

02-6

Received & Inspected



WARREN COUNTY SCHOOL DISTRICT
CENTRAL ADMINISTRATIVE OFFICES
6820 MARKET STREET EXT.
RUSSELL, PA 16345

MAR 23 2016

FCC Mailroom

WILLIAM A. CLARK, Ed.D.
SUPERINTENDENT

March 18, 2016

FCC APPEAL – Request to waive deadline to file corrections on Bear Form 472

Applicant:

Warren County School District
6820 Market Street
Russell, PA 16345

DOCKET FILE COPY ORIGINAL

BEN 125548 – Funding Year 2014
FCC Form 471 # 982459
FRN # 2678352 – Internet Access – Zito Media Communications
SLD Invoice Number: 2279485
CC Docket No. 02-6

Contact Information:

Brian Collopy
Coordinator of Technology/Information Management- eRate Contact for the District
Warren County School District
6820 Market Street
Russell, PA 16345
814-723-6903 Ext: 1220
collopyb@wcsdpa.org

Amy Stewart
Executive Director- Registered eRate Applicant
Warren County School District
6820 Market Street
Russell, PA 16345
814-723-6903 Ext: 1210
stewart@wcsdpa.org

No. of Copies rec'd 0
List ABCDE

The Warren County School District does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs, activities or employment practices and provides equal access to the Boy Scouts and other designated youth groups. Inquiries may be directed to Mrs. Amy Stewart, Title IX/Section 504 Coordinator at 6820 Market St. Ext., Russell, PA 16345 or (814) 723-6900.

Dear FCC,

The Warren County School District is located in northwestern Pennsylvania and has a large geographical footprint covering nearly 800 square miles. Our county is mostly rural with one urban center. Connectivity to the Internet and building connectivity through wide area networking is challenging due to the geographic features and lack of urban development outside the city of Warren. The Pennsylvania State budget impasse has had a negative financial impact to the current year's budget. The District relies on eRate reimbursements to receive funding to make appropriate Internet and wide area network access available to our district's sites to conform to the connectivity outlined in the eRate Modernization Order of 2015.

The Warren County School District disagrees with the USAC decision to deny reimbursement due to BEAR Form 472 being submitted late, as well as having a typographical error stating the incorrect billed date due to the following circumstances:

1. Form 472 SLD Invoice # 2279485 with FRN # 2678352 filed on October 28, 2015 was submitted successfully at 12:55 pm, and not approved by our vendor until October 29, 2015 at 8:36 am.
2. Our reimbursement amount and Form 472 passed validation by our vendor, but was denied by the USAC due to a typographical error regarding the **Billed Date Before 486 Service-Start Date**.
3. Since the vendor had not approved Form 472 until the following morning, the district was not aware that a typographical error was present on the form.

The Warren County School District made an appeal to USAC requesting a 30 day extension to allow us to resubmit with the corrections necessary to secure reimbursement and received an email denying the request.

Our vendor, Zito Media Communications also made an appeal to the USAC requesting to allow the Warren County School District to resubmit Form 472. This was denied with the reason "**Invoice Received Date [10/29/2015] Later Than Invoice Acceptable End Date [10/28/2015]**".

I am requesting a waiver of the filing deadline in order to file a corrected Form 472 with an updated **486 Service-Start Date** for funding year 2014 allowing the District the opportunity to receive reimbursement. We have paid the provider for the service and our 2014/2015 budget lists reimbursement monies that would be difficult to replace at this time.

Attachments include a scan of BEAR validation reports, Zito Media Communication's appeal to USAC, Warren County School District's appeal to USAC, BEAR Notification Letter, BEAR Invoice Submission and USAC Funding Commitment Decision Letter.

Sincerely,



Amy Stewart
Executive Director

The Warren County School District does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs, activities or employment practices and provides equal access to the Boy Scouts and other designated youth groups. Inquiries may be directed to Mrs. Amy Stewart, Title IX/Section 504 Coordinator at 6820 Market St. Ext., Russell, PA 16345 or (814) 723-6900.

