DOCKET FILE COPY ORIGINAL

From: "Kelly Adair" <KAdair@cbrsd.org>
To: <CCBSecretary@fcc.gov>
Date: Tue, Mar 26, 2002 7:18 AM
Subject: Request for Waiver of Deadline

<<Attachment #1 - Request for Waiver by.doc>> <<Attachment #2 - RE deadlines2.txt>> <<Attachment #3 - 'USAC SL Pitfalls to Avoid in Filing Form 470'.htm>> <<Attachment #4 - 'USAC SL Tips for Successfully Completing the Form 470'.htm>>

Request for Waiver of the Deadline by
Central Berkshire Regional School District
Entity #120101
Funding Year 5
470 #551100000403343

Contact Information:
Kelly Adair
Technology Coordinator
Central Berkshire Regional School District
150 Windsor Road
Dalton, MA 01226
kadair@cbrsd.org
Phone 413-684-0767
Fax 413-684-4411

CC Docket No. 96-45
CC Docket No. 97-21

The Central Berkshire Regional School District seeks a waiver of the Commission's rules governing discounts for services under the schools and libraries universal service support mechanism. Central Berkshire requests a waiver of the Funding Year 5 (2002-2003) application window, which closed on January 17, 2002 at 11:59 p.m. Eastern Standard Time.

I experienced technical problems with the SLD website when I attempted to file the FCC Form 470 online on December 20, 2001. A search of the SLD web site revealed no accurate Form 470 deadline information. After losing hours of data due to an electronic error while attempting to file the Form 470, I attempted to contact the SLD via email.

The reason that I was unclear of the Form 470 deadline was because I could not find accurate information on the SLD website. I searched the FAQ section of the SLD website, "*Pitfalls to Avoid in Filing Form 470*" and "*Tips for Completing Your 470*" on December 20. The copies of these pages (attachment #3 and #4) taken from the SLD website today, March 25, 2002, show information for funding year 4 and indicate a January 18, 2001 deadline. Since last year's deadline was January 18, I thought I had plenty of time this year to file the Form 470. My initial attempt to file on December 20 was coincidental. I thought I had until sometime in January and was trying to accomplish this task well ahead of time and before Christmas vacation.

After finally finding only the 471 deadline on the SLD site and receiving no email response from SLD, I erroneously calculated the filing deadline for the 470 as Friday, December 21, 2001. The Form 470 was posted electronically first thing in the morning on December 21, 2001. The Form 470 was certified by the SLD on December 21, 2001. I received an email response from the SLD on Friday, December 21, 2001 at 5:49 p.m. (attachment #2). The links to accurate information provided by the SLD email came too late.

On January 17, 2002, I was unable to electronically file a Form 471 for long distance service. A SLD representative advised me to mail the Form 471 postmarked January 18, 2002 and advised that the Form 471 would nonetheless be considered. They indicated that I should not mail the Form 471 postmarked January 17, 2002 because it would be rejected for the reason that the required 28-day requirement would not have been met.

The Commission's competitive bidding rules prohibited me from filing the FCC Form 471 until 28 days after the December 21, 2001 posting date. I could not file the Form 471 for long distance telephone service until January 18, 2002, one day after the filing window closed on January 17, 2002.

I claim that this - the loss of data due to the Form 470 page "timing out" after a short period of time and the lack current, accurate information on the SLD website - demonstrates a sufficient basis for waiving the Commission's rules. I believe this waiver would better serve the public interest than strict adherence to the general rule. I realize the applicant bears the burden of getting its forms and other information to SLD for processing within the established deadline if the applicant wishes to be considered with other in-window applicants. By the same token, the SLD should assure the reliability of their site for submitting forms electronically and these critical deadline dates should be prominently and accurately posted on the SLD web site. I believe the particular facts of this case rise to the level of special circumstances required for a deviation from the general rule.

I ask the Commission to waive the filing deadline for FCC Form 471 in this case where the error was a combination of a failure of the SLD electronic Form 470 website and lack of accurate and timely web site information and response time from the SLD which resulted in a sincere yet inaccurate self calculation of the due date that resulted in the Form 470 being posted and certified only hours after the deadline.

Attachment #2 - RE deadlines2

From: E-Rate, SLC [question@universalservice.org]
Sent: Wednesday, December 26, 2001 10:17 AM
To: Kelly Adair
Subject: RE: deadlines

Thank you for your inquiry. The following dates are from the Program Description which can be found here: <http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc> http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc.

December 20, 2001 (For electronic filers): The last possible date for you to post your Form 470 electronically is by 11:59 PM EST December 20, 2001 in order to meet the 28-day filing requirement and submit the Form 471 by the window close. If you wait this long to file the Form 470, however, it would mean that your Form 471 could not be filed online until the last day of the window-January 17, 2002. It is unlikely that most applicants would be able to meet all of the necessary filing requirements if they submit the Form 470 this late. Remember that there are a number of required steps that must be met after your Form 470 is posted and before you file the Form 471. Be sure to allow enough time to properly complete the necessary steps when determining your time frame for submitting the Form 471. (See "Pitfalls to Avoid in Filing Form 471" in the Reference Area of the SLD web site at <http://www.sl.universalservice.org> www.sl.universalservice.org.)

