPIN)

- USAC-assigned Invoice Number (if known)
- Amount of invoice
- Reason for extension request

Requests may be filed electronically by email or by fax. Requests submitted by email will be considered filed on a business day if they are received by USAC at any time up to 12:00 a.m. (midnight) ET. Requests received after that time will be considered received on the next business day. Similarly, fax transmissions will be considered filed on a business day if the complete transmission is received by any time up to 12:00 a.m. (midnight) ET.

- Requests filed by email can be submitted in any widely used word processing format, such as Adobe Portable Document Format (PDF), Word, or WordPerfect. USAC will automatically reply to incoming emails to confirm receipt.
- Requests filed by fax must be faxed to **973-599-6526**. The fax transmission should include a cover sheet listing contact name, phone number, and - if available - an email address.
- Requests may also be filed by mail or other carrier. Send your letter to the following address:

Invoice Deadline Extension Request
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

For more information on deadlines for delivery of recurring and non-recurring services, see [Service Delivery Deadlines and Extension Requests](#).

For more information on deadlines for filing Form 486, see [Form 486 Deadlines](#).

For more information on other Program deadlines, see our [Schools and Libraries Deadlines Tool](#).

Step 10: Begin Receipt of Services

Last modified on 3/21/2008

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STEP 7 INVOICING

STEP 6

| | | |
|---|--|-------------------------------|
| FCC Form 472 Filing Invoice Extensions | Obligation to Pay Invoice Error Codes | Invoice Check |
|---|--|-------------------------------|

Invoice Extensions

If an applicant or service provider has missed the deadline for submitting an invoice – FCC Form 472 (BEAR Form) or FCC Form 474 (SPI Form) – the applicant or service provider must request an extension of the deadline before a new invoice can be submitted.

Conditions for Extension

- Authorized service provider changes
- Authorized service substitutions
- No timely USAC notice (e.g., the service provider's FCC Form 486 Notification Letter is returned as undeliverable)
- USAC errors (for example, in data entry) that ultimately result in a late invoice
- Documentation requirements that necessitate third-party contact or certification
- Natural or man-made disasters that prevent timely filing of invoices
- "Good Samaritan" BEAR Forms
- Circumstances beyond the service provider's control

USAC updates the [FRN Extension Table](#) after an invoice deadline extension request has been successfully processed. The extended deadline will appear in the far right-hand column of the search results.

Requesting an Extension

To request an invoice deadline extension, send a letter to USAC detailing your request and include the following information:

- Contact person name
- Contact information (including email address)
- FCC Form 471 Application Number
- Funding Request Number (FRN)
- Service provider name
- Service Provider Identification Number (SPIN)
- USAC-assigned Invoice Number (if known)
- Amount of invoice
- Reason for extension request

Requests may be filed by email, fax, or mail. Requests submitted by email will be considered filed on a business day if they are received by USAC at any time up to 12:00 AM (midnight) ET. Requests received after that time will be considered received on the next business day. Similarly, fax transmissions will be considered filed on a business day if the complete transmission is received by any time up to 12:00 AM (midnight) ET.

Requesting by Email

To submit a request using [Submit a Question](#), choose "Invoice Deadline Extension Request" from the "Topic Inquiry" menu and "Other" from the "Specific Inquiry" menu. You can either type your request in the freeform text box or indicate that you would like to submit an attachment containing your request. USAC will automatically reply to incoming emails to confirm receipt.

Requesting by Fax

Requests filed by fax must be faxed to (973) 599-6526. The fax transmission should include a cover sheet listing contact name, phone number and, if available, an email address.

