

March 23, 2007

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Re: Request for Waiver of Invoice Deadline Imposed by Universal
Service Administrator, CC Docket No. 02-6

Applicant Name: Peekskill City School District
Entity Number: 123671
Funding Year: 2004
Form 471 Application Numbers: 429348 and 432051
Funding Request Numbers: 1195566, 1195718, 1195811, 1196060, and
1201255

Request for Waiver

In late 2006, E-Rate Central was retained by Peekskill to assist the district's new technology and business officials. As a result of our review of the district's E-rate history, we found that as a result of employee turnover no E-rate work had been done for over a year. No application was filed for FY 2005 and, during the same period, no FY 2004 BEARs had been filed for the above listed FRNs with funded amounts totaling \$17,047.42.

In an attempt to correct the FY 2004 invoicing problem, invoice deadline extension requests were filed with USAC on November 22, 2006, so that the awarded funding could be properly utilized. These requests were denied by USAC on March 21, 2007, on the basis that "[c]urrent deadline guidelines and procedures do not allow approval for the reason submitted." Since we had seen invoice extensions granted in the past under similar circumstances, we believe that these denials represent a new and unnecessary tightening of USAC procedures which is out-of-step with the FCC's recent applicant-friendly E-rate decisions.

The district's failure to file timely invoices for FY 2004 during a transitional administrative period clearly constitutes a clerical or ministerial error of a similar nature to other E-rate filing problems that the FCC has already addressed in its *Bishop Perry* and other General Resolution Orders. In these cases, the FCC found that denial of funding was an overly severe penalty for violations of procedural rules not involving instances of waste, fraud, and abuse. As a result, those procedural rules were waived.

In this Request for Waiver, we ask for similar relief of USAC's invoice deadline. Specifically, we ask that the FCC instruct USAC to provide FRN Extensions for the referenced FRNs so that Peekskill may file invoices to utilize funding that has already been awarded.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Himsworth", written in a cursive style.

Winston E. Himsworth
whimsworth@e-ratecentral.com
On behalf of Peekskill City School District