<u>Identifier</u>	<u>SPIN</u>	<u>Status</u>	<u>Reimbursement Amount</u>	<u>Contact Name</u>	<u>Authorized By</u>	<u>Certified By</u>	<u>Date Created</u>	<u>Date Submitted to SLD</u>	
<u>2281046</u>	15	143031076	PASSED VALIDATION	\$4,688.64	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/29/2015 10:38:32 AM	10/29/2015 12:38:50 PM
<u>2281254</u>	16	143031076	PASSED VALIDATION	\$1,995.00	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/29/2015 10:44:56 AM	10/29/2015 12:36:55 PM
<u>2281257</u>	17	143031076	PASSED VALIDATION	\$2,265.60	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/29/2015 10:50:17 AM	10/29/2015 12:36:56 PM
<u>2279422</u>	10	143001398	PASSED VALIDATION	\$2,235.36	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Nicole Lynch</u>	10/28/2015 12:38:09 PM	10/28/2015 1:23:49 PM
<u>2279505</u>	15	143031076	PASSED VALIDATION	\$4,688.64	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/28/2015 1:05:15 PM	10/29/2015 12:35:52 PM
<u>2279580</u>	16	143031076	PASSED VALIDATION	\$2,109.00	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/28/2015 1:27:44 PM	10/29/2015 12:35:06 PM
<u>2279177</u>	2	143000677	COMPLETED	\$8,693.52	<u>Brian Collopy</u>	<u>AMY STEWART</u>		10/28/2015 11:20:09 AM	10/28/2015 4:58:25 PM
<u>2279266</u>	3	143001398	PASSED VALIDATION	\$1,923.60	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Nicole Lynch</u>	10/28/2015 11:58:58 AM	10/28/2015 1:14:50 PM
<u>2279618</u>	17	143031076	PASSED VALIDATION	\$1,982.40	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/28/2015 1:38:22 PM	10/29/2015 12:33:57 PM
<u>2279283</u>	5	143001192	PASSED VALIDATION	\$477.79	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Lorita Belle</u>	10/28/2015 11:50:24 AM	10/28/2015 12:26:25 PM
<u>2279396</u>	8	143001398	PASSED VALIDATION	\$2,795.18	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Nicole Lynch</u>	10/28/2015 12:26:03 PM	10/28/2015 1:19:27 PM
<u>2279443</u>	11	143001192	PASSED VALIDATION	\$341.09	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Lorraine Griffin</u>	10/28/2015 12:42:36 PM	10/28/2015 1:16:56 PM
<u>2279476</u>	13	143031076	PASSED VALIDATION	\$72,150.00	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/28/2015 12:50:53 PM	10/29/2015 8:36:36 AM
<u>2279485</u>	14	143031076	PASSED VALIDATION	\$31,968.00	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Leeanne Bertrand</u>	10/28/2015 12:55:38 PM	10/29/2015 8:36:37 AM
<u>2279293</u>	6	143001398	PASSED VALIDATION	\$2,254.81	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Nicole Lynch</u>	10/28/2015 11:55:00 AM	10/28/2015 1:12:30 PM
<u>2279357</u>	7	143001192	PASSED VALIDATION	\$875.04	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Lorraine Griffin</u>	10/28/2015 12:16:22 PM	10/28/2015 1:18:36 PM
<u>2279435</u>	9	143001192	PASSED VALIDATION	\$545.50	<u>Brian Collopy</u>	<u>AMY STEWART</u>	<u>Lorraine Griffin</u>	10/28/2015 12:33:35 PM	10/28/2015 1:19:07 PM

Administrator's Appeal Acknowledgement Letter
(Funding Year 2014: 07/01/2014-06/30/2015)

December 03, 2015

Brian Collopy
Warren County School District
6820 Market Street
Russell, PA 16345

Subject: Warren County School District

Brian Collopy,

Universal Service Administrative Company has received your correspondence dated November 23, 2015, on November 24, 2015 regarding the FY2014 funding decision of your FCC Form 471 Application Number(s) 982459 – FRN 2678352 respectively.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance (PIA) records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the USAC and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Universal Service Administrative Company



Zito Business 855-GET-ZITO
www.zitobusiness.com

102 South Main Street, PO Box 665, Coudersport, PA 16915

Schools and Libraries Program Correspondence Unit
Attention: Letter of Appeal
30 Lanidex Plaza West, PO Box 685
Parsippany, NJ 07054-0685

Zito Media Voice, LLC
SPIN: 143031076
Leeanne Bertrand
814-260-9461
Leeanne.Bertrand@zitomedia.com

SLD Invoice Number 2279476, FRN 2676988 #13
SLD Invoice Number 2279485, FRN 2678352 #14

The above invoices were created by the school district on October 28, 2015. SLD Invoice Numbers 2279476 and 2279485 were certified as entered. On October 30, the attached emails; Online BEAR Certification Results 2279476 and Online BEAR Certification Results 2279485 were received from no-reply@solixinc.com. A copy of those emails is below:

The Service Provider for BEAR Invoice 2279476 has certified 1 out of 1 line items.
If some of your items were not certified, you are advised to contact the Service Provider.

Bear Certification Date: 10/28/2015
[View Bear Form Status](#)

The Service Provider for BEAR Invoice 2279485 has certified 1 out of 1 line items.
If some of your items were not certified, you are advised to contact the Service Provider.

