

MOUNTAINAIR PUBLIC SCHOOL DISTRICT

512 Ross Ave

Mountainair, NM 87036

Phone 505-847-2333 • Fax 505-847-2843

E-mail rhendrix@mpschoools.net

March 5, 2015

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554
VIA FCC ELECTRONIC COMMENT FILING SYSTEM

Re **CC Docket No. 02-6**
Petition for Waiver
FCC Form 471 No. 915206
Applicant: Mountainair Public School District, BEN 143245

Dear Ms. Dortch,

With this letter Mountainair Public School District ("Mountainair") requests a waiver of the FCC Form 471 filing window deadline for Funding Year 2013 under the schools and libraries universal service support mechanism (E-Rate). Although the Form 471 was filed within the application window, the Item 21 Attachments were either filed late or not yet filed. If the Fund Administrator does not currently have a copy of the Item 21 Attachments or if the Commission wishes to see copies, Mountainair is very pleased to provide this documentation now.

Background

Mountainair is a small school district of about 300 students, and we therefore face the special challenges of being a small school district. We very much depend on the E-Rate program to help fund the communications technology we need to educate the next generation and help them prepare to be successful and contributing adults.

We do our best to comply with the rules of the E-Rate program, but in this case we may have fallen short on filing our Item 21 Attachments on a timely basis.

Analysis

Mountainair filed its FCC Form 471 within the filing window; the only issue is whether the Commission's rules should be waived with respect to the timeliness of the Item 21 Attachment filing.

Ms. Marlene H. Dortch
March 5, 2015
Page 2 of 2

In *Anderson Elementary School*¹, the Wireline Competitions Bureau (“Bureau”) found that when a funding application is submitted on time but for the required certification or the Item 21 Attachments, to the extent necessary the filing window requirement should be waived. This precedent has been maintained in several subsequent Commission Orders, and we have found not even one case where a petitioner in this situation was denied the requested waiver.

We also note that although a rule change² will take effect on March 6 which will set a time limit on when waiver petitions can be submitted, that amendment is not yet in effect.

Finally, we note that denial of our funding request would impose severe hardship upon Mountainair, and the effect of such denial would be a profound adverse impact upon the educational services we provide for our students. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

Request for Waiver

For the reasons stated in this letter, Mountainair respectfully requests that the Federal Communications Commission grant a waiver of the FCC Form 471 filing window deadline for Mountainair’s Funding Year 2013 E-Rate funding application.

MOUNTAINAIR PUBLIC SCHOOL DISTRICT

Ron Hendrix
Superintendent

¹ See *Anderson Elementary School Order*, 27 FCC Rcd 5319

² Amendment to 47 CFR §54.720(a) published in the *Federal Register* at 80 FR 5991 on 2/4/2015