Requesting by Mail

Requests may also be filed by mail or other carrier. Send your letter to the following address:

Invoice Deadline Extension Request

Schools and Libraries - Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

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NOTE 7

Schools & Libraries Deadlines

| | |
|---|--|
| General Information | <u>Extension Requests for Invoicing USAC</u> Applicants and service providers who need to request an extension are encouraged to do so as soon as possible after the deadline to invoice USAC. (See the entries for "Form 472" and "Form 474" for the deadline to invoice USAC.) |
| Form 470 | |
| Form 471 | |
| Form 472 | |
| Form 473 | |
| Form 474 | |
| Form 479 | |
| Form 486 | |
| Form 498 | |
| Form 499-A | |
| Form 499-Q | |
| Form 500 | |
| Appeals | |
| COMAD | |
| Extension Requests for Invoicing USAC | |
| Extension Requests for Non-Recurring Service Implementation & Delivery | |
| Invoice Deadline | |
| Non-Recurring Service Implementation & Delivery | |
| Recurring Service Implementation & Delivery | |
| Red Light | |
| Service Substitutions | |
| SPIN Changes | |
| Technology Plan Approval | |

If you are using this tool to calculate a deadline, you must know it is designed to simply count calendar days from the date(s) entered. In general, if the deadline for a submission falls on a non-business day (e.g., Saturday, Sunday or federal holiday), the deadline becomes the next business day. It is your responsibility to meet deadlines.

Disclaimer: This tool assists in determining the deadlines for program forms and other submissions. It is your responsibility to ensure the accuracy of the information provided. It is also your responsibility to meet program deadlines. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors do not make any warranty, express or implied, or assume any liability or responsibility for the accuracy or completeness of any information or calculations provided by this tool. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors are not liable for any miscalculations or misinformation.

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PROGRAM DEADLINES

| | |
|--|---|
| General Information | <p style="text-align: center;">Extension Requests for Invoicing USAC</p> <p>Applicants and service providers who need to request an extension are encouraged to do so as soon as possible after the deadline to invoice USAC. (See the entries for "Form 472" and "Form 474" for the deadline to invoice USAC.)</p> |
| Form 470 | |
| Form 471 | |
| Form 472 | |
| Form 473 | |
| Form 474 | |
| Form 479 | |
| Form 486 | |
| Form 498 | |
| Form 499-A | |
| Form 499-Q | |
| Form 500 | |
| Appeals | |
| COMAD | |
| Extension Requests for Invoicing USAC | |
| Extension Requests for Non-Recurring Service Implementation & Delivery | |
| Invoice Deadline | |
| Non-Recurring Service Implementation & Delivery | |
| Recurring Service Implementation & Delivery | |
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| SPIN Changes | |
| Technology Plan Approval | |

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Letter of Agency

Northside Center for Child Development
Billed Entity Number: 10113

Letter of Agency For FY 13 (2010 - 2011); FY 14 (2011 - 2012); FY 15 (2012 - 2013); FY 16 (2013 - 2014)

I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Fred Josephs, Bert Garofano, and John Harvey to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of Northside Center for Child Development for all eligible services outlined in the most current "Eligible Services List" published by USAC. I understand that, in submitting these forms on our behalf, you are making certifications for Northside Center for Child Development. By signing this Letter of Agency, I make the following certifications

- (a) I certify that our school is a school under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our school has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our school is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of priority two services. The plan(s) is written at the following level(s):
 an individual technology plan for using the services requested in this application; and/or
 higher-level technology plan(s) for using the services requested in this application; or
 no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our school has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

NORTHSIDE CENTER
1301 Fifth Avenue
New York, NY 10029
Phone: 212-426-3400
Fax: 212-410-7561

CENTRAL HARLEM
SERVICES
247-249 West 135th Street
New York, NY 10030
Phone: 646-259-2000
Fax: 212-694-4477

SUSAN PATRICOF
HEAD START CENTER
302-306 East 111th Street
New York, NY 10029
Phone: 646-351-1300
Fax: 646-351-1399

BRONX CHILDREN
AND FAMILY SERVICES
745 Eagle Avenue
Bronx, New York 10456
Phone: 347-926-5400
Fax: 718-401-4146

FT. GREENE - BROOKLYN
CHILDREN AND FAMILY
SERVICES CENTER
44-60 Rockwell Place
Brooklyn, NY 11201
Phone: 347-505-5501
Fax: 347-505-5551

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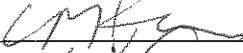
(f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

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blank

- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to eRate 360 Solutions, LLC for E-rate submission is true.

District: Northside Center for Child Development

Date: 7/1/14

Signature: 

Printed Name: Leo Green

Title: Administrator