Bear Certification Date: 10/28/2015
[View Bear Form Status](#)

On November 2, 2015, the attached email; electronic remittance statement, was received by disbursements@bcd.universalservice.org. The email states for SLD Invoice Numbers 2279476 and 2279485, "Invoice Received Date [10/29/2015] Later than Invoice Acceptable End Date [10/28/2015]."

Both emails received from no-reply-solixinc.com clearly state the Bear Certification Date: 10/28/2015.
I am appealing USAC's decision of not disbursing the funds based on the information provided.



WARREN COUNTY SCHOOL DISTRICT

CENTRAL ADMINISTRATIVE OFFICES
6820 MARKET STREET EXT.
RUSSELL, PA 16345

WILLIAM A. CLARK, Ed.D.
SUPERINTENDENT

November 23, 2015

Letter of Appeal
Schools and Libraries Division
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685
E-mail to: Appeals@sl.universalservice.org

LETTER OF APPEAL RELATED TO \$0-FUNDED BEAR – FY 2014

Contact:

Name : Brian Collopy
Address: 6820 Market Street Ext.
Phone: 814-723-6903 ext 1220
E-mail: Collopyb@wcsdpa.org

Billed Entity Number: 125548
Form 471 Application Number: 982459
Funding Request Number: 2678352
SLD Invoice Number: 2279485
Invoice Received Date (10/29/2015) Later Than;

Reimbursement Form # 14

We are writing to request a 30 day extension in order to resubmit our FY 2014 BEAR for approval. We originally submitted our BEAR by the October 28, 2014 deadline.

Reason BEAR was \$0-funded : Billed Date Before 486 Service-Started Date:

Thank you for your consideration of our request.
Respectfully submitted,

Brian Collopy
Coordinator of Technology/Inform Mgt.

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Universal Service Administrative Company

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

November 6, 2015

Leeanne Bertrand
Zito Media Voice, LLC
102 South Main Street
PO Box 665
Coudersport, PA 16915

Re: Invoice Number - as assigned by USAC: 2279485
Service Provider Identification Number: 143031076
Reimbursement Form Number: 14
Billed Entity Number: 125548

Brian Collopy
WARREN COUNTY SCHOOL DISTRICT
6820 Market Street
Russell, PA 16345

Preferred Mode of Contact: E-mail at collopyb@wcsdpa.org
Total Amount of Reimbursement Approved for Payment: \$0.00

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR to request reimbursement for any unpaid lines.

We recommend using the BEAR Online tool from the Apply Online area or Required Forms section of our website for additional submissions. If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

Pursuant to the Federal Communication Commission's (FCC) Second Report and Order and Further Notice of Proposed Rulemaking (FCC 03-101, released April 29, 2003), you must remit the amount shown as "Total Amount of Reimbursement Approved for Payment" above to your customer no later than 20 days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to your customer (See BEAR Form, Block 4, Service Provider Acknowledgment).

The USAC check should be mailed to the service provider named above within 20 days of the date of this letter.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 982459
Funding Request Number: 2678352
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: N/A
Funding Commitment Decision: \$31968.00
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Invoice Received Date [10/29/2015] Later Than;

Need Help?

- [BEAR Home](#)
- [New BEAR Form](#)
- [Track Form](#)
- [Bulk Download](#)
- [Terms and Conditions](#)
- [Logout](#)

View BEAR Invoice

PRINTABLE PAGE

The following invoice has been successfully submitted for certification:

Invoice ID: 2279485
 Created on 10/28/2015 12:55 PM
 Last updated on 10/28/2015 12:55 PM
 Applicant Form Identifier 14

Block 1: Header Information

[Need Help?](#)

1. Billed Entity Name WARREN COUNTY SCHOOL DISTRICT	2. Billed Entity Number 125548	3. Service Provider Identification Number (SPIN) 143031076
4. Contact Name Brian Collopy		
5. Contact Telephone Phone Contact Fax Contact Email	(814) 723-6900 ext. 1201 (814) 726-1301 collopyb@wcsdpa.org	

6. Total Reimbursement Amount
 (total from Block 2, Column 14)
 \$ 31968

Block 2: Line Item Information Per Funding Request Number

[Need Help?](#)

7. FCC Form 471 Application Number	8. Funding Request Number (FRN)	10. Customer Billed Date	11. Shipping date to Customer or Last Day of Work Performed (mm/dd/yyyy)	12. Total (Undiscounted) Amount for Service	13. Discount Rate	14. Discount Amount Billed to USAC (Column 12 multiplied by Column 13)	Approval Status
1) 982459	2678352	7/1/2014		\$ 43200.00	74	\$ 31968.00	AWAITING SP CERTIFICATION

Block 3: Billed Entity Certification

[Need Help?](#)

Contact Information for Billed Entity Authorized Person:

By logging into your account using your PIN, checking this box, and clicking the "certify" button at the end of the form, you have electronically signed the form. You are reminded that an electronic signature is the same as a handwritten signature on the form. To see a copy of the Terms and Conditions to which you previously agreed, please click on the "Terms and Conditions" menu above.

