

**Waiver Request
CC Docket No. 02-6**

Date: October 6, 2015

State of Hawaii Department of Education

Billing Entity Number: **144815**

Funding Year: **2014-2015**

Contact Information:

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Application Information:

FCC Form 471 Number: **986207**

Funding Year: **2014-2015**

Filing Date: **March 25, 2014**

Applicant Contact Name: **Same as above Contact Information**

Funding Request Number: **2690472**

Service Provider Name: **Time Warner Entertainment Corp.**

Service Provider Identification Number: **143031364**

This is a request for a waiver to utilize date of Notice of Award document in lieu of the date of the signed contract.

Reference:

- (a) FCC E-Rate Modernization Order Document 14-99, "REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULEMAKING", released July 23, 2014

The State of Hawaii Department of Education (Hawaii DOE) requests a waiver from section 47 CFR 54.504(a) to consider utilizing the date of the Notice of Award document in lieu of a contract document prior to submitting the initial FCC Form 471. This pre-dates the E-Rate Modernization Order where Section 203 of Reference (a) which provides leniency and revising requirements to have either a signed contract or other legally binding agreement in place prior to filing FCC Forms 471. Hawaii DOE is requesting for similar leniency to be retroactive to FCC Form 471 Number 986207.

The Hawaii DOE has submitted FCC Form 471 Number 986207 for Funding Year 2014 and is awaiting review completion. USAC has identified the conflict of having a signed, multi-year contract in an untimely manner, however the notice of award was issued timely and could be allowed, pending this FCC waiver. Approving this waiver will allow USAC to continue with the review process for the FCC Form 471 application.

The bid/contract timeline is as follows:

Bid Announced: **December 10, 2009**
Form 470 Submitted: **December 10, 2009 (Form 470 Number 281380000795418)**
Notice of Award issued: **February 10, 2010**
Initial Form 471 (2010-11) filed: **February 18, 2010 (Form 471 Number 764822)**
Multi-year Contract Signed: **Party 1: Time Warner Entertainment Corp.: February 10, 2010**
Party 2: Hawaii DOE: November 1, 2010

Start of services under this contract occurred from February 2011

This is a multi-year contract effective from November 2010 through June 30, 2015. Although the Notice of Award was issued prior to the initial Form 471 filed for FY 2010-11, the services contract was not finalized until November 1, 2010. Please note that the service vendor signed their agreement portion of the contract on the same date as the Notice of Award: February 10, 2010. A copy of the Notice of Award and the contract is submitted for your reference.

USAC has identified this issue and is aware of this request submittal as this impacts the approval process of Hawaii DOE's FCC Form 471 (2014-15) Application Number 986207. Your favorable consideration in this matter is greatly appreciated. Please feel free to contact me at any time should you have questions.

Respectfully Submitted,

Steven Asaumi
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