

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

**Schools and Libraries Universal Service Support ) CC Docket No. 02-6  
Mechanism )**

**APPEAL/REQUEST FOR WAIVER**

Billed Entity Name	Harrisburg City School District
Billed Entity Number	125727
Form 471 Number	1008597
Funding Request Number	2737966
Funding Commitment Decisions Letter	July 17, 2015

**Summary**

This timely submitted appeal/request for waiver seeks a post-funding commitment increase due to a ministerial and clerical error committed in the preparation and submission of the District's Internet Access Service on the FY 2016 Form 471 Application. The error was not detected during subsequent review of the application, either when the Receipt Acknowledgement Letter was received or during the period that the application was under review. The error was only discovered after receiving the initial vendor which was after the FCDL was issued.

**Details**

The District competitively bid high speed Internet access and subsequently awarded a contract to the lowest bidder – Level 3 – for 1 GB of Internet access. The vendor contract contained a breakdown of port and transport costs, but did not total the contractual amount. When the funding request was created, we used the lowest line item on the contract – the \$2350 amount – and inadvertently did not include the transport cost of \$2013. The cost was clearly part of the vendor contract and should have been requested on the Form 471. The total pre-discount amount of the funding request should have been \$4790.34 (calculated as \$2350 + \$2013, plus \$427.34 in state and local taxes, USF fees and eligible surcharges). The signed vendor contract is attached as the source documentation.

This is a situation where an honest mistake was made and there is no waste, fraud or abuse of any kind. Had the mistake been detected prior to the issuance of the FCDL, we believe the revision would have been permissible under the Bishop Perry case as a correction to a ministerial and clerical error. We also believe that this request for waiver is consistent with other requests to increase approved funding, post-FCDL, that the FCC has approved.

**Supporting Decisions**

In DA 14-1526, the Wireline Competition Bureau's October 22, 2014 Public Notice, *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, the FCC approved the A.W. Brown Fellowship Charter School's waiver request to increase funding after issuance of the FCDL due to the applicant's reliance on the incorrect amount taken from the source document.<sup>1</sup>

In *Requests for Waiver and/or Review of Decisions of the Universal Service Administrator by Camnet, Inc. (Cameback Academy), Glendale, Arizona et al.*, CC Docket No. 02-6, File No. SLD-819922 et al. Order and Order on Reconsideration (Order released June 25, 2014), the FCC approved several waivers that resulted in post-funding commitment increases due to ministerial and clerical errors. The facts and circumstances associated with several of those requests are almost identical to our waiver request:

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<sup>1</sup> Request for Waiver filed Sept. 24, 2014, Application No. 936338

- When Erie 1 BOCES discovered after its receipt of its FCDL that the monthly Verizon bill that the BOCES used for quantifying its FRN was too low, the FCC waived its rules and allowed the applicant to increase funding.<sup>2</sup>
- When Kress Independent School District learned of a mathematical error that resulted in under-funding, the FCC approved a waiver and increased the District's funding also post-FCDL.<sup>3</sup>
- Similarly, Nash-Rocky Mountain School District used the wrong prediscout amount and a correction and increase in funding was permitted post-FCDL.<sup>4</sup>

In each of these situations, the applicant committed an unfortunate ministerial or clerical error in which the FCC agreed deserved to be corrected. We respectfully request that the Commission provide us with the same relief. This was an honest mistake when relying on our source documentation.

Respectfully submitted,

/s/ Craig Glass  
Information Technology Manager  
Harrisburg City School District  
1601 State Street  
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Enclosures: Signed Level 3 Internet Contract

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<sup>2</sup> Request for Waiver filed Aug. 22, 2013, Application No. 825021.

<sup>3</sup> Request for Waiver filed Jan. 14, 2014, Application No. 887456

<sup>4</sup> Request for Waiver filed Oct. 22, 2013, Application No. 916750