

Fox Creek High School  
165 Shortcut Road  
North Augusta, SC 29860

Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

CC Docket no. 02-6

RE: Fox Creek High School Entity Number 16042396, Form 486 number 1042017; Form 471 Number 940573

Fox Creek High School, a charter school in North Augusta, South Carolina, respectfully requests review of a decision by Universal Service Administrative Company (Administrator) which was adjustment of the service start date for all funding requests on FCC Form 471 Application Number 944902 to September 25, 2014 despite a timely submitted Form 486. Fox Creek High School requests adjustment of the Start Date for all funded requests on Form 471 Application Number 940573 to July 1, 2014.

Background:

Fox Creek High School submitted a Form 471 for the 2014 Funding Year by the deadline and received a Funding Commitment Decision Letter (FCDL) dated May 25, 2014.

Fox Creek High School submitted a Form 486 online by October 28, 2014.

A paper certification was used to certify the Form 486. However a ministerial error was made when the certification from the 2013 application, also on paper was sent by accident. The 486 certification was not acknowledged by USAC for the 2014 application. When the error was discovered, the correct certification was sent. However, because the error was discovered after the grace period for submitting the certification had expired the Service Start Date was adjusted.

Discussion:

Eligible applicants for discounts under the E-rate program are required to post an FCC Form 470, go through a procurement period, and after 28 days may make a service provider selection based on responses to the Form 470. The applicant subsequently files a Form 471 which describes the services ordered for which the applicant is requesting discounts. Upon review of the Form 471, if USAC determines that the requested services are eligible, a Funding Commitment Decision Letter (FCDL) is issued. Among the next steps after receiving the FCDL is the requirement for the applicant to submit a Form 486 which has a certification postmark within 120 days of the start of the Funding Year (July 1) or the beginning of services, whichever is later. In addition the FCC has directed USAC to provide applicants with a 15-day opportunity to file or amend the form without adjustment of the Service Start

Date.<sup>1</sup> The FCC has set a precedent that when applicants have demonstrated that there is no evidence of waste, fraud and abuse, and if rigid compliance with USAC's procedures does not serve the public interest that there is sufficient reason to grant an appeal or waiver of the Form 486 deadline.

Fox Creek High School submitted the Form 486 by the deadline. However, due to a ministerial error, the correct certification was not received by the deadline. In the Bishop Perry Order, the FCC allowed correction of ministerial errors.

Summary:

In summary, we respectfully request that the Service Start Date for FRNs 269940, 2699411, 2699438 be reset to July 1, 2014 because there was no violation of Commission rules.

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<sup>1</sup> See Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (Alaska Gateway Order). See also Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Archdiocese of Chicago School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-766468, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 200 (Wireline Comp. Bur. 2012).