Submission Date 10/28/2015

17. Name AMY STEWART
18. Title/Position EXECUTIVE DIRECTOR
20. Address 1 6820 MARKET ST. EXT.
Address 2
City RUSSELL
State PA
Zip Code 16345 - 3406

19. Phone Number (814) 723-6900 ext. 1210
19a. Fax Number (814) 757-8529
19b. Email stewart@wcsdpa.org
19c. Name of Authorized Person's Employer WARREN COUNTY SCHOOL DISTRICT

27. Applicant Remittance Information
Name BRIAN COLLOPY
Title/Position COORDINATOR OF TECHNOLOGY
Phone Number (814) 723-6900 ext. 1220
Address 1 6820 MARKET ST. EXT.
Address 2
City RUSSELL
State PA
Zip Code 16345 - 3406

Additional Comments:

OMB Number 3060 - 0856 Form 472

[SLD Home](#) | [Contact Us](#)

Client Service Bureau 1-888-203-8100

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APPEALS & AUDITS

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[FQA Program](#)

■ Appeals

Any party (including, but not limited to entities filing an FCC Form 499, federal universal service program applicants, and service providers) that wishes to appeal a USAC decision must first file an appeal with USAC to seek review of the USAC decision before filing an appeal with the FCC. Parties seeking a waiver of FCC rules (i.e. late payment fees, waiver of form deadlines, etc.) should file an appeal directly with the FCC because USAC cannot waive FCC rules. Once a decision has been made on a USAC appeal, a party may appeal USAC's decision to the FCC.

Before You Appeal

Contact us. There may be an administrative remedy that does not require a formal appeal decision, such as disputes for invoice rejections.

Filing an Appeal

USAC must receive a complete appeal (see "What to Include in an Appeal") within 60 days following the issuance of the decision by USAC; e.g., an audit decision and/or recovery must be appealed within 60 days of the date of the funding commitment decision, recovery decision, notification letter, etc. To allow sufficient time for review, USAC encourages applicants to submit appeals as soon as possible following USAC's decision.

Failure to provide all required documentation within 60 days of USAC's decision will result in dismissal of the appeal. See 47 C.F.R. [Section 54.719-54.725](#) for the FCC's rules on filing an appeal.

What to Include in an Appeal

The following information must be included in a letter of appeal. The more detail you provide in your letter of appeal, the easier it will be for USAC to respond. If USAC is unable to process the appeal because of missing documentation, the appeal may be denied.

- Applicant or service provider who is filing the appeal (i.e. entity number, 498 ID, etc.);
- Contact information including name, address, telephone number, and email address of the person who can discuss the appeal with USAC in detail;
- Provide documentation of USAC's decision (i.e. copy of USAC's decision letter);
- Include supporting documentation such as forms and previous correspondence;
- Identify a problem and the reason for its appeal; and
- Explain precisely the relief sought through this appeal.

High Cost and Lifeline Program carriers should also identify the carrier name, Study Area Code (SAC), and the decision being appealed. Contributors should also identify the Filer ID that is the subject of the appeal.

All appellants will receive acknowledgment of the appeal upon receipt. USAC will review all complete appeals and respond with its decision in writing. For further Schools and Libraries Program guidelines, see the [SL Program appeals guidelines](#).

To File an Appeal with USAC

The appeal should be filed with the program that made the decision being appealed. Appeals submitted by email will be considered filed on a business day if they are received at any time before 12:00 AM ET.

Program	Via Email	Via U.S. Mail
High Cost Program	HCAppeals@usac.org	USAC High Cost Division Attention: Letter of Appeal 2000 L Street NW, Suite 200 Washington, DC 20036

Lifeline Program	LIappeals@usac.org	USAC Lifeline Division Attention: Letter of Appeal 2000 L Street NW, Suite 200 Washington, DC 20036
Rural Health Care Program	RHC-appeals@usac.org	USAC Rural Health Care Attention: Letter of Appeal 2000 L Street NW, Suite 200 Washington, DC 20036
Schools and Libraries Program	Appeals@sl.universalservice.org	Schools and Libraries Program Correspondence Unit Attention: Letter of Appeal 30 Lanidex Plaza West, PO Box 685 Parsippany, NJ 07054-0685
Contributors	ContributorAppeals@usac.org	USAC Billing, Collections, and Disbursements Attention: Letter of Appeal 2000 L Street NW, Suite 200 Washington, DC 20036

To File an Appeal with the FCC:

Parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may, if they choose, appeal USAC's decision to the FCC. Appeals to the FCC must be made within 60 days of the issuance of USAC's decision.

