

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Petition for Reconsideration)	
of a Decision by the)	
Wireline Competition Bureau)	
)	
Hancock County Library System)	File Nos. SLD-354032 et al.
Bay Saint Louis, Mississippi et al.)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Petition for Reconsideration by Madison County Public Library

Madison County Public Library, Marshall, NC (Madison) respectfully requests reconsideration of a decision by the Wireline Competition Bureau (Bureau) in accordance with 47 C.F.R § 1.106(a)(1), (b)(1) and/or (b)(2). The Bureau erred when denying this Request by citing precedent that did not exist at the time of Madison’s initial appeal and the Bureau failed to timely act on the initial appeal using longstanding precedent. Madison was not aware of new regulations at the time of appeal.

Alternatively, and in the public interest, Madison asks the Commission to waive applicable rules and/or polices in this instance and restore funding to Madison. This appeal is timely filed within 30 days of the Bureau’s decision.

Madison County Public Library
Billed Entity Number: 127095
FCC Registration Number: 0011686664
Form 471 Numbers: 692415, 765019, 624417
Funding Request Numbers: [1899920](#), [2067445](#), [1722388](#)

Background

In correspondence dated January 28, 2013, the Administrator denied Invoice Deadline Extension Requests for the above referenced Funding Request Numbers. The Administrator

denied the requests because the request was filed more than 120 days after the last date to invoice for these services.

In a request for review dated February 5, 2014 Madison's consultant requested the Commission or Bureau waive the invoice filing deadline based on longstanding precedent in Bishop Perry, Alaska Gateway and Arkansas Department of Information Systems.¹

The Bureau denied this appeal and other similarly situated appeals citing newly enacted invoice deadline regulations in the E-Rate Modernization Order and "precedent" in the Canon-McMillan Order, issued in 2008.

Discussion

Madison is at a loss to understand the Bureau's complete reversal of precedent for invoice deadline extension requests. Prior to the E-Rate Modernization Order, virtually all invoice deadline waiver requests were granted by the Bureau. In Canon-McMillan, the very precedent cited in denying these requests, all waiver requests were granted and the Bureau recognized issues such as staff turnover warrant waiver. The Bureau noted that E-Rate applicants are typically school administrators, teachers, or librarians with little experience with invoice requirements – particularly small school districts or libraries.² In the Arkansas decision, virtually all Arkansas applicants were granted invoice deadline waivers from the beginning of the program to the time of decision, whether the individual applicant filed an appeal or not. All referenced decisions noted that the program has deadlines but that the public interest would not be served by denying funds that had been approved under the Universal Service statute.

¹ Bishop Perry Middle School, FCC 06-54, Rel. May 19, 2006 (Bishop Perry), Alaska Gateway Decision, DA 06-1871, Rel. Sept. 14, 2006 (Alaska Gateway) and Arkansas Department of Information Systems, DA 08-1418, Rel. June 13, 2008 (Arkansas), CC Docket No 02-6

² Canon-McMillan Order at 8.

The Bureau erred in its decision by citing precedent that did not exist. When Madison filed its original request for review, Commission regulations Title 47 §54.724 required the Bureau to act on a request for review within 90 days of submission. This section allows an additional 90 day extension but no more than 180 days for the Bureau to render a decision. Had the Bureau timely reviewed Madison's request, precedent in place before the E-Rate Modernization Order would have been in force. By delaying a decision for over a year, and citing regulations that were not in place at the last opportunity to appeal, the Bureau improperly applied new regulations retroactively to aggrieved applicants.

Conclusion

Madison applied for E-Rate discounts in good faith and mistakenly believed the vendor applied authorized discounts to invoices. Because of the complex nature of the E-Rate program and staff turnover, Madison did not realize approved service was not being discounted by the vendor. On appeal Madison cited longstanding precedent granting waivers for similarly situated applicants. The Bureau erred in its decision by not timely reviewing Madison's appeal and retroactively applying regulations that did not exist at the time of Madison's appeal.

We ask the Bureau or Commission to overturn this decision and restore funding to Madison Library.

Respectfully submitted this eighth day of June, 2015,

//ss//

Greg Weisiger

Consultant to Madison Library
14504 Bent Creek Ct
Midlothian, VA 23112