



# HATCH VALLEY PUBLIC SCHOOLS

*All Students Empowered to Succeed*

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

April 2, 2015

Dear Ms Dortch:

I am writing on behalf of the Hatch Valley Public Schools (Entity Number: 143312) to request a waiver of the Form 486 deadline for Funding Year 2014, funding request numbers 2650319, 2650835, 2651102, 2651150, 2654503, 26547705, and 265174. The FY 2014 Forms 471 (Application Numbers: 973253, 973547, 973676, 974799, 974914 and 974988) were filed by the previous Technology Director who suddenly left the position on September 11, 2014, leaving the position vacant until December 10, 2014 when I assumed the position within the district. Upon joining the district I knew very little about the E-rate program and was unaware that a deadline had been missed. As you can imagine my first month and a half at the district were a whirlwind preparing for PARCC testing and learning the ways of the district.

Once things settled down in early January I began cleaning my office only to discover several letters from USAC dated November 19, 2014 indicating that we missed the Form 486 deadline and had 20 days to rectify the situation. Due to the fact that the letters were not discovered until after the extended deadline I had no opportunity to rectify the situation without a penalty. Within a couple of days of discovering this ministerial or clerical error we filed the Form 486. In accordance with its administrative procedures USAC adjusted the service start date to October 28, 2014 which reduced our funding by \$34,802.75. The loss of these funds would most certainly result in a financial hardship for our district.

While we fully understand the importance of deadlines for the efficient administration of the program, there is precedence for waiving FCC deadlines and USAC administrative deadlines as shown below:

*"As we recently noted in Bishop Perry Middle School, a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest. Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed*

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to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms. Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants. Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants<sup>1</sup>.”

We fully believe that our situation has the same fact pattern as many of the applicants granted relief in the Alaska Gateway Order. This omission was not intentional and upon identification it was immediately rectified. We humbly request that you waive USAC’s administrative deadline and direct USAC to change our service start date to July 1, 2014.

Thank you for your consideration of this matter.



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<sup>1</sup> See *Alaska Gateway Order* (DA 06-1871) at par. 7.