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TO: Ryan B. Palmer, Chief
Telecommunications Access Policy Division

FROM: Eric Pelle, Controller
Chibardun Telephone Cooperative

DATE: May 17, 2016

RE: Appeal of CC Docket No. 02-6

Please consider this as a petition of reconsideration of CC Docket Number 02-6 issued on May 2, 2016.

Your release was quite thorough and complete. As an accountant, I certainly appreciate the need for efficiency in apportioning monies in the appropriate years to allow for proper planning. My petition today focuses on three main principles referenced in your appeal: public interest, extraordinary circumstances, and filing deadline.

PUBLIC INTEREST:

Barron Area School District has a total enrollment from K4-12 of around 1,350 students. Barron is located in an economically challenged rural area of Northwest Wisconsin. The denial of \$30,000 in funding creates a significant financial hardship for a district of this size. From a local and regional standpoint, it is very much in the public interest for the FCC to use its discretion in granting a one-time extension of the deadline. Barron Schools is representative of the type of district federal officials were targeting when creating the e-Rate program. The intended objective of the overall program is to uplift schools and improve their ability to access the same quality technology as any other school in the nation. This funding is certainly vital to the public interest.

EXTRAORDINARY CIRCUMSTANCES:

Your release references extraordinary or special circumstances multiple times including in section 6; specifically, as it relates to staff turnover not being a valid reason for failing to seek reimbursement in a timely fashion. However, that terminology is quite subjective and can be interpreted to multiple degrees depending on the perspectives of the parties involved. Please allow me to explain the extraordinary circumstance in this particular instance. Chibardun Telephone Cooperative is a small (50 employees), rural telephone company providing telecommunications, internet, and video services to our customers in Northwest Wisconsin. The accounting department with a total staff of three, was responsible for administering the e-Rate program for the company. In the past year, two of the three positions have turned over. The individuals who left were the ones who administered the e-Rate program; the remaining staff member had no experience in e-Rate. Losing two-thirds of your staff is, in and of itself, extraordinary. On top of that, having no staff member experienced in the process

exacerbated the issue. Even with the addition of new staff, there was still no experience in this area so this oversight was the result of an extraordinary circumstance. Since that time, Chibardun Telephone has remedied its situation by educating multiple staff from varied areas of the organization to monitor and administer the e-Rate program to prevent future oversights.

FILING DEADLINE:

In several sections of your release, reference is made to the timely submission of invoices. Specifically, in section 3, "...submit invoicing forms for reimbursement to USAC no later than 120 days after the last day to receive service." Barron Schools submitted their request on October 23, 2015, 115 days after the last day of service. Chibardun Telephone filed in 196 days, but as detailed above, it was due to extraordinary circumstances. In section 6 of the release, the *Hancock County Library Order* is used to support the denial of the appeal. The statement, "we denied several appeals seeking permission to file invoices that were more than 12 months late" is not consistent with this situation. Neither Barron Schools nor Chibardun Telephone exceeded the 12 month timeline used as the basis to deny the appeal.

Chibardun Telephone understands that your decision to deny the appeal was based on the application of rules set forth by the FCC. Footnote number three on page one of your release states that "The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest." The two conditions noted include special circumstances that warrant deviation, and that the deviation will serve the public interest. We believe that we demonstrated above that this case certainly meets the two conditions allowing for the waiver. Therefore, we request that you use the discretion afforded you to apply a waiver in this case and award funding for Barron Area Schools.

If you would like to discuss this further, please contact me at 715-458-5350.

Thank you for your consideration.