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*Dr. Mark A. Eastridge
Superintendent*

REQUEST FOR REVIEW AND WAIVER

CC Docket No. 96-45 and CC Docket No. 02-6 E-Rate Appeal Filed Electronically via the FCC ECFS System

March 9, 2016

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

RE: Request for Review of the Administrator's Decision on Appeal 471 Application 958961
FRN 2613296.

Applicant/Organization Name: South Harrison Community School Corporation
BEN: 130536
Form 471 Application Number: 958961
FRN: 2613296
Funding Year: 2014
Billed Entity FCC RN: 0011973724
Service Provider: Frontier North, Inc. (SPIN): 143004791

To Whom It May Concern:

The mission of South Harrison Community School Corporation is to create an environment which develops, nurtures and reinforces the success of students as well as all people served by the corporation. Further, through the shared involvement of home, community and school, our purpose is to develop and provide quality work to prepare each student to think, reason and participate in a diverse society as a lifelong, self-directed learner.

This is a request for review and waiver of the denial of the Administrator's Decision on Invoice deadline Extension Request dated February 4, 2016 in connection with FRN 2613296 on FCC Form 471 Application Number 958961. A copy of the Administrator's Decision on Invoice Deadline Extension Request (Exhibit A) is attached. Exhibit A serves as the basis for this FCC request for review and waiver. It has always been the desire of the South Harrison Community School Corporation to comply with all FCC rules.

Text Being Requested for Review:

"FCC rules require that Invoice Deadline Extension requests be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the last day to deliver service or 120 days after the date of the FCC Form 486 Notification Letter, whichever is later). Since the extension request was not filed in a timely manner, the request is denied."

South Harrison Community School Corporation has been offered the opportunity to appeal the decision in its Administrator's Decision on Invoice deadline Extension Request (Exhibit A) and an email from Mr. Kraft (Exhibit I, page 1, see yellow highlight). Please note the Administrator's Decision Letter referenced appealing to USAC, but the email from Mr. Kraft, USAC Senior Manager of Program Management, directed the appeal to the FCC. The school corporation has decided to appeal to the FCC since an FCC rule has been cited by both the Administrator's Decision and the email from Mr. Kraft.

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Employer*

South Harrison Community School Corporation, Request for Review of Administrator's Decision

Overview of Invoice Deadline Extension Request:

In the Fall of FY2014 (July 1, 2014 to June 30, 2015) South Harrison Community School Corporation reorganized its central office staff and assigned the responsibilities for E-Rate to the Director of Business Operations and hired an E-Rate Consultant to assist with the required FCC E-Rate filings. The FY2014 FCC Form 470 and FCC Form 471 was completed and certified by the district employee who previously had responsibility for E-Rate.

South Harrison Community School Corporation directed the consultant to request discounts on the monthly invoices from Frontier North. The request was filed with Frontier North on March 12, 2015 (Exhibit B).

On September 25, 2015 the consultant reviewed the Data Retrieval tool (DRT) on the USAC website and found the invoicing mode had not been setup (Exhibit C, see yellow highlight). Based on this information he recommended to the school corporation that a BEAR be filed so E-Rate funding could be requested. The Director of Business Operations sent the total expenditure information for all Frontier North accounts to the consultant for the BEAR filing. The consultant completed an online BEAR on September 25, 2015.

On October 5, 2015 Frontier North Inc. certified the online BEAR indicating their agreement with the reported total (undiscounted) amount for the service in column 12 (Exhibit D).

The 472 (BEAR) Notification Letter was issued by USAC invoicing October 15, 2015 (Exhibit D).

Frontier North, Inc. issued a BEAR reimbursement check on November 24, 2015 (Exhibit D).

Frontier North, Inc. requested reimbursement from USAC for discounts that they had placed on the South Harrison Community School Corporation on March – June, 2015 invoices. Frontier North requested the reimbursement from USAC on October 21, 26 and 28, 2015. These requests were denied by USAC invoicing since a BEAR had been approved (Exhibit E, page 2, see yellow highlight).

South Harrison Community School Corporation was informed by an official from Frontier North, Inc. SPIN 143004791 on January 26, 2016 that Frontier North attempted to invoice USAC for discounts they had applied to the South Harrison Community School Corporation Frontier North invoices for FY2014 and were denied due to a BEAR that had been filed (Exhibit F, page 1, see yellow highlight). Frontier North requested a deadline extension be filed by the South Harrison Community School Corporation.

The South Harrison Community School Corporation filed the extension request through the Submit a Question process on January 27, 2016 (Exhibit G, bottom of page 1, see yellow highlight). Furthermore, the school corporation notified USAC invoicing of an invoicing mode problem on February 2, 2016 (Exhibit H).

South Harrison Community School Corporation received an email response from Mr. Kraft on February 4, 2016 (Exhibit I, page 1, see yellow highlight) informing the school corporation “Unfortunately the new rules for deadline extensions has a rule based date by which to receive the extension request. Your extension request was due on October 28, 2015 and it was submitted on January 27, 2016. We will, by rule, deny the request as it was submitted too late.”

