

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of:)	
)	
Request for Review and/or Request for Waiver of Decisions of the Universal Service Administrator)	CC Docket No. 02-6
)	
)	

Ref.: Applicant Name: Devereux

Entity Numbers: 6246, 32616, 97664, 106345, 220869,
227014, 227020, 227036, 228723,
232982, 232983, 232985, 232986,
232987

Form 471 App. Numbers: 383936, 383937, 383939, 383941,
383942, 383943, 383945, 383949,
383953, 383954, 383956, 383957,
383958, 383959, 383963, 383965,
383966, 383967, 383968, 383970,
383971, 383980, 383994, 383997,
384002, 384004

Attachments: U.S. Postal Service Certified Mail
Receipts and Tracking Information

In this appeal, Devereux, through its E-rate coordinator E-Rate Central, asks the Commission to review the twenty six September 19, 2003 decisions of the Schools and Libraries Division (“SLD” or “Administrator”) that found the Form 471s filed by Devereux as having been “filed after the close of the filing window” for FY 2003.

Background:

On February 6, 2003 Devereux got caught in a snow storm while driving to their local Post Office to file twenty six Form 471s for their schools. Despite the storm, Devereux was able to get to the Post Office before the 12 a.m. closing time. At 12 a.m. the doors to the Post Office were locked and only customers already inside the building were able to complete their transactions. However, the applications, which were enclosed in fifteen packages, were postmarked between 12:01 and 12:11 on February 7, 2003. The SLD subsequently determined that the applications had been filed after the close of the FY 2003 application window.

Request for Review:

As evidenced by the Post Office's 12 a.m. closing time, Devereux's Form 471s were clearly delivered to the Post Office before 12 a.m. on February 6, 2003. If Devereux had deposited the applications in a drop box, instead of going to Post Office's counter, the FCC would have found the applications as having been filed within the filing window as per the FCC's Maine State Library appeal decision (DA 03-3104). We feel that applicants that deliver their applications to the Post Office, whether to the actual building or to a drop off box, should be treated the same.

Request for Waiver:

If the FCC chooses to deny our Request for Review, we ask them to approve our appeal and find the applications as having been filed inside the application window based on a Request for Waiver. Clearly, arriving at the post office before the midnight fulfills the intent for the Schools and Libraries Division's deadline rules. Furthermore, exception should be made for Devereux based on the snow storm that was hitting the Northeast on the night of February 6, 2003. This caused massive traffic jams and significantly delayed Devereux's arriving at the post office.

Appeal request:

By this appeal, E-Rate Central asks the Commission to approve our Request for Review and/or Request for Waiver and find the twenty six Form 471s

filed by Devereux as having been filed within the filing window for FY 2003.

Respectfully submitted,

By: _____

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Dated: November 18, 2003