

Polo Community Unit School District #222

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December 22, 2014

REQUEST FOR REVIEW

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 12th Street SW
Washington, DC 20554

**RE: Request for Review of the Administrator's Decision on Appeal 486 Application
FRN 2490656 and 2490601.**

Re: Applicant: Polo Community Unit School District(CUSD) 222
BEN: 135883
Form 471 Application Number: 912102
Form 486 Application Number: 1046954
FRN: 2490656 and 2490601
Funding Year: 2013
Services: Telecommunications Services and Internet Access
Service Providers: Frontier communications Lamar County, LLC SPIN
143001548, CenturyLink Gallatin River Communications, LLC, SPIN 143015284

To Whom It May Concern:

This is an appeal of the denial of the Administrator's Decision on Appeal – Funding Year
2013 – 2014 dated December 11, 2014 in connection with FRN 2490656 and 2490601 on FCC
“Polo. . . Place of Learning Opportunity”

Form 471 Application Number 912102 and FCC Form 486 Application Number 1046954. A copy of the Administrators Decision of Appeal is attached hereto as Exhibit A.

Text Being Requested for Review:

- "USAC has determined that your FCC Form 486 was not filed within 120 days calculated from March 5, 2014, the date of the FCDL or July 01, 2013, (full text available in Exhibit A)" and
- "FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring service by the applicable deadline... (full text available in Exhibit A)"

Appeal Review Request:

The first bullet point in the USAC denial of the appeal addresses the failure on the part of the Polo CUSD 222 of filing the FCC Form 486 within 120 days of receipt of the FCDL. In fact, the Form 486 was not filed until October of 2014, because Polo CUSD 222 has been struggling to meet the needs of its students with less than a full complement of administrative staff. FY 2013 was the District's first attempt at securing funding from the E-Rate program and no one at the District had any prior experience with the process. Over the last two years responsibility for completion of the forms required by the E-Rate program has rotated through a number of administrative personnel, making it very difficult for this neophyte District to know where they stand in the application process at any given time. The combination of general staff shortages and overall lack of staff familiarity with the E-Rate process resulted in their failure to submit a Form 486 for FY 2013 until they hired an E-Rate consultant in October 2014.

The second bullet point in the USAC denial of the appeal addresses the reasons why there is a deadline for filing the Form 486 (citing notification of service scheduling to USAC) but also notes (in its reference to the Alaska Gateway Order DA 06-1871 para. 8) that the FCC has a long history of waiving its rules when strict compliance is inconsistent with the public interest and when there are clear indications of hardship impeding an applicant's ability to adhere to the rules of the program.

REQUEST FOR WAVIER OF FCC RULES

Polo CUSD 222 believes special circumstances warrant a deviation from the FCC general rules, particularly when such deviation would better serve the public interest than strict adherence to the general rules. We believe that our staffs' inexperience with the E-Rate program and rotation of responsibility for completion of the program forms due to staff shortages created a clear hardship in our ability to meet the programs deadlines. We believe that modification of the SSD for FRNs 2490656 and 2490601 to June 12, 2014, thereby eliminating 96% of requested funds, because a deadline was missed is not in the best public interest. It should be noted that there is no intent to waste or misuse funds, to defraud or abuse the program, or a failure to adhere to core program requirements. We believe that good cause exists to waive USAC's deadline for the FCC Form 486 filed with USAC. 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. We request the SSD for FCC Form 486 Number 1046954 be established as July 1, 2013 not June 12, 2014.

Attached documents which support The Request for Review

Exhibit A - Copy of Administrator's Decision of Appeal – Funding Year 2013 - 2014,
Dated December 11, 2014

Exhibit B - Copy of the original Letter of Appeal from Polo CUSD 222 to the SLD, Dated
November 20, 2014

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Darsey Carnal, if you have any questions concerning this appeal or require additional information. Her contact information is as follows:

Darsey Carnal
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14614 Warner Trail
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Authorized Signature:



Christopher Rademacher, Superintendent, Polo Community Unit School District #222