

April 25, 2016

**Federal Communications Commission
445 12th Street SW
Washington, DC 20554**

In the Matter of

Request for Review of a Decision of the Universal Service Administration Corp. for Uno Charter School Network))))	Administrator Correspondence Dated February 29, 2016
Schools and Libraries Universal Service Support Mechanism))	CC Docket No. 02-6

Request For Review

In accordance with sections 54.719 through 54.721 of the Commission's rules, Uno Charter School Network (UCSN) through its consultant, requests Federal Communications Commission (Commission) review of a decision of the Schools and Libraries Division of the Universal Service Administrative Company (Administrator). Based on the facts presented and clear precedent, UCSN asks that the Administrator decision be overturned.

Form 471 Application Number: 1034900
Funding Request Numbers: 2828358
Billed Entity Number: 16034169
FCC Registration Number: 0015740459

Background

The Uno Charter School Network, through its Consultant, filed an appeal to the Administrator to reconsider the review of the above-mentioned funding request that was denied due to incomplete responses to a Program Integrity Assurance (PIA) reviewer. (Uno's primary technical contact had resigned and the account representative at the time, found it hard to find an alternative contact to assist in answering these questions.) The Administrator approved the appeal and the funding request in question underwent PIA review. It was during this time that we found a clerical mistake in the amount of money originally applied for on the FY2015 Form 471. We provided the contract to support this discovery that listed Internet Access provided by onShore, the Service Provider, at a monthly cost of \$25,495.36 (Please see Exhibit 1, page 7.) The reviewer never requested any further information or original documentation.

In correspondence dated February 29, 2016, USAC sent written notification that the request to increase the funding for the internet services, due to clerical error, had been denied and stated that "program procedures allow applicants to amend their applications and correct clerical and ministerial errors on their FCC Forms (including adding a funding request) until a Funding Commitment Decision Letter (FCDL) is issued. New funding requests cannot be submitted through the appeals process and after the issuance of the FCDL." (See Exhibit 2.) USAC found no cause to deny funding on the amount originally indicated on the Form 471. We subsequently received a copy of the original proposal used in the data entry process of

the 471 application for FRN 2828358 which clearly proves this ministerial and clerical error in data entering the amount as a yearly amount rather than the correct monthly amount it should have been data entered as. (See Exhibit 3, page 7.)

Discussion

UCSN through its Consultant, appeals this decision and requests the Commission overturn the denial to revise the funding commitment for approved E-rate eligible service whose monthly charge was inadvertently listed as the annual cost on the FY2015 Form 471. We request this action based on clear precedent and prior orders from the FCC.

On December 16, 2010, FCC DA 10-2354 granted 38 appeals to schools and libraries, permitting the correction of inadvertent ministerial and clerical errors on FCC Forms 470 and 471 and other funding related forms.¹ As in UCSN's case, an appeal was granted to Oklahoma City Public Schools for "entering the monthly charge as the annual charge." After this appeal, Oklahoma's case returned to USAC for review and the entity's funding for Telecomm Services was increased twelve-fold.

In Order DA 06-244², the FCC recognized the complexities of the program that have led many applicants to make clerical and ministerial errors. The commission ruled that outcomes in which applicants would be denied access to discounted telecommunication and information services, due to these circumstances, conflicted with the intention of the program. In this case, UCSN would only be afforded the benefit of E-rate discounts for internet services one month of the funding year and left to incur the full cost of these services for the remaining 11 months of the year. With a Category 1 discount rate of 90%, this would undoubtedly conflict with the goals of the E-rate program to provide support to those most in need while straining the budgets within the schools.

Conclusion

To conclude, we believe Uno Charter School Network should be granted the same opportunity to access discounted services that precedent has demonstrated was afforded to other entities in the same and similar situations. The E-rate program was designed to connect the nation's schools and libraries enabling all students a fair and equal opportunity to grow with technology by offsetting the cost of these services through discounts. The intent of this program should not be compromised because of a correctable human, clerical error, especially in schools that need the most aid. We respectfully submit this appeal based on FCC Orders 10-2354 and 06-244 and emphasize that USCN has not committed any waste, fraud, or abuse with the associated funding request.

Sincerely,



Kerri L. Dillon

E-Rate Coordinator, E-Rate Central

¹ FCC Order (Ann Arbor Public Schools) DA 10-2354, posted 12/16/2010. 38 appeals of decisions granted to applicants seeking to correct inadvertent ministerial or clerical errors.

² FCC Order (Glendale Unified School District) DA 06-244, posted 2/1/2006. Strict adherence to procedures, resulting in denials for unintentional clerical errors, conflicts with statutory program goals.