

May 30, 2015

Filed electronically via ECFS

RE: Request for Waiver and Review of Decision

CC Docket No. 02-6

Contact:

Janice Meyers

Letter of Agency Discovery Charter School

Janice Meyers Educational Consulting, LLC

1121 Park West Blvd Suite #B204

Mount Pleasant, SC 29466

Phone 914-715-2466

janice@jhmedu.com

BEN 16067442 Discovery Charter School

471 # 1052901

Request for Waiver

I am requesting a waiver of the FCC Form 471 filing window deadline for form 417 # 1052091 due to circumstances beyond the schools control.

Argument

In 2006 and 2007, in the *Bishop Perry Order* and the *Academy for Academic Excellence Order*, the Commission and the Bureau, respectively, granted waivers to applicants who missed the FCC Form 471 filing window deadline due to technical malfunctions, school reorganizations, a misunderstanding related to the filing deadline, personal staff emergencies, inadvertent errors, or circumstances beyond their control, including inclement weather.

Background

Discovery Charter School serves 81 students in downtown Newark, NJ.

The school signed a three year contract with EarthLink and was funded for 20 Megs of EoC (Ethernet over cooper) Internet service in FY 2014. During that year the school and neighborhood were under construction and the school was not yet ready to have the service installed. In December 2014 the school contacted EarthLink to begin the installation. There were delays with EarthLink and Verizon (who has the last mile) over where the cooper lines were to deliver the service. On February 5, 2015 the school filed FRN 2728866 to continue the expected 20 Megs of EoC Internet for FY 2015.

On April 15, 2015, EarthLink sent an email stating they could not deliver the EoC Internet service because Verizon did not have the copper in the area and would not install any more copper. See attached copy of the email. EarthLink wanted to install fiber and change the contract with an addendum.

I called the CSB to ask for guidance, Case # 22-753458. I was told to file another form 470 asking for quotes on 20 Megs of Internet delivered over a fiber line. Wait 28 days and file a form 471 out of window, then file an appeal to the FCC for a waiver of the deadline. Form 470 # 847120001346840 was filed on 4/15/2015.

Three vendors responded to the 470 and the school chose the lowest priced vendor, Windstream. Form 471 # 1052091 was filed and certified on 5/15/2015.

I am requesting a waiver of the filing deadline for 471 # 1052091 due to circumstances beyond the schools control. There has been no fraud or abuse and the school has followed all of the program rules and procedures. I respectfully ask that you grant this waiver so Discovery Charter School can receive E-Rate reimbursement for 20 Megs of Internet service.

Sincerely,


Janice Meyers

Cc: Keefe, Paul
Subject: RE: Product Replacement Addendum needed

Here you go

Vickie Shaw

From: Ferrigno, Steve
Sent: Wednesday, April 15, 2015 2:50 PM
To: Legal Request; Shaw, Vickie
Cc: Keefe, Paul
Subject: Product Replacement Addendum needed
Importance: High

Vickie – can you please help me with this? I need this turned around right now, or I lose the opportunity

Customer ordered the services outlined on the attached AFS, but we cannot deliver them due to facilities issues (no EOC available) , and instead want to order fiber.

Need a **product replacement addendum** that states the following:

20M EOC Access (\$315.00) and Internet Service (\$448.33) and CPE Maintenance \$12.95) TOTAL MRC \$776.28

IS REPLACED BY:

20M FIBER Access (\$1200.00) and Internet Service (\$252.00) and CPE Maintenance (\$12.95) TOTAL MRC \$1464.95

Please see **IQ quote #113172** to verify the fiber pricing

Thanks!

Steve Ferrigno
Major Channel Manager
Earthlink Business | Partner Sales
O: 201 728 9219 | M: 908 565 3233 | F: 201 623 1990
160 Chubb Avenue | Lyndhurst, NJ | 07071
www.earthlinkbusiness.com



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