On all communications with the FCC, be sure to reference the appropriate Docket No:

- High Cost Program: WC Docket No. 10-90
- Lifeline Program: WC Docket No. 11-42
- Rural Health Care Program: WC Docket No. 02-60
- Schools and Libraries Program: CC Docket No. 02-6
- Contributions: WC Docket 06-122

Electronic Delivery

The FCC recommends filing appeals with the [Electronic Comment Filing System \(ECFS\)](#) to ensure timely filing. Instructions for using ECFS can be found on the [ECFS Online Manual](#) page of the FCC's website. Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 AM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via [email](#).

For more information about submitting appeals to the FCC, including options to submit the appeal via U.S. mail or hand delivery, visit the [FCC's website](#). See [Sections 54.719-54.725](#) of the FCC's rules for further information regarding filing an appeal.

Paying Invoices During the Appeal Process

If you are a contributor and have a balance on your federal universal service account but are awaiting a decision from a pending USAC or FCC appeal, you are still responsible for keeping your account balance current. If the amount billed for the current month is not paid in full, you will receive a late payment fee and the late payment fee will not be waived unless the disputed charges are later found to be the result of an error by USAC.

If your debt is under appeal, either at USAC or the FCC, and you have provided USAC with a copy of your FCC appeal (if applicable), your outstanding balance will not be transferred under the Debt Collection Act of 1982 (Public Law 97-365) and the Debt Collection Improvement Act of 1996 (Public Law 104-134), as amended (the DCIA) to the United States Department of Treasury for further collection while your appeal is pending. The disputed debt will not be subject to the Red Light Rule, which is included in the additional collections and disbursements rules associated with the Debt Collection Improvement Act, codified at 47 C.F.R. Parts 0 and 1. (See sections 1.1112, 1.1116, 1.1161, 1.1167, and 1.1910 of the FCC's rules).

However, please be advised that you will continue to receive USAC collection letters while your appeal is pending and, if your appeal is denied, you will be subject to Red Light status and to transfer under the [DCIA](#).

SUBMIT Forms Making Payments	NAVIGATE Home About USAC Contributors Service Providers	High Cost Lifeline Rural Health Care Schools and Libraries	EXPLORE Trainings & Outreach Subscription Center Careers Media Appeals & Audits	Annual Report Search Tools FCC Orders FCC Filings Contact USAC
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PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 15-505

Released: April 29, 2015

STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 96-45
CC Docket No. 02-6
WC Docket No. 06-122
WC Docket No. 10-90

Pursuant to our revised procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants and denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismiss as Moot³

Marion County Library System, Application No. 899230, Request for Review, CC Docket No. 02-6 (filed Jan. 21, 2015)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, 14-58, Public Notice, 29 FCC Rcd 11094 (Wireline Comp. Bur. 2014). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

² See 47 C.F.R. §§ 1.106, 1.115; see also 47 C.F.R. § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ See, e.g., *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223 (Wireline Comp. Bur. 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

Granted⁴

*Cost-Effectiveness*⁵

Net56, Inc. (Round Lake Area School District 116), Application No. 692375, Request for Review, CC Docket No. 02-6 (filed Mar. 23, 2011)

*Early Installation*⁶

Lisbon Exempted Village School District, Application Nos. 485337, 485557, Request for Review and Waiver, CC Docket No. 02-6 (filed Apr. 21, 2008)

*Eligible Services*⁷

Los Angeles Public Library System, Application No. 979533, Request for Review or Waiver, CC Docket No. 02-6 (filed Nov. 14, 2014)

⁴ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 C.F.R. § 54.514(a) (codifying the invoice filing deadline).

⁵ *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Net56, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 13606, 13610, 13612 paras. 9, 13 (2012) (granting an appeal when the applicant purchased cost-effective services and paid its non-discount share).

⁶ *See, e.g., Request for Review of the Decision of the Universal Service Administrator by Nassau County Board of Cooperative Educational Services; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24584, 24587-89, paras. 7-10 (Wireline Comp. Bur. 2002) (allowing applicant to install equipment just before the start of the funding year to ensure that the accompanying recurring services can be delivered when the funding year starts); *Request for Review of a Decision of the Universal Service Administrator by Coordinated Construction, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 14308, 14309, para. 4 (Wireline Comp. Bur. 2011) (waiving the Commission's rules when applicant received E-rate supported services before the start of the approved funding year).

⁷ *See, e.g., Requests for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8735 (2007) (granting appeals where USAC incorrectly determined the funding requests were for ineligible services).

