

Request For Waiver

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

Re: Name: **Calhoun School**
BEN: **10036**
Funding Year: **2014**
Applications: **965333 FRN 2624808**

May 10, 2016

Dear Sirs.

This is a letter for a request of a Waiver for a BEAR approval or invoice extension deadline regarding the above captioned FRN. On March 14th, 2016 a BEAR denial letter was received for FRN 2624808.

A BEAR was submitted for this FRN 2624808 prior to the invoice deadline. The BEAR was denied due to a ministerial & clerical error whereby the wrong FRN number was entered. The correct 471 # & SPIN was submitted but the FRN entered was for another request which was already funded (2624808).

The proof that the intent was to submit for FRN 2624808 is clear as all the other information on the BEAR is correct- the Vendor's name, SPIN, the other FRN for the same on the BEAR form is for the same vendor etc.. A copy of the bear is attached for review.

Once the BEAR was denied, the invoice deadline had already passed. USAC informed us that they cannot do anything without the FCCs intervention.

The FCC has ruled in:

Federal Communications Commission FCC 01-73
Before the
Federal Communications Commission
Washington, D.C. 20554

CC Docket No. 02-6 CC Docket 96-45

In the Matter of
Request for Review of a Decision of the
Universal Service Administrative Company by
Naperville Community Unit
School District 203
Naperville, Illinois
Federal-State Joint Board on Universal
Service
Changes to the Board of Directors of the
National Exchange Carriers Association, Inc.

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File No. SLD-203343
CC Docket No. 96-45

CC Docket No. 97-21

ORDER

Adopted: February 22, 2001 Released: February 27, 2001

II. DISCUSSION

9. **At the outset, we emphasize that our primary objective is to ensure that schools and libraries benefit from the schools and libraries universal service support mechanism as contemplated by the statute.** For purposes of considering this Request for Review, this means we must balance the need to minimize administrative costs, while expediting fair and efficient review of applications. With that objective in mind, we consider the circumstances surrounding SLD's return of Naperville's FCC Form 471 for failure to meet SLD's minimum processing standards.

And in

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Bishop Perry Middle School)	File Nos. SLD-487170, <i>et al.</i>
New Orleans, LA, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: May 2, 2006

Released: May 19, 2006

By the Commission: Commissioner Copps issuing a separate statement.

While the Bureau has enforced existing filing deadlines for the E-rate program,¹ we find that good cause exists to waive the procedural deadline in these cases. We find that given that the violation at issue is procedural, not **substantive**, we find that a complete rejection of each of these applications is not warranted, especially given that the error in these cases is not the fault of the applicants. **Notably, at this**

time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements revealed by the record in these matters. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC’s application procedures does not further the purposes of section 254(h) or serve the public interest.² We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

Most Importantly:

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Bishop Perry Middle School)	File Nos. SLD-487170, <i>et al.</i>
New Orleans, LA, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

¹ See, e.g., *North Dakota Order*, 17 FCC Rcd at 7389, para. 13; *Wilmington Public Schools Order*, 17 FCC Rcd at 12071, paras. 7-8; *South Barber Order*, 16 FCC Rcd at 18437-38, para. 7.

² See 47 U.S.C. § 254(h).

CC Docket No. 02-6 CC Docket 96-45

Adopted: May 2, 2006

Released: May 19, 2006

By the Commission: Commissioner Copps issuing a separate statement.

s we recently noted, many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applications for E-rate support **being denied for ministerial, clerical or procedural errors.**³ We find that the actions we take here to provide relief from these types of errors in the application process will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the Act), by helping to ensure that eligible schools and libraries actually obtain access to discounted telecommunications and information services.⁴ In particular, we believe that by directing USAC to modify certain application processing procedures and granting a limited waiver of our application filing rules, we will provide for a more effective application processing system that will ensure eligible schools and libraries will be able to realize the intended benefits of the E-rate program as we consider additional steps to reform and improve the E-rate program.⁵

Sincerely,



Daniel Hochman
Consultant 16062128

³ *Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308 (2005) (*Comprehensive Review NPRM*).

⁴ 47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

⁵ *Comprehensive Review NPRM*, 20 FCC Rcd at 11324-25, paras. 37-40 (seeking comment on the application process and competitive bidding requirements for the schools and libraries program).