South Harrison Community School Corporation attempted to gain an understanding of the extension denial by requesting the following information from Mr. Kraft and was directed by him to contact the Customer Services Bureau (Exhibit J) to address the following questions.

1. In your February 4, 2016 email you mention "the new rules for deadline extension" can you provide me the citation and where I can go to download this information. If it is not available for public review could you just attach the document?
2. When was the last day Frontier North could have requested reimbursements through the SPI method?
3. What steps are involved in setting the invoicing mode on the Data Retrieval System aka Data Retrieval Tool (DRT)? Are these steps time sensitive? For example, when I checked the DRT on September 25, 2015 if the invoicing mode had been changed from "NOT SET" to "SPI" I would have known not to file a BEAR.

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The South Harrison Community School Corporation E-Rate Consultant contacted the Client Services Bureau on February 8, 2016 creating case #48622 (Exhibit K). The Client Service Bureau Representative that created the case did not articulate in the case notes the answers to the three questions (Exhibit L Case Notes).

The South Harrison Community School Corporation E-Rate Consultant did take notes of the conversations and his written record reflects the following.

1. When asked for a citation of "the new rules for deadline extension" the USAC Helpdesk response was to please refer to the USAC's School and Libraries News Brief for the week of October 23, 2015 (Exhibit M). This newsletter states that this topic was also discussed in the September 25, 2015 SL News Brief (Exhibit N). Neither News Brief makes mention of "the new rules for deadline extensions" The reader must assume "the new rules for deadline extensions" is embedded in the following statement made in both News Briefs. **"USAC cannot grant invoice deadline extension requests received or postmarked after the deadline for the invoice."** This is new and different from past practice dating back to the inception of the E-Rate program 19 years ago when invoice deadline extension requests were granted well after the deadline for the invoice. The school corporation and the E-Rate consultant recognize this change is part of the Modernization Order of July 11, 2014 (para. 238-242). Unfortunately, the school corporation was not notified that there was a problem until January 26, 2016 and was prevented from submitting an invoice extension in a timely manner.
2. Asked when the last day Frontier North could have requested reimbursements through the SPI method, the USAC helpdesk response was October 28, 2015. Only Frontier North had the knowledge that there was a problem therefore, only Frontier North could have asked for the invoice extension in an effort to correct the problem. Frontier North did not share with the school corporation that there was a problem until January 26, 2016.
3. When asked what steps are involved in setting the invoicing mode on the Data Retrieval Tool (DRT) the USAC helpdesk response was the DRT is updated daily as soon as something is approved by USAC invoicing. Since the BEAR was submitted September 25, 2015, the DRT would have been updated as soon as USAC approved the BEAR that Frontier North certified. Frontier North, Inc. had access to the DRT and if checked could have notified the school corporation well before the invoicing deadline so corrective action could have been taken.

REQUEST FOR WAVIER OF FCC RULES AND TO RESTORE FUNDING COMMITMENT FOR FRN 2613296

Paragraph 240 of The Modernization Order of July 11, 2014 states, *"the Bureau should grant waivers of those rules in extraordinary circumstances."* The school corporation asks that the Bureau consider the chain of events described in this request for review and wavier to fall under the category of *"extraordinary circumstances."*

The South Harrison Community School Corporation believes an extraordinary circumstance exists to warrant a deviation from the FCC general rules. It is clear that this issue could have been easily avoided if any one of the following situations had not occurred.

1. If Frontier North had filed their SPI forms at a reasonable time after they applied their discounts to the South Harrison Community School Corporation invoices.
2. If Frontier North's invoices were clear enough that the School Corporation Director of Business Operations could locate and understand that the E-Rate discount had been applied to the invoice.
3. If Frontier North had established appropriate internal audit procedures to avoid approving a BEAR to an account(s) that they were already applying discounts.
4. If Frontier North had notified the South Harrison Community School Corporation of the SPI vs BEAR issue when their first SPI was denied by USAC.

All these issues are outside of the control of the South Harrison Community School Corporation. Frontier North has made it plain that they hold the school corporation responsible for reimbursing Frontier North for the E-Rate credits issued on the monthly invoices.

The South Harrison Community School Corporation had no way of knowing on October 28, 2015 that there was an invoicing issue and was not afforded an opportunity to submit an invoice deadline extension in a timely manner. The South Harrison Community School Corporation believes an extraordinary circumstance exists to warrant a deviation from the FCC general rules, and such deviation would better serve the public interest than strict adherence to the general rules. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements.

South Harrison Community School Corporation, Request for Review of Administrator's Decision

I respectfully request that the remaining funding for FRN 2613296 be fully restored.

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Charlie Hobbs, if you have any questions concerning this appeal or require additional information. His contact information is as follows:

Charlie Hobbs
AdTec, Inc.
P.O. Box 97
Centerville, IN 47330
Telephone: 765-855-1612
Fax: 765-855-1615
charlie@adtecerate.com

Authorized Signature:



Mark A. Eastridge, Ph.D., Superintendent
South Harrison Community School Corporation

Enclosures