*Late-Filed FCC Form 471 Item 21 Attachments*⁸

Calhoun School District R8, Application No. 964496, Request for Waiver and Review, CC Docket No. 02-6 (filed Feb. 23, 2015)

*Late-Filed FCC Form 471 Applications*⁹

Gackle-Streeter School District 56, Application No. 1051670, CC Docket No. 02-6 (filed Apr. 23, 2015)

New Mexico State Library, Application No. 1049472, CC Docket No. 02-6 (filed Apr. 23, 2015)

North Hudson Community Action Corp., Application Nos. 1051527 and 1051631, CC Docket No. 02-6 (filed Apr. 17, 2015)

Oconee Regional Library System, Application No. 1051610, CC Docket No. 02-6 (filed Apr. 17, 2015)

Oswego Public Library District, Application No. 1051658, CC Docket No. 02-6 (filed Apr. 20, 2015)

Our Lady of Fatima Catholic School, Application No. 1051633, CC Docket No. 02-6 (filed Apr. 23, 2015)

St. Mary's High School, Application No. 1046050, CC Docket No. 02-6 (filed Apr. 17, 2015)

Snyder County Libraries, Application No. 1037947, CC Docket No. 02-6 (filed Apr. 23, 2015)

⁸ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Anderson Elementary School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5319, 5319-20, para. 2 (Wireline Comp. Bur. 2012) (treating late-filed item 21 attachments like late-filed certifications); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259-60, paras. 8 - 9 (2010) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 on time, but failed to timely file their certifications).

⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (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).

*Ministerial and/or Clerical Errors*¹⁰

Burns Flat-Dill City District 10, Application No. 984827, Request for Waiver, CC Docket No. 02-6 (filed Jan. 26, 2015)

*Service Substitution*¹¹

Appomattox County School District, Application No. 739766, Request for Waiver, CC Docket No. 02-6 (filed Mar. 18, 2013)

St. Mary's High School, Application No. 748102, Request for Review, CC Docket No. 02-6 (filed Apr. 9, 2013)

Siloam Springs School District, Application No. 609664, Request for Review, CC Docket No. 02-6 (filed Oct. 31, 2008)

*Signed Contract Requirement*¹²

Arkansas Department of Information Systems, Application Nos. 825296, 846536, 851598, 851631, 851644, 901293, 901856, 901903, 901906, 901935, 967497, 973505, 973531, 973548, 973555, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11, 2015)

Lawrence Public Schools, Application No. 920956, Request for Waiver, CC Docket No. 02-6 (filed Mar. 27, 2015)

¹⁰ See, e.g., *Request for Waiver and Review of the Decisions of the Universal Service Administrator by Achieve Career Preparatory Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 10254, 10255 (Wireline Comp. Bur. 2011) (granting relief for applicant that mischaracterized price of eligible services as ineligible). Consistent with precedent, we also waive section 54.720(a) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision, for Burns Flat-Dill City District 10. See *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Animas School District 6 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16903, 16905, para. 4 (Wireline Comp. Bur. 2011) (granting petitioners waivers of the Commission's filing deadline for appeals because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decisions).

¹¹ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Beaufort County Public School District et al.; Schools and Libraries Universal Service Support Mechanism*, 29 FCC Rcd 3124, 3125, para. 3 (2014) (granting service substitution appeals when the petitioners missed USAC's deadline for service substitution requests but complied with the Commission's requirements for service substitutions under 47 C.F.R. § 54.504(d) and had a reasonable explanation for missing the deadline).

¹² See, e.g., *Requests for Waiver by Puerto Rico Department of Education; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 14453, 14455-56, para. 9 (2014) (granting waiver of signed contract requirement when applicant had negotiated an agreement by the FCC Form 471 filing deadline, but was prohibited by state policy from entering into a signed contract before the application filing deadline); *Request for Waiver of the Decision of the Universal Service Administrator by Barberton City School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15526, 15529-30, para. 7 (Wireline Comp. Bur. 2008) (granting waivers of the signed contract requirement in instances where applicants demonstrated they had legally binding agreements in place prior to filing their applications).

