BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of:	)	
	)	
Request for Review and/or Waiver of a	)	
Decision of the Universal Service	)	
Administrator	)	CC Docket No. 02-6
	)	
by	)	
	)	
St. Philip the Apostle School	)	

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

St. Philip the Apostle School ("St. Philip") respectfully requests that the Federal Communications Commission ("FCC" or "Commission") review a decision of the Administrator of the Universal Service Administrative Company ("USAC ") relative to the denial of invoice extensions for FRN 2387127. St. Philip further requests that the Commission grant it a Waiver allowing it extensions to file FCC Form 472, Billed Entity Applicant Reimbursement ("BEAR"), for the FRN. This Request for Review and Waiver is made pursuant to 54.719 through 54.723 of the Commission's rules.[1]

[1] 47 C.F.R. §§ 54.719–54.723

Application Information

Billed Entity Number: 22256

FCC Form 471 Application Number: 874569

Funding Request Number Appealed: 2387127

Date of Administrator's Decision on Appeal: April 8th, 2015

Service Provider(s): Comcast Business Communications

SPIN: 143003990

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USAC DECISION ON INVOICE EXTENSION APPEAL

St. Philip is seeking a Review and/or Waiver relative to a USAC Administrator's Decision on Appeal, which denied its appeal of invoice extensions denials for FRN 2387127, stating:

> Administrative procedures related to the payment of support for discounted services establish deadlines for applicants or service providers to submit invoices to USAC. The administrator provides an extension of the deadlines under certain conditions. Those conditions are documented in the Reference area on the USAC website. (See Invoice Extensions for more information.) Your request did not provide information that that satisfied those conditions.

> Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore you appeal is denied.

STATEMENT IN SUPPORT OF APPEAL

On October 28, 2014 St. Philip, by and through its duly authorized E-rate consultant, Educational Funding Group, Inc., ("EFG") (CRN 16043587) submitted an Invoice Extension Request for the FY2012 FRN listed above.

An invoice deadline extension was requested because on October 23rd, 2014, less than one week before the BEAR for this FRN was due, the EFG consultant responsible for this account unexpectedly resigned having given no notice whatsoever. Unfortunately, because of this untimely departure there was insufficient to gather the necessary documentation to complete an accurate BEAR as is required for USAC compliance rules.

St. Philip doesn't understand why the invoice extension request filed for this FRN was dismissed when the supporting reason provided in the Invoice Deadline Extension Request cited issues that were clearly "circumstances beyond the service provider's control", which is listed on the USAC website as one of the conditions for which an extension may be requested. Since St. Philip satisfied this requirement, it fails to understand how USAC can list it as an acceptable reason on its website, yet deem it an unacceptable reason for granting an invoice extension for the FRN subject of this Request for Review and/or Waiver.

Denying an invoice extension under these circumstances is not only harsh, but it creates significant hardship for the school that made its best efforts to comply with all program rules in a timely manner.

Further, the Administrator's Decision on Appeal gave as an explanation the incomprehensible statement that "Your appeal has not brought forth clear information establishing that those conditions were met but not considered." St. Philip is unable to fathom to what USAC is referring and is therefore unable to adequately address the issue in this Request.

Denying an invoice extension under these circumstances is not only punitive to the applicant, and contrary to public interest, but is financially detrimental to the applicant who made its best efforts to comply with all program rules in a timely manner. EFG made its best efforts to obtain the information and documentation necessary to prepare an accurate BEAR for this FRN, but for the aforestated reasons, that were clearly outside of the service provider's control, were unable to do so by the last date to invoice, and thus sought an extension.

The Commission has recognized that a rule may be waived where the particular facts make strict compliance inconsistent with the public interest. See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). In addition, the Commission has recognized that it may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. It has deemed a waiver to be appropriate if special circumstances warrant a deviation from the general rule, where such deviation would

better serve the public interest than strict adherence to the general rule. WAIT, supra. St. Philip asserts that based on the facts of this matter, strict compliance with the invoice extension guidelines to which USAC is referring, is inconsistent with the public interest and it stands to suffer financial hardship if the guidelines are strictly enforced. Applicant believes that, based on the special circumstances presented herein, it would be equitable for the Commission to grant it a waiver of USAC's invoice extension rules for FRN 2387127, and respectfully requests that it do so.

It is also important to note that the rules and procedures that appear to have been applied by the Administrator in denying St. Philip's appeal were not in effect at the time applicant's invoice deadline extension request was submitted. The changes implemented by the E-rate modernization Order regarding invoice filing deadlines (47 C.F.R. §54.514,) did not go into effect until December 18, 2014 and St. Philip's invoice deadline extension request was submitted on October 28, 2014, prior to the effective date, and in compliance with the invoice deadline guidelines and procedures in effect at that time. Applicant's request for an invoice extension should have been decided based on the rules in effect at the time it was filed and those in effect for FY2012, not by subsequently implemented rule changes. Further, by USAC rendering incomprehensible explanation(s), applicant's ability to comprehend the standard applied by USAC is severely hindered and leaves it unable to adequately address the issue in this Request for Review and/or Waiver.

CONCLUSION

Throughout its application process, St. Philip acted in good faith and demonstrated compliance with E-rate program rules and regulations. It followed all core E-rate program

requirements and committed no fraud, abuse or waste of E-rate funds. Under the circumstances presented, for USAC to deny an invoice extension for FRN 2387127 is against the public interest and will create financial hardship for the school.

Therefore, for the reasons contained herein and to better serve the public interest and the interests of the students of St. Philip, St. Philip respectfully requests that the Commission:

1. Grant its Request for Review of USAC's denial of the invoice deadline extensions for FRN 2387127;

2. Grant its Request for a Waiver of the invoice deadlines for FRN 2387127;

3. Issue an Order to USAC to grant an invoice extension for FRN 2387127;

4. Remand the FRNs to USAC for further processing; and

5. Waive any procedural rules necessary to effectuate the Commission's resultant Orders.

Respectfully submitted,

/s/Courtney Cikach

Courtney Cikach