

JMRL disputes this conclusion and asserts its right to appeal the Administrator's decision to deny the original funding commitment of \$623.52.

Background

On March 20, 2014, JMRL filed the above-referenced FRN on the above-referenced Form 471, requesting \$623.52 in total discounts for said FRN. On July 10, 2014 the Administrator approved JMRL's request for the full amount. The last date to invoice for this FRN was October 28, 2015. JMRL did its part to meet this invoicing deadline with time to spare!

On January 7, 2015, JMRL used USAC's online portal to create Form 472 invoice number 2223392 for the first six months of service and on August 11, 2015, created invoice number 2131702 for the last six months of service. Both invoices were created well in advance of the deadline. The only missing component for each invoice was the acknowledgement of the vendor, Blue Ridge InternetWorks (BRI). Multiple efforts were made to have BRI approve these reimbursement requests, including an email dated September 30, 2015 in which a representative of BRI assured JMRL's E-rate consultant that the requests had been passed to the proper authority. JMRL, believing the issue was settled, did not file an invoice extension request. As JMRL later learned, BRI did not approve the requests until January 5, 2016, well after the invoicing deadline.

Discussion

The Administrator has denied funding to JMRL based on the missed deadline. The administrator concluded that since the deadline was missed and no extension had been requested, JMRL should not receive reimbursement because, "It is the applicant's responsibility to ensure that all blocks of the FCC Form 472 are submitted to USAC in a timely manner."

The logic behind this conclusion calls into question the BEAR submission process as a whole. It leaves applicants entirely at the mercy of telecom companies. Because the providers have already been paid, they have no incentive or urgency to participate further. JMRL gave the service provider, BRI, more than ample time to approve two simple BEAR forms. JMRL made every effort to get BRI to approve the forms prior to the deadline.

We note that the circumstances surrounding JMRL's invoicing problems are substantially different from those underlying the FCC's April 25, 2016, denial of numerous invoice deadline extension requests.

In this case, JMRL made a good-faith effort to comply with program rules. This effort was foiled entirely due to misinformation provided by the service provider. Now that BRI has belatedly acknowledged JMRL's invoices, we ask the Commission to approve this appeal and to direct the Administrator to process the invoices.

Respectfully submitted May 9, 2016

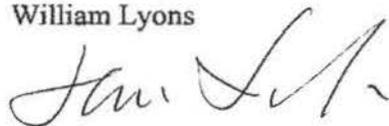
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A handwritten signature in cursive script that reads "Melissa Zaruba".

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