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SACRED HEART SCHOOL  
124 EAST CENTER ST.  
SHAWANO, WISCONSIN 54166  
TELEPHONE: 715-526-5328  
FAX: 715-526-4107

RECEIVED & INSPECTED  
JUN 30 2004  
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6/25/04

## REQUEST FOR WAIVER

Federal Communications Commission  
Office of the Secretary  
445 - 12<sup>th</sup> Street, SW  
Washington, DC 20554

CC Docket No. 02-6  
03-04 - Year 6 - 471  
471 Application Number: 365343  
Billed Entity Name: Sacred Heart School  
Billed Entity Number: 62220

To Whom It May Concern:

We are appealing the SLD Decision Letter dated May 4<sup>th</sup>, 2004 also the SLD Decision Letter dated March 25<sup>th</sup>, 2003 both of these letters are from the 03-04 funding year and in regards to the appeal deadline and the 471 application deadline prospectively.

First, we are requesting a waiver for the 60-day appeal-filing deadline. The letter dated May 4<sup>th</sup>, 2004 "Administrator's Decision on Appeal" is a decision to deny an examination of our appeal letter submitted to SLD on June 15<sup>th</sup>, 2003 (see enclosed). Our letter of appeal was postmarked 22 days out of the filing window. As stated in the letter to SLD, SLD informed us that we had a 90-day window to file.

Secondly, we are requesting a waiver to the original issue, which is the reason for the appeal. When we submitted our Form 471 - 03-04 Year 6 electronically on January 31<sup>st</sup>, 2003 we were unaware that ALL of the follow up paper correspondences needed to be in by February 6<sup>th</sup>, 2003. We were under the impression that we filed electronically and had a confirmation to that effect that we were in compliance with the deadline. Our follow up paper correspondences was postmarked February 14<sup>th</sup>, 2003, 8 days out of compliance. See SLD letter dated March 25<sup>th</sup>, 2003.

As you can see from the letter sent to SLD on June 15<sup>th</sup>, 2003 that your representatives in the SLD Client Service Bureau did not have the correct or adequate information to help us or anyone else in this situation. This was our second year in the E-Rate program and we were struggling to keep everything up to date. The total amount of our application for E-Rate assistance is \$2,993.04 this may seem like a very minute amount compared to some of your other applications but this amount of money can and will help our technology department and in turn all of the children at our school tremendously. We believe that a deviation from the rules would very much serve the public interest in this case.

Sincerely,

Kara Skarlupka  
Sacred Heart School  
Phone: 715-526-5328 or 715-745-6593  
Fax: 715-526-4107 or 715-745-659  
E-Mail: [sacredheart@frontiernet.net](mailto:sacredheart@frontiernet.net) or [skarlu@ezwebtech.com](mailto:skarlu@ezwebtech.com)

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EDUCATE to ELEVATE!



# SACRED HEART SCHOOL

124 EAST CENTER ST.  
SHAWANO, WISCONSIN 54166  
TELEPHONE: 715-526-5328  
FAX: 715-526-4107

6/16/03

Letter of Appeal, Schools and Libraries Division  
Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

RE: Sacred Heart School  
471 Application #: 365343  
Entity #: 62220

To Whom It May Concern:

We would like to appeal the letter date March 25<sup>th</sup>, 2003 (Funding year 6) that we received on April 7<sup>th</sup>, 2003. On April 7<sup>th</sup> I contacted SLD via the Client Service Bureau at 1-888-203-8100 and spoke to Kristie. At that time she did explain that even though we did file electronically on January 31<sup>st</sup>, 2003 at 1:30pm that this did not guarantee our application. That we actually were considered late in filing because our paper work to back up our submitted application was not postmarked until February 14<sup>th</sup>, 8 days late. She then went on to explain that our application still will have a chance a funding and that when all the priority one level applications are funded that you will then review the late fillers. Then you will move onto priority two level applications and when you are finished with them you will then review the late fillers for level two. Kristie explained that we would have 90 days to appeal this decision.

I contacted Kristie today 6/15/03, now she is not sure if this information above is correct or if we will have to wait until all funding for both levels is finished prior to SLD looking at late fillers. She could give me no date on to when we might hear anything regarding this matter.

We are upset that filling electronically is not a submission of an application. We feel that our priority one level application should be reviewed prior to any priority two level apps. Since your Client Service Bureau personnel are not up to speed on what is happening in this aspect we would like some type resolve that would help our school.

Please reply as soon as possible. Below is our pertinent information:

Sacred Heart School  
124 E. Center Street  
Shawano, WI 54166  
715-526-5328  
715-526-4106 FAX  
[sacredheart@frontiernet.net](mailto:sacredheart@frontiernet.net)  
Contact: Kara Skarlupka

Thank you,

*Kara Skarlupka*

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MAY 07 2004

**Administrator's Decision on Appeal**

May 4, 2004

Kara Skarlupka  
Sacred Heart School  
124 East Center Street  
Shawano, WI 54166

7/4/04

Re:    Application Number:                    365343  
      Billed Entity Number:                62220  
      Funding Year:                         2003-2004  
      Decision Letter Date:                3/25/2003  
      Date Appeal Postmarked:            6/16/2003

Our records show that your appeal was postmarked more than 60 days after the date your Form 471 Filed Outside of the Window Letter was issued, as shown above. 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 SLD to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be **POSTMARKED** within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau via e-mail at [question@universalservice.org](mailto:question@universalservice.org), toll-free via fax at 1-888-276-8736 or toll-free via phone at 1-888-203-8100. We strongly recommend that you use the electronic filing

Schools and Libraries Division  
Universal Services Administrative Company

FUNDING YEAR 2003 FORM 471 CERTIFICATION  
POSTMARKED OUTSIDE OF WINDOW

March 25, 2003

KARA SKARLUPKA/LOIS MACZUZAK  
SACRED HEART SCHOOL  
124 E CENTER ST  
SHAWANO, WI 54166-2408

Re: Applicant's Form Identifier: SHCS-471(03-04)YR6  
Form 471 Application Number: 365343

Dear KARA SKARLUPKA/LOIS MACZUZAK:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 Certification was postmarked on 02/14/2003, which is AFTER the 2003-2004 filing window closed at 11:59 p.m. EST on February 6, 2003.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. If at that time, we determine that funding applications that were submitted within the application filing window will not fully utilize all the funds available for this Funding Year, we will consider applications filed outside the window in the order they were received. If we determine in-window applications will fully utilize the funds available, your application WILL BE DENIED.

For more information about the processing of 2003-2004 applications, about funding for applications filed after the close of the filing window or about plans for the 2004-2005 application process, please visit our web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the Client Service Bureau at 1-888-203-8100

**TO APPEAL THIS DECISION:**

If you wish to appeal the decision indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Out of Window Letter you are appealing. Indicate the relevant funding year and the date of the letter. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, include the precise language or text from the letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond

appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.

4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We encourage the use of either the e-mail or fax filing options to expedite filing your appeal.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use either the email or fax filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division  
Universal Service Administrative Company

Fax 973-599-6542