*Service Implementation Deadline Extension Request Filed Late*¹³

Crownpoint Community School, Application No. 692249, Request for Review, CC Docket No. 02-6 (filed Jul. 8, 2014)

Harlandale Independent School District, Application No. 679511, Request for Review, CC Docket No. 02-6 (filed Oct. 17, 2014)

Longview Rapid Communications d/b/a Cynergy Technology (Goodrich Independent School District), Application No. 803957, Request for Review, CC Docket No. 02-6 (filed Oct. 28, 2014)

*Violation of the Competitive Bidding 28-Day Rule*¹⁴

Ludlow Independent School District, Application No. 982827, Request for Review, CC Docket No. 02-6 (filed Nov. 13, 2014)

Rankin County School District, Application No. 978279, Request for Review, CC Docket No. 02-6 (filed Nov. 12, 2014)

Denied

*Service Implementation Deadline Extension Request Filed Late*¹⁵

Nu-Vision Technologies, Inc. d/b/a Black Box Network Services (Brooklyn Hebrew School for Special Children), Application No. 765293, Request for Waiver, CC Docket No. 02-6 (filed Sept. 19, 2014)

¹³ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (Wireline Comp. Bur. 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions, despite the request being filed late).

¹⁴ See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time). Consistent with precedent, we also find good cause exists to waive section 54.720(a) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision, for Rankin County School District. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (Wireline Comp. Bur. 2011) (granting waivers of filing deadline for appeals because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision).

¹⁵ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13653, para. 3 (Wireline Comp. Bur. 2014) (denying late-filed extensions of the deadline for service implementation when applicants failed to demonstrate they were unable to complete implementation on time for reasons beyond the service providers' control and failed to make significant efforts to secure the necessary extensions in a timely manner).

Inspired Vision Academy, Application No. 875898, Request for Waiver, CC Docket No. 02-6 (filed Sept. 23, 2014)

*Untimely Filed Request for Review*¹⁶

Canisius High School, Application No. 937603, Request for Waiver, CC Docket No. 02-6 (filed Mar. 23, 2015)

Orleans Southwest Supervisory Union 35, Application No. 766128, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2012)

Union Independent School District 9, Application No. 900569, Request for Waiver, CC Docket No. 02-6 (filed Feb. 12, 2015)

Washington Unified School District, Application No. 973606, Request for Waiver, CC Docket No. 02-6 (filed Mar. 16, 2015)

*Violation of the Competitive Bidding 28-Day Rule*¹⁷

Schaumburg Community Consolidated School District 54, Application No. 912297, Request for Review, CC Docket No. 02-6 (filed Sept. 8, 2014)

¹⁶ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (Wireline Comp. Bur. 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (Wireline Comp. Bur. 2014) (denying appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by the Commission's rules, and did not show special circumstances necessary for the Commission to waive the deadline).

¹⁷ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16418, para. 9 (Wireline Comp. Bur. 2011) (denying appeals where the applicant violated the 28-day rule by missing the deadline by more than three days, thereby preventing their requests for services to be competitively bid for a meaningful period of time).

Contribution Methodology
WC Docket No. 06-122

Denied

*Untimely Filed FCC Forms 499-A and Q Worksheets*¹⁸

Believe Wireless Broadband, LLC, Request for Waiver, WC Docket No. 06-122 (filed Mar. 27, 2013)

Connect America Fund
WC Docket No. 10-90

Denied

*Section 54.313(h)(2) Voice Rate Data Filing Deadline*¹⁹

Twin Lakes Telephone Cooperative Corporation, Petition for Waiver of Section 54.313(h)(2), WC Docket No. 10-90 et al. (filed Mar. 27, 2015)

¹⁸ See *Universal Service Contribution Methodology; BelWave Communications Request for Waiver*, WC Docket No. 06-122, Order, 27 FCC Rcd 11176 (Wireline Comp. Bur. 2012) (denying a request for waiver of late filing fees where the company claimed it was unaware of its obligation to file an FCC Form 499-A for the years at issue); *Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646 (Wireline Comp. Bur. 2012) (denying requests for reversal of late fees associated with the untimely filing of the FCC Forms 499-A and 499-Q); *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator and Request for Waiver by Baltimore-Washington Telephone Company*, WC Docket No. 06-122, Order, 27 FCC Rcd 12994 (Wireline Comp. Bur. 2012) (denying request for waiver and reversal of late fees despite claim that the late fees were excessive and punitive relative to the size and revenues of the company). See also 47 C.F.R. § 54.713(a) (“A contributor that fails to file a Telecommunications Reporting Worksheet and subsequently is billed by the Administrator shall pay the amount for which it is billed”), (c) (“If a universal service fund contributor is more than 30 days delinquent in filing a Telecommunications Reporting Worksheet Form 499-A or 499-Q, the Administrator shall assess an administrative remedial collection charge equal to the greater of \$100 or an amount computed using the rate of the U.S. prime rate (in effect on the date the applicable Worksheet is due) plus 3.5 percent, of the amount due per the Administrator’s calculations.”); *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight et al.*, WC Docket No. 05-195 et al., Order, 22 FCC Rcd 16372, 16379-80, para. 14 (2007) (“[I]f a contributor is more than 30 days delinquent in filing an FCC Form 499-A or 499-Q... [t]he sanction will be the greater of \$100 per month or the amount derived from a rate of interest equal to the U.S. prime rate plus 3.5 percent assessed on the amount due”); 47 C.F.R. § 54.708 (filing obligations of *de minimis* interconnected Voice over Internet Protocol providers).

