

E-Rate Funding Services

CRN 16070846

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February 26, 2015

To:

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

Request for Waiver

CC Docket No. 02-6

Request waiver of the Rules on Deadlines to File for Invoice Extension

Submitted by:

David Gornstein, Consultant for the Applicant
Colman-Egan School District 50-5
Billed Entity Number: 134065
Funding Year: 2010-2011
Form 471 Application Number: 704944
Funding Request Number: 1935762

Dear Mrs. Dortch:

The Colman-Egan School District 50-5 is respectfully appealing USAC's Denial of Invoice Deadline Extension Request having the following reason:

- 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.

The Colman-Egan School District 50-5 is respectfully submitting this Request for Waiver of the Rules of the Universal Service Program for Schools and Libraries ("E-Rate Program") to allow the district to submit for appropriate invoicing and discount of its eligible telecommunications services for the FY2010 year, based on the funding commitment in the FRN cited above.

The details of the Funding Commitment to date are as follows:

Pre-Discount Commitment Amount: \$1,640.64

USAC Funding Commitment:	\$1,017.20
Discount Level:	62 %
Funding Received to Date:	0.00
Amount Remaining:	\$1,017.20

The initial Invoice Deadline Extension request outlined the District's lack of institutional knowledge necessary to understand and/or follow all E-Rate rules, regulations, policies, procedures, guidelines and deadlines which resulted in its failure to file timely Service Provider Election Letter(s) and/or BEAR form(s). Subsequently, it has captured only sixty six percent (66) of all funds committed over the previous five (5) funding years. District leadership only recently discovered this anomaly.

We note here that the Waiver of the Rules would serve the public interest by allowing the District to recover its eligible telecommunications services, without adversely affecting current or future E-rate applicants.

Granting the deadline extension request(s) does not promote waste, fraud or abuse.

The FCC has demonstrated precedent in waiving guidelines and procedures for good cause. As recently as the USAC News Brief of December 5th, 2014, it states ""The Federal Communications Commission (FCC) adopted the E-rate Modernization Order on July 11, 2014..... In the Order, the FCC codified USAC's existing invoice filing deadline to allow applicants to request and automatically receive a single one-time 120-day extension of the deadline. This change will become effective on December 18, 2014. The invoice deadline for a funding request is 120 days after the last date to receive service or 120 days after the date of the FCC Form 486 Notification Letter, whichever is later. Applicants and service providers who want to request an invoice deadline extension for a deadline that has already passed must do so before December 18. Going forward, applicants and service providers must submit such requests on or before the invoice deadline in order for the request to be considered timely filed."

Payments for the services rendered have been made to the service provider and we are now looking to request reimbursement for those approved services. The District respectfully requests approval of this waiver, which would allow the District to recover funds, committed and has already paid for.

For the Applicant,

David Gornstein