

# Appeal/Waiver Request

Regarding CC Docket # 02-6

**Applicant Name:**  
**NICAEA ACADEMY INC**  
**Entity Number: 16038412**  
**Funding Year: 2015-16**

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## CONTACT INFORMATION

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## APPLICANT INFORMATION

Applicant 471 Main Contact Name: Paul McLaurin  
Applicant Name: NICAEA ACADEMY INC  
BEN: 16038412

**This is a request for a Waiver/Appeal of the USAC designation for  
NICAEA ACADEMY INC**

### Waiver/Appeal Request Detail:

**471 Out of Window Certification Letter 6-29-2015 - Funding Year 2015-16**

**Date Submitted: May 01, 2015**

**Date Certified: May 01, 2015**

**Form 471 Information: 1016198**

**FCDL Date -N/A**

**Funding Request Number(s): 2873341**

Service Provider Name: Comcast Business Communications

Service Provider Identification Number: 143003990

**Total Post Discount Request: \$847.20**

**Funding Request Number(s): 2873380**

Service Provider Name: AT&T Mobility

Service Provider Identification Number: 143025240

**Total Post Discount Request: \$924.00**

**Funding Request Number(s): 2873379**

Service Provider Name: Comcast Business Communications

Service Provider Identification Number: 143003990

**Total Post Discount Request: \$888.00**

**USAC Designation/ reason for appeal:**

**'1016198 NICA EA 15 Certified - Out of Window'**

**Rationale for this Request:**

During the 2015-16 eRate filing window, I was tasked with implementing the new eRate changes for the school, this meant confirming the changes with the school and walking through the new rules and eligibilities, and compiling the item 21 data in a fillable format prior to the 471 submission. The school worked feverishly to supply me with this information in time for the effective completion of the Form 471.

**Process that Lead To the Error**

I file for over 200 individual schools, and noticed during the new 2015 filing window implementation that many service providers were not aware of all new requirements for filing, eligibilities, or how to provide data for item 21 forms necessary to upload to the USAC system. As a result I was left with unformatted data on contracts, that were in fact both eRate eligible - and with signed agreements/contracts eligible the 2015 471 filing window.

As a result, these particular Form 471s were not filed and certified on time. However they were **both filed and certified by Apr 30, 2015, within the extended certification window of 5-26-2015**

**Circumstances to Consider –**

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- **Form 471 1051419 was certified on Apr 30, 2015.**
- Past FCC eRate rulings approving waivers of this nature
- The school acted appropriately and in good faith, signing contract within SLD dates for this FRN request. The new 2015 funding guidelines simply required the school to take additional measures to confirm eligibilities, and to upload this data in a USAC acceptable format

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**Past FCC Ruling**

FCC

DA 12-1469

September 14, 2012

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The Order and Order on Reconsideration reviewed 39 requests from petitioners seeking review of decisions made by USAC under the eRate program. These petitioners were seeking waivers on the Form 471 filing window deadline.

The requests were granted for those schools within 14 days after the filing window deadline.

Justification was cited on past FCC Rules specifically File Nos. SLD-487009, et al., CC Docket No. 02-6, Order, 25 FCC Rcd 9256 (2010) (Academy of Math and Science Order) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline or filed their Form 471 on time, but failed to timely file their certifications); Also, the following order or docket #: CC Docket NO. 02-6, Order, 26 FCC red 354.

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This request is made on behalf of the Billed Entity for a Waiver/appeal to be granted. By granting this Waiver/Appeal, USAC could be directed to review NICA EA ACADEMY IN NICA EA ACADEMY INC's application for funding during the Funding Year 2015.

Your favorable consideration in this matter is greatly appreciated.  
Please feel free to contact me at any time should you have questions.

Paul McLaurin  
Consultant  
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