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10/25/2005

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

SUPERNet Consortium
106 Wildcat Drive
Whitehouse, Tx. 75791

Billed Entity Number: 223076
Form 471 Application Number: 460573

CC Docket No. 02-6
Request for Waiver

To Whom It May Concern:

SUPERNet Consortium would like to request a waiver of program rule compliance due to extenuating circumstances. We have gone through the appeals process with the SLD and request special dispensation.

SUPERNet Consortium has participated in the Erate program since its inception. The Consortium consists of 17 school districts throughout East Texas. We have been recognized by Edline as an Erate success story on two separate occasions. The same person had always filed SUPERNet's forms, navigating the complicated process for all 17 districts. During last year's filing, a new person was employed in the coordinator's position. Rhonda Turner attended many training sessions and worked through the process, filing all online forms within the filing window. However, the follow-up certification form was postmarked outside the window.

SUPERNet recognizes that both the online filing and certification letter are to be filed within the filing window. The previous coordinator had filed these forms for so many years that she was able to certify online at the same time that the application was submitted. However, since Rhonda had not had one year of filing under her belt, she had to submit certification in writing.

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Though she successfully submitted all but one of the seventeen certification forms on time, the last one which had requests at the consortium level and impacted all 17 districts for their shared services missed being postmarked on time. This was a rookie mistake made by a new employee trying desperately to meet all the requirements of a complicated system. While SUPERNet Consortium understands the importance of program compliance, we would hope that the FCC would grant us one waiver for a mistake made that does not affect the substance of the request. The form was filed on time. Only the certification letter was outside the window. We respectfully request special consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Hooper".

Joe Hooper
Superintendent of Schools -New Summerfield ISD
SUPERNet President

Enclosures:

Original letter of appeal from Rhonda Turner
SLD response to appeal

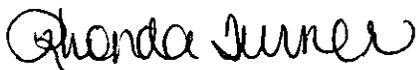
Rhonda Turner
106 Wildcat Drive
Whitehouse, Texas 75791
903/839-5516
903/769-2181

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

This letter is a desperate appeal to your decision regarding the Form 471 Application submitted on February 18, 2005 for the **SUPERNet Consortium**. I failed to submit the certification letter on time. I submitted four applications on the 18th and truly believed that this was the proper procedure. I made certain that they were done correctly and were submitted by the deadline. This can be verified by my online application. My certification letters followed outside the window. My mistake was that I did not realize the submission and certification had to be done within the window. This was my first year to do any work with erate and I am pleading for this appeal. It would be so unfair to ask the students and districts that I represent to be held accountable for my mistake. This money is essential to the continued improvement of technology in these districts.

Rhonda Turner
SUPERNet Consortium
BEN: 223076
Application Number: 460573
Funding Year 2005 FORM 471 Certification Postmarked outside of window

Sincerely,



Rhonda Turner
SUPERNet Consortium



Universal Service Administrative Company
Schools & Libraries Division

FUNDING YEAR 2005 FORM 471 CERTIFICATION
POSTMARKED OUTSIDE OF WINDOW

July 27, 2005

rhonda turner
SUPERNET CONSORTIUM
106 WILDCAT DRIVE
WHITEHOUSE, TX 75791

Re: Applicant's Form Identifier: SUP05-06
Form 471 Application Number: 460573

Dear rhonda turner:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 Certification was postmarked on 03/02/2005, which is AFTER the 2005-2006

filing window closed at 11:59 p.m. EST on Friday, February 18, 2005.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the SLD section of the USAC web site at www.sl.universalservice.org once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2005-2006 applications, about funding for applications filed after the close of the filing window or about plans for the 2006-2007 application process, please visit our web site 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 or postmarked 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 (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant name,
 - BEN,
 - Application number as assigned by the SLD,
 - Name of the letter and funding year (both are located at the top of the letter),

AND

 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site. Click "continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973)599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

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 or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. 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



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

October 18, 2005

Rhonda Turner
SUPERNet Consortium
106 Wildcat Drive
Whitehouse, TX 75791

Re: **Applicant Name:** SUPERNET CONSORTIUM
Billed Entity Number: 223076
Form 471 Application Number: 460573
Funding Request Number(s): 1265588, 1265891, 1265946, 1265995, 1266019,
1266043, 1266070, 1266091, 1266105, 1266125,
1266202, 1266337, 1344798

Your Correspondence Received: August 22, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Form 471 Certification Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1265588, 1265891, 1265946, 1265995, 1266019,
1266043, 1266070, 1266091, 1266105, 1266125,
1266202, 1266337, 1344798

Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision regarding the timeliness of your Funding Year 2005 Form 471 Certification. In your appeal letter you state that you submitted four applications on February 18, 2005 and that your certification letters followed outside the window. You also state you did not realize the submission and certification had to be done within the window. In closing, you assert that the E-rate money is essential to the continued improvement of technology in the school district.

- A thorough review of your appeal letter, the relevant facts and documents, shows that you filed the Form 471 application online within the program application filing window, and you mailed the Form 471 Certification on March 2, 2005, which is outside of that window. Program procedures require that the Form 471 Application and its Certification must be completed and postmarked by 11:59 p.m. EST on February 18, 2005 in order for the request to receive consideration as inside the window. It is the responsibility of the applicant to ensure that all forms are completed in a correct and timely manner.
- SLD denied your funding requests because it determined that your Form 471 Certification was not postmarked on or before the close of the filing window on February 18, 2005. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to demonstrate that the Form 471 Certification was postmarked on or before February 18, 2005. Consequently, your appeal is denied.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. See *Request for Review by Alpine County Unified School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶¶ 2 and 4. (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, 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 received or postmarked within 60 days of the 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. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company