



SUPERINTENDENT OF PUBLIC INSTRUCTION

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May 25, 2016

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

Re: Letter in Support of State E-rate Coordinators' Alliance Petition for Reconsideration of Order DA 16-448, Petition for Waiver and Petition for Rulemaking, CC Docket No. 02-6

Dear Secretary Dortch:

I am writing on behalf of the Washington State Office of Superintendent of Public Instruction (OSPI) in support of the petition submitted by the State E-rate Coordinators' Alliance (SECA) on May 12, 2016. OSPI is the state's department of education, and has statutory oversight for our state's 295 public K-12 school districts, located in over 2,200 school buildings, serving more than 1 million students.

The SECA Petition asks the FCC's Wireline Competition Bureau to reconsider and grant relief to the more than 100 E-rate stakeholders that missed the invoice deadline, and are unable to file reimbursement forms to receive their E-rate funding. The petition also requests a solution for other affected stakeholders that missed the invoice deadline.

We understand that the FCC tightened the invoice deadline procedures with the goal of improving program efficiency. Unfortunately the new regulation and procedures do not adequately balance the need to be flexible when a ministerial deadline is missed. For the other major forms required to be filed as part of the E-rate program (Forms 470, 471 and 486), the FCC has adopted a more flexible approach. Reminders of upcoming deadlines are sent to applicants and grace periods are provided when deadlines are missed. We hope that the FCC will consider adopting similar measures for the invoice deadline.

The new invoice regulation and procedures have had a very detrimental impact. Applicants may do everything else right, but if they miss the invoice deadline or do not ask for an extension by the original deadline, they will lose all of their funding. In particular, some applicants have been denied only because their service provider neglected to certify the form on time, even though the applicant believed they had completed their application in a timely way and has no control over the service provider (who has no motive to meet the deadline, since they already have all of their money). We believe that this result is too extreme and unfair.

We urge the FCC to grant the SECA Petition and grant relief to E-rate stakeholders.

Sincerely,

Peter D. Tamayo
Chief Information Officer