¹⁹ *Compare Petitions for Waiver of Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, CC Docket No. 96-45, Order, 25 FCC Rcd 4626, 4630-31, para. 12 (Wireline Comp. Bur. 2010) (denying petitions seeking waiver of high-cost filing deadlines where the “petitioners did not cure their failure to meet the filing deadlines by promptly filing the required information, nor did the petitioners provide evidence of any extenuating circumstances sufficient to demonstrate the good cause required for [the Bureau] to grant a rule waiver”); *Petitions for Waiver of Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, Order, 24 FCC Rcd 4806, 4810-11, para. 10 (Wireline Comp. Bur. 2009) (same), with *Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, CC Docket No. 96-45 Order, 23 FCC Rcd 15325, 15329-30, para. 11 (Wireline Comp. Bur. 2008) (waiving high-cost filing deadlines where the petitioners “promptly remedied their errors” “by filing the required data within fourteen business days after the applicable filing deadlines . . .”).

For additional information concerning this Public Notice, please contact Erica Myers at (202) 418-7400, in the Telecommunications Access Policy Division, Wireline Competition Bureau.

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SL Program Appeals Guidelines

During the appeal review process, USAC will verify that the original Program Integrity Assurance (PIA) review was performed in compliance with program requirements and that the correct decision was achieved. If USAC made an error during the original PIA review of the application, USAC will correct the error.

For example, during PIA review, USAC lowered the discount rate requested by the applicant. During the appeal review process, USAC will determine if the proper procedures were followed and whether the applicant was given the opportunity to provide supporting documentation to justify the higher discount rate. If the appeal review process determines that procedures were not followed and the applicant was not given an opportunity to provide that documentation, the applicant will be able to do so before the appeal review process has concluded. USAC will grant the appeal and approve the discount rate based on the supporting documentation available.

New Documentation Provided

In general, a PIA reviewer will contact the applicant and ask for all information necessary to make decisions about an application. If that contact does not occur or the applicant is unable to respond to the request, and funding is denied, USAC may grant an appeal when the appellant provides such original documentation.

For example, during PIA review, the applicant indicated that it did not have a signed contract and USAC denied funding because there was no signed contract. On appeal, the applicant claims that the requested services are services provided under tariff and not covered by a contract. USAC will generally accept this new information on appeal.

However, USAC will not grant this appeal if the documentation provided on appeal contradicts information contained in the original file and the applicant is unable to resolve the discrepancy.

For example, if the applicant had provided an unsigned copy of a contract during the review of its application, USAC will generally not accept the applicant's claim on appeal that it is a non-contractual tariffed service since it contradicts the documentation previously provided.

Policy Changes or Clarification

If the Federal Communications Commission (FCC) issues a policy clarification or adopts a new policy that would affect USAC's original decision, applicants who submitted a timely appeal may be given the benefit of the new or changed policies.

However, not all policies apply retroactively.

For example, in the April 2003 Second Report and Order, the FCC directed USAC to consider voice mail eligible starting in Funding Year (FY) 2004 (7/1/04-6/30/05). Since that policy change went into effect for a specific funding year, it was not applied to appeals or applications from previous funding years.

USAC will generally accept new information on appeal consistent with these guidelines. If the appellant submits new information on appeal which contradicts information currently in the file, USAC will give the appellant an opportunity to explain the discrepancy. However, if the appellant is unable to explain the discrepancy, USAC will not accept the new information submitted on appeal.

Accepting New Information

USAC will not accept new information on appeal if it is apparent that the documentation submitted is not the original documentation and was instead, created in response to a USAC request during the appeal review.

USAC also may not accept new information on appeal if it is clear that the applicant was not working with USAC in good faith. For example, if the applicant refused to provide the documentation during the original review of the application or did not respond to USAC inquiries, USAC may not accept the new information submitted on appeal.

Finally, it is important to understand that USAC can grant an appeal assuming no other issues are identified during the appeal review that would lead to a denial. If, on appeal, the basis for a funding denial is successfully refuted, USAC must examine all remaining aspects of the funding request to ensure that all program rules were met. If another reason for denial is not appealed or the appellant does not present a successful argument to USAC's original decision, the appeal will be denied. All funding request denial reasons must be overcome on appeal for USAC to fund the Funding Request Number (FRN).

If USAC makes a new decision to deny funding, the appellant will have 60 days from the date of USAC's decision letter to file a new appeal with the FCC.

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