

SEQUIM SCHOOL DISTRICT 323

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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. 865515
Applicant: Sequim School District 323, BEN 145273

Dear Ms. Dortch,

With this letter Sequim School District 323 ("Sequim SD") requests a waiver of the FCC Form 471 filing window deadline for Funding Year 2012 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, Sequim SD is very pleased to provide this documentation now.

Background

Sequim SD works on behalf of the Sequim Community to inspire and achieve excellence in the academic, creative, and physical potential of each of our approximately 3,000 students. We very much depend on funding from the Schools and Libraries program to pay for the communications technology we need to fulfill our mission.

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

Sequim SD 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.

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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 Sequim SD, 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, Sequim SD respectfully requests that the Federal Communications Commission grant a waiver of the FCC Form 471 filing window deadline for Sequim SD’s Funding Year 2012 E-Rate funding application.

SEQUIM SCHOOL DISTRICT 323

Patra Boots
Executive Director Technology

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