



Neshaminy School District

2001 Old Lincoln Highway • Langhorne, Pennsylvania 19047-3295

Gloria Hancock, Ed. D.
Acting Superintendent of Schools

May 11, 2016

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

**Appeal of Neshaminy School District (SLD Entity # 126119) to Seek Reversal of
E-rate Administrator's Decision to Deny Appeal
Of Invoice Deadline Extension Request
CC Docket No. 02-6, Schools and Libraries Universal Service Support Mechanism
FRNs 2520283, 2520311, 2520348, 2520363, Form 471 #918290**

The Neshaminy School District timely appeals the SLD's April 29, 2016 denial of the District's appeal submitted on February 21, 2016. (See Exhibits 1 and 2). The February 21, 2016 appeal asked the SLD to reverse its decision to deny an invoice deadline extension request that was submitted initially on December 29, 2014. The invoice deadline extension request was for four **FY 2013** Funding Requests.¹

The original invoice deadline for the two FRNs was October 28, 2014. The District prepared invoice deadline extension requests to submit by the original deadline but on December 29, 2014, they learned that the requests had not been received by USAC. The District immediately submitted a Petition for Waiver to the FCC to request the invoice deadline extension of the four FRNs. (See Exhibit 3).

On January 13, 2015, the FCC remanded the Petition for Waiver to SLD to be processed as an invoice deadline extension request.² This is because the invoice deadline for FY 2013 was a procedural rule and not a regulation, and therefore, there was no rule to be waived. The SLD retained authority to rule on all invoice deadline extension requests for FY 2013 FRNs – whether submitted on or after the original invoice deadline or multiple requests.

Not having yet received any notification from SLD regarding the December 2014 Petition for Waiver/invoice deadline extension request, the District contacted the Client Service Bureau (Case # 23141) on October 29, 2015 to check on the status of the remanded Petition for Waiver/invoice deadline extension request. The Client Service Bureau stated that the SLD had no record of the District having filed an invoice deadline extension request and/or the Petition for Waiver that had been referred back to SLD from the FCC. The CSB advised the District to submit a new invoice deadline extension request which the District did on the same day, October 29, 2015. (See Exhibit 4).

¹ Significantly, these FY 2013 FRNs were not subject to the recently enacted regulation that limits the SLD's discretion to grant one invoice deadline extension request only if timely submitted on or before the original deadline.

² The remand procedure was announced in Public Notice DA 14-1657 released November 17, 2014, in which the FCC explained that any requests for relief that were filed with the FCC through December 31, 2014, but were supposed to be filed first with USAC - according to a newly effective regulation (47 C.F.R. Section 54.719) - would be transmitted to USAC for processing.

In the new invoice deadline extension request, the District explained about their still pending December 2014 Petition for Waiver that the FCC had remanded to the SLD for processing. The District tried to make clear that the original request for the extension was just two months past the original invoice deadline. (See Exhibit 5).

Nevertheless, on January 18, 2016, the SLD denied the request for the invoice deadline extension for the four FRNs. The only explanation provided by the SLD was "Current deadline extension rules and procedures do not allow approval for the reason submitted." (See Exhibit 6).

On February 21, 2016, the District timely submitted an appeal to SLD and again attempted to explain clearly the underlying events. (See Exhibit 7). Although having filed the Petition for Waiver to the FCC on December 29, 2014 and although the FCC remanded the Petition for Waiver to the SLD for processing on January 13, 2015, the District had not received any notification from the SLD regarding the disposition of the Petition for Waiver/invoice deadline extension request.

On April 29, 2016, the SLD' issued a decision letter to deny the appeal. (See Exhibit 8). The April 29, 2016 letter was the first indication from SLD that the original Petition for Waiver/invoice deadline extension request previously had been processed and approved.

Upon further investigation, the District has discovered that the SLD apparently did previously extend the invoice deadline for these FRNs to October 7, 2015; **however, the District did not receive any notification of this disposition and was unaware of the new invoice deadline.** Consequently the District missed the new deadline and did not submit a BEAR form by the October 7, 2015 deadline.

The District's lack of receipt of notification of the disposition of the first invoice deadline extension request should be considered extenuating circumstances that justifies the approval of the request for an extension of the October 7, 2015 invoice deadline, as being in the public interest. The District has calculated the BEAR amounts as follows:

FRN	BEAR Amount
2520283	\$8,711.98
2520311	\$ 808.25
2520348	\$ 762.58
2520363	\$6,143.73
Total	\$16,426.54

Granting this request is in the public interest because the District has tried in good faith to comply with the E-rate program requirements. The District very much appreciates the E-rate program and has benefitted greatly from it. The District hopes that the FCC is willing to provide some leniency to the District.

Respectfully submitted,



Barbara Markowitz
Business Administrator