January 17, 2002: The Form 471 window closes at 11:59 PM EST. Forms 471 including signed certifications or certifications completed online with a User ID and a PIN must be received by SLD or postmarked no later than January 17 to be considered as filed within the application window. If the Form 470 was posted after December 20, 2001, the Form 471 cannot be filed within the window. Applications that are received after the close of the window will be held pending final processing of applications that were received within the filing window. Should funds be available after the processing of applications received within the window, those application will be reviewed and processed.

If you have any further questions please feel free to contact our Schools & Libraries Helpline at 888-203-8100 or contact us at question@universalservice.org. Please remember to visit our website for updates (<http://www.sl.universalservice.org/> http://www.sl.universalservice.org/).

Thank you.
Universal Service Administrative Company
Schools and Libraries Division
<kde,dkw>

-----Original Message-----
From: Kelly Adair [mailto:KAdair@cbrsd.org <mailto:KAdair@cbrsd.org>]
Sent: Saturday, December 22, 2001 8:11 AM
To: E-Rate, SLC
Subject: RE: deadlines

At around 4:00 on 12/20 I lost my entire electronic 470. I looked on your site and found nothing indicating any deadlines although I knew I was cutting is close. I entered all the info again first thing on 12/21 and submitted. What is going to happen now?

-----Original Message-----
From: E-Rate, SLC
Sent: Fri 12/21/2001 5:48 PM

To: Kelly Adair
Cc:
Subject: RE: deadlines

Thank you for your inquiry. Here are some key dates for Funding Year 5:

• November 5, 2001: Application filing window opens for FCC Form 471 at noon EST.

• December 12, 2001 (For manual filers): Forms 470 must be posted to the SLD web site for at least 28 days before the Form 471 can be signed and submitted. Therefore, FORMS 470 SHOULD BE FILED AS EARLY AS POSSIBLE to allow for data entry and any necessary problem resolution to occur so that you can submit your Form 471 by the close of the application filing window. While there is risk if the Form 470 is filed as late as December 12, the SLD will make every attempt to complete data entry and problem resolution if Forms 470 are received in Lawrence, KS by that date. Please note, however, that errors on forms (requiring problem resolution) may delay the processing and posting of your Form 470. Forms failing Minimum Processing Standards will be returned to the applicant.

• December 20, 2001 (For electronic filers): The last possible date for you to post your Form 470 electronically is by 11:59 PM EST December 20, 2001 in order to meet the 28-day filing requirement and submit the Form 471 by the window close. If you wait this long to file the Form 470, however, it would mean that your Form 471 could not be filed online until the last day of the window-January 17, 2002. It is unlikely that most applicants would be able to meet all of the necessary filing requirements if they submit the Form 470 this late. Remember that there are a number of required steps that must be met after your Form 470 is posted and before you file the Form 471. Be sure to allow enough time to properly complete the necessary steps when determining your time frame for submitting the Form 471. (See "Pitfalls to Avoid in Filing Form 471" in the Reference Area of the SLD web site at <www.sl.universalservice.org>.)

• January 17, 2002: The Form 471 window closes at 11:59 PM EST. Forms 471 including signed certifications or certifications completed online with a User ID and a PIN must be received by SLD or postmarked no later than January 17 to be considered as filed within the application window.

Here is a direct link to the Program Description:
< http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc
<http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc>
< http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc
<http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc> > >
http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc
<http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc>
< http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc
<http://www.sl.universalservice.org/data/doc/ProgramDescriptionY5.doc> > .

If you have any further questions please feel free to contact our Schools & Libraries Helpline at 888-203-8100 or contact us at question@universalservice.org. Please remember to visit our website for updates (< http://www.sl.universalservice.org/
<http://www.sl.universalservice.org/>
< http://www.sl.universalservice.org/ <http://www.sl.universalservice.org/>
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http://www.sl.universalservice.org/ <http://www.sl.universalservice.org/> <
http://www.sl.universalservice.org/ <http://www.sl.universalservice.org/> >
).
Thank you.

Universal Service Administrative Company Schools and Libraries Division
<dkw,jac>

-----Original Message-----
From: Kelly Adair [< mailto:KAdair@cbrsd.org <mailto:KAdair@cbrsd.org> < mailto:KAdair@cbrsd.org <mailto:KAdair@cbrsd.org> > > mailto:KAdair@cbrsd.org <mailto:KAdair@cbrsd.org> < mailto:KAdair@cbrsd.org <mailto:KAdair@cbrsd.org> >]
Sent: Thursday, December 20, 2001 3:29 PM
To: questions@universalservice.org
Subject: deadlines

What are the filing deadlines for the various forms and where can that information be found on your website?

