

January 8th, 2015

REQUEST FOR WAIVER
DEADLINE FOR FCC FORM 471 APPLICATION FILING WINDOW

Received & Inspected

Nativity Catholic School
CC Docket No. 02-6

JAN 13 2015

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

FCC Mail Room

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Appellant Name:	Richard Senturia, consultant for applicant
Applicant:	Nativity Catholic School
FCC Registration Number:	20502647
Billed Entity Number:	37527
Form 471 Application Number:	992109

To whom it may concern,

We request on behalf of our client, Nativity Catholic School a one-time waiver from the FCC for the 2014 Form 471 deadline. This waiver would enable the School to proceed with Form 471 and apply for a funding request in the amount of \$8657.99.

Our office failed to file the necessary documents in a timely manner due to a miscommunication that required us to request further information from the client. On February 28th, 2014 a supplementary Form 470 was filed, in light of the additional data received. This delay forced us to certify the form later than we had anticipated. As a result, due to the 28 day waiting period, we could not certify Form 471 until March 28th, 2014; two days after the closing of the application filing window.

USAC's position on applications that are filed outside of the FCC Form 471 application window is documented in ORDER DA 07-1180

In this Order, we grant Requests for Waiver filed by 44 applicants seeking waiver of the FCC Form 471 filing window deadline for Funding Years 2004, 2005, 2006, or 2007ⁱ under the schools and libraries universal service support mechanism (also known as the E-rate program).ⁱⁱ Upon review of these requests, we find that the issue raised here was recently addressed by the Commission in the *Bishop Perry Order*.ⁱⁱⁱ

Additional evidence supporting this stance in FCC 14-127 reads:

The Commission grants waivers of the FCC Form 471 filing deadline only in very limited circumstances. For example, in the *Academy of Math and Science Order*, the Commission found that waivers would be granted when applicants: (1) filed their FCC

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Form 471 applications within 14 days after the FCC Form 471 filing window deadline; filed their FCC Form 471 applications late because of an illness of the E-rate staff person or the death of a member of his or her family; (3) filed their FCC Form 471 applications late due to delays caused by circumstances beyond their control; or (4) filed their FCC Form 471 applications on time or within 14 days of the filing window deadline but failed to file their FCC Forms 470 or 471 certifications on time.^{iv}

We erred in not realizing until now that this client has not been funded. We apologize for that oversight. However, we made every effort to file form 471 in a timely manner. Please do not allow this unintentional error to prevent Nativity Catholic School from moving forward with Form 471 and apply for funding.

Respectfully,

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ⁱ Funding Year 2004 started July 2, 2004 and ended on June 30, 2006. Funding Year 2005 started on July 1, 2005 and ended on June 30, 2006. Funding Year 2006 started on July 1, 2006 and will end on June 30, 2007. Funding Year 2007 will start on July 1, 2007 and end on June 30, 2008.

ⁱⁱ A list of these pleadings is attached as an Appendix. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c). Although Adair County R-1 School District, Alabama Institute for Deaf and Blind, Cloudcroft Municipal Schools, Endinburg Consolidated Independent School District, Portsmouth School Department, Providence Independent School District, Sacred Heart High School, Springfield School District, Stafford Municipal School District, The Logan School, and Underwood Community School District did not explicitly request a waiver of the FCC Form 471 filing window deadline, we will treat their Requests for Review as Requests for Waiver because the Administrator denied their FCC Forms 471 or denied their appeals on the grounds that their FCC Forms 471 were filed late.

ⁱⁱⁱ See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316 (2006) (*Bishop Perry Order*) (waiving the Commission's rules to, *inter alia*, allow applicants' to timely file their FCC Forms 471).

^{iv} *Request for Review of the Decision of the Universal Service Administrator by Academy of Math and Science, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487009, et al., CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9258, para. 4 (2010) (*Academy of Math and Science Order*).