

NEW ALBANY FLOYD COUNTY SCHOOLS

Administrative Services Center
2813 Grant Line Road
P.O. Box 1087
New Albany, IN 47151-1087
(812) 949-4200
Fax (812) 949-6900
www.nafcs.org

Friday, May 27, 2016

Bruce A. Hibbard, Ph.D.
Superintendent

Bradley J. Snyder
Deputy Superintendent

Bill Briscoe
Assistant to the
Superintendent

Fred McWhorter II, RSBO
Chief Business Officer

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

RE: CC Docket No 02-6 –

Request for Waiver and Extension of Invoice Deadline

Billed Entity Name: New Albany-Floyd County Consolidated School Dist.

Billed Entity Number: 130549

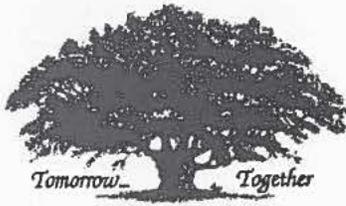
471 Number: 954560

FRN : 2593913

SLD Invoice No.: 2265926

Dear Ms. Dortch;

We request for a review and waiver of the invoice filing deadline for FRN 2593313, SLD Invoice No. 2265926. The BEAR was posted to the USAC online system on 10/15/2015 (see Attachment A) and the service provider, *Halo Applications and Communications, LLC* failed to certify it before the invoice filing deadline, October 28, 2015. The error wasn't discovered until December 30, 2015, when we discovered no check was received. We emailed Brad Watson at *Halo Applications and Communications, LLC* to ask him about the status of this BEAR. He answered he didn't see it, could we please resend the request or send him a paper BEAR. This is demonstrated by the email labeled Attachment B. Unfortunately, Mr. Watson's lack of familiarity with the USAC online BEAR system caused him to miss certifying the form and effectively left the BEAR status as not filed. Although we tried to file a paper BEAR as Mr. Watson suggested, we received a BEAR Notification Letter for New Albany-Floyd County Consolidated School District approving payment of \$0.00 since the paper BEAR was posted past the due date (see attachment C). We believe that Mr. Watson's failure to see the online form was a ministerial error caused by his lack of familiarity with the system.



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Denial of this BEAR presents a hardship to New Albany-Floyd County Consolidated School District, a rural Indiana School. Mr. Watson's error, a simple error directly resulting from his lack of familiarity with the online USAC systems, becomes a financial issue for the District.

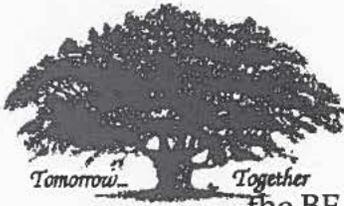
The 1st Modernization order codified the invoice filing deadline and the practice of automatically granting one-time 120 day extensions stating that this would allow USAC to de-obligate committed funds. Further, paragraph 239 states "filing deadlines are necessary for the efficient administration of the E-Rate program." It is at this point we ask – is it more important to help the FCC and USAC become efficient or to help applicants who are struggling to make the program work for them and provide needed funds to support eligible services? The granting of one-time 120 day extensions is dependent upon the applicant or service provider realizing that they cannot meet the invoicing deadline and requesting an extension before the deadline is reached. Unfortunately, for a great number of service providers that do not deal with the USAC online BEAR system on a regular basis, the process itself is confusing, prescriptive in detail, and many times leads to certification errors. *Halo Applications and Communications, LLC* is a small service provider that had only two funding requests in the 2014-2015 funding year.

Paragraph 240 of the 1st Modernization Order ends with that statement that "the Bureau should grant waivers of those rules [invoicing deadline extension rules] in extraordinary circumstances." It is hard to imagine something more extraordinary than a service provider that only deals with the USAC system twice a year.

The third goal of the 1st Modernization Order is "Making the E-Rate application process and other E-Rate processes Fast, Simple, and Efficient." At many points in the order it is acknowledged that the E-Rate process is not currently simple or easy to understand, that a number of users, applicants as well as service providers, find the deadlines difficult to meet, not because of lack of time, but because of difficulty in understanding the deadlines and/or the various stages of the application process itself. For this reason, over the years USAC had established the practice of sending out notices when it was possible that one part of the E-Rate process had not been completed. They do not offer this help during

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the BEAR process and so applicants remain at the mercy of service providers to complete the BEAR process, and at times, that is just asking too much of the smaller service providers.

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REQUEST FOR WAIVER OF FCC RULES AND TO RESTORE FUNDING COMMITMENT FOR FRN 2593313

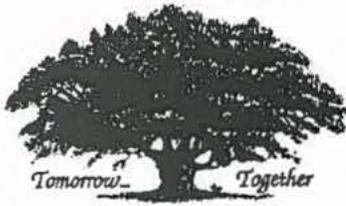
We request that the Commission waive the invoice deadline for FRN 2593913 in accordance with the Bishop Perry Order. Once we are granted an extension, we will repost the BEAR and Mr. Watson will certify it.

The Modernization Order of July 11, 2014, para. 240 states, "*the Bureau should grant waivers of those rules in extraordinary circumstances.*" The school corporation asks that the Bureau consider the chain of events described in this request for review and waiver to fall under the category of "*extraordinary circumstances.*"

The New Albany-Floyd County Consolidated School District believes an extraordinary circumstance exists to warrant a deviation from the FCC general rules. It is clear that this issue could have been easily avoided if any one of the following situations had not occurred.

1. If *Halo Applications and Communications* had certified the online BEAR in a reasonable time after the online BEAR was ready for certification.
2. If *Halo Applications and Communications* had a thorough knowledge of the online BEAR system.
3. If *Halo Applications and Communications* had established appropriate internal audit procedures approving online BEAR in a timely manner.
4. If *Halo Applications and Communications* had notified the New Albany-Floyd County Consolidated School Dist. of its error so the school district would have had an opportunity to file a deadline extension in a timely manner.

All these issues are outside of the control of the New Albany-Floyd County Consolidated School Dist. *Halo Applications and Communications* has made it plain that they lack a thorough knowledge of the online system and are unaware of program rules.



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The New Albany-Floyd County Consolidated School Dist. had no way of knowing on October 28, 2015 that there was an online BEAR certification issue and thus was not afforded an opportunity to submit an invoice deadline extension in a timely manner. The New Albany-Floyd County Consolidated School Dist. believes an extraordinary circumstance exists to warrant a deviation from the FCC general rules, and such deviation would better serve the public interest than strict adherence to the general rules. I respectfully remind the FCC that the patrons of the New Albany-Floyd County Consolidated School District contribute to the Universal Service Fund when they pay their monthly invoices and should not have their school district penalized due to a service provider certification issue. To deny this waiver request does not serve the public interest. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements.

I respectfully request that the funding for FRN 2593313 be fully restored.

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Steve Mills, if you have any questions concerning this appeal or require additional information. His contact information is as follows:

Steve Mills
AdTec, Inc
P.O. Box 306
Batesville, IN 47006-9998
Direct Phone: 812-216-9527
FAX: 317-708-3701
steve.mills@adtecerate.com

Authorized Signature:

Bruce A. Hibbard, PHD, Superintendent
New Albany-Floyd County Consolidated School Dist.

Enclosures