

APPEAL OF FUNDING DECISION

Schools and Libraries Program: CC Docket No. 02-6

Re: Applicant Name: NOVA CHARTER SCHOOL

Billed Entity Number: 233899

Form 471 Application Number: 820905

Funding Request Number(@): 2235388

Decision Letter Date: June 15,2015

Date Appeal Postmarked: March 30,2016

Your Correspondence Received: April 05,2016

Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

Nova Charter School, applicant, requests a review of the denial of the appeal for failure to timely file the appeal during the 60 day period as provided by section 54.720(a)-(c).

A waiver of the 60 day period is warranted due to the complicated circumstances due to fraud by the service provider ADI Engineering, Inc., and the service provider contact person Dr. Donatus Anyanwu.

The service provider ADI Engineering, Inc., filed bankruptcy on May 11, 2015 prior to the June 15, 2015 notification of the improperly disbursed funds recovery letter. The service provider ADI Engineering, Inc., made it impossible to gather and garner the necessary documentation to make a proper and timely appeal and response to the notification of the improperly disbursed funds recovery letter.

Additionally, due to the breach of contract and fraud by the service provider, ADI Engineering, another provider, CMC Networking Solutions, unknown by Nova Charter School, assumed the duties of ADI Engineering.

The service provider ADI Engineering knowing of its fraudulent behavior was unwilling or incapable of providing the necessary documentation to allow Nova Charter School to properly and moreover, timely respond and appeal the notification of the improperly disbursed funds recovery letter.

CMC Network Solutions sued Nova Charter School in state court for payment of the E-rate funds paid to the service provider ADI Engineering. Nova Charter School received the equipment and services required and certified that the equipment and services were in fact received which allowed the service provider ADI Engineering to receive payment from the Schools and Libraries Program. However, the service provider ADI Engineering did not pay CMC Network Solutions for the equipment and services provided therefore, the service provider ADI Engineering could not provide proper documentation regarding the E-rate funds.

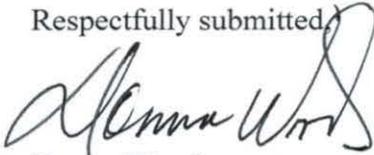
Nova Charter School provided documentation showing the payment of the ten (10%) percent portion of its obligation to CMC Network Solutions and due to the fraud by the service provider ADI Engineering, payments totaling well more than the ten (10%) percent portion of its obligation on behalf of ADI.

Nova Charter School is the victim of Fraud and Deceptive Business Practices by the service provider ADI Engineering. The Fraud and Deceptive Business Practices perpetrated by the service provider ADI Engineering upon Nova Charter School and CMC Network Solutions is just cause for the granting of this appeal and the waiver of the failure to timely file the appeal during the 60 day period as provided by section 54.720(a)-(c).

The criminal acts of the service provider ADI Engineering and the service provider contact person Dr. Donatus Anyanwu, coupled with the fraudulent bankruptcy filing and the protections afforded thereby which was dismissed by order of the bankruptcy court with prejudice to refiling for 180 days should warrant the reconsideration of Nova Charter School's appeal and a waiver of the 60 day period as provided by section 54.720(a)-(c).

Under the interests on justice an innocent victim such as Nova Charter School should be afforded the relief requested and not arbitrarily punished by hyper technical rules and regulations. In the interest of justice an exception to a rule should exist and this is just such a case. The Commission may waive any provision of its rules, but a request for waiver must be supported by a showing of good cause. 47 C.F.R. § 1.3.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna Woods", written over the typed name.

Donna Woods
CEO
Nova Charter School