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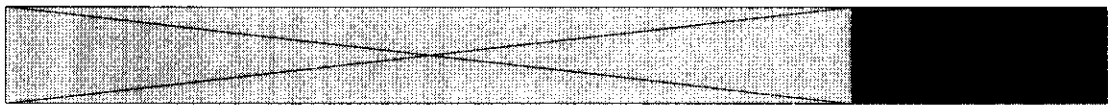

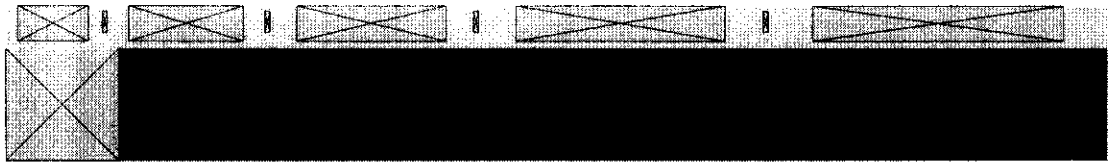

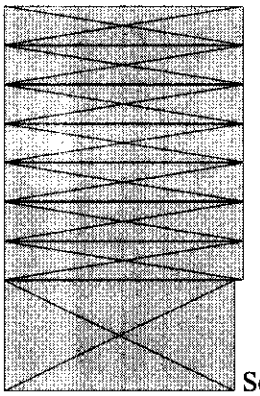

Search Site

search/searchsld.idq method=get> Get the most out of your search query by viewing Search TIPS!

Go back to Previous Page

Tips for Completing Your Form 470

Tip 1. **File Form 470 Online**

Tip 2. **File Form 470 Any Time During the Program Year**

Tip 3. **Only File ONCE for Each New Contract, and File Annually for Tariffed and Month-to-Month Services**

Tip 4. **Review the Minimum Processing Standards for the Form 470**

Tip 5. **Remember the Technology Plan Requirement**

Tip 6. **When an Request for Proposal (RFP) is Available**

Tip 7. **Online Filers: How to Successfully Submit your Form 470 Online**

Tip 1. File Your Form 470 Online □ Using the online Form 470 for filing your E-rate application saves time and minimizes data entry errors. The SLD system validates the answers you data enter for each item, which means your application is less likely to need extensive problem resolution clean up. Form 470 applications that are successfully filed online also post faster to the SLD web site. You may access the online Form 470 by clicking the "Apply Online" button on the SLD web site.

Tip 2. File Your Form 470 at Any Time During the Program Year □You may file the Form 470 at any time during the program year. In other words, there is not a limited timeframe (or "Window Filing Period") for submitting your Form 470 to the SLD. This allows you greater flexibility in initiating procurement processes while still allowing you to comply with E-rate competitive bidding requirements.

For Year 4, your Form(s) 470 must be posted early enough to achieve the 28-day posting period before filing and signing the Form 471, Block 6, Certifications and Signature which must be postmarked no later than January 18, 2001 in order to be inside the Year 4 window.

Tip 3. Only File Form 470 ONCE for Each New Contract, and File Form 470 Annually for Tariffed and Month-to-Month Services □ Multi-year contracts require only one Form 470 to be filed when procurement begins. Each Form 470 has a unique number, to which you will refer in your annual Form 471 applications. PLEASE NOTE that you must file a Form 470 each year for discounts on tariffed services, such as telecommunications services, and for discounts on services billed on a month-to-month basis, such as some internet services and cell phone service.

Tip 4. Review the Minimum Processing Standards for the Form 470 □ The Minimum Processing Standards (or MPS) are the procedures that the SLD uses to review your application when w it is first received. Your application must pass the Minimum Processing Standards in order for data entry of your application to begin. Be sure to review the Form 470 Minimum Processing Standards and Filing Requirement posted in the Reference Area of this web site.

1. After you have completed each block, print a copy of the screen for your records.

2. Provide the appropriate answers in Block 5, Items 19-29

3. Print a copy of this screen for your records.

4. Click the "Next" button to move on to the next page, which features special instructions.

5. On this special instructions page, read all the instructions and then click the "Next" button at the bottom of the screen. By clicking "Next" you are simultaneously releasing your completed application to the SLD for posting, AND viewing a complete version of Block 5 of your Form 470. This version represents the Block 5 information as it appears in the SLD database. Clicking "Next" will prevent any further changes to the application. Please be sure that you are satisfied that all entries to the Form 470 are correct and you are fully authorized to release this form for posting before clicking "Next" on this page.

6. Print a copy of this Block 5 Certification and Signature page, ask the authorized person to sign Item 25 with an original ink signature, and submit it to the SLD either manually, by mail, express delivery or U.S. Postal Service Return Receipt Requested.

For regular mail, submit Form 470 to:

SLD □ Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, submit Form 470 to:

SLD □ Form 470
C/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100