

Sent via Facsimile and U.S. Postal Service

July 9, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**RE: Petition for Immediate Relief, in the matter of:
The Petition for Reconsideration of the Denial of Hemet Unified School
District's Request for Service Delivery Extension Deadline for the E-
Rate Program.**

**Request for Review: Docket No. 02-6
Appeal of the Universal Service Administrative Company Decision
Applicant name: Hemet Unified School District
E-Rate Year 5 Projects
Form 471 #: 295589
FRN's: 792640, 792784, 792858, 819791**

Ms. Dortch,

I am writing this letter on behalf of the Hemet Unified School District ('Hemet') in regards to Hemet's request and subsequent denial for Service Delivery Deadline Extension ('extension') for the aforementioned FRN's.

On August 23, 2007, Hemet sent its initial request for Service Delivery Extension for its previously funded 471 number 295589. (Attachment A)

On November 8, 2007, Hemet realized that its request had mistakenly omitted 4 FRN's of the same Form 471 (295589), and sent a letter requesting that these additional FRN's (792640, 792784, 792858, and 819791) be included in their extension request. (Attachment B)

On November 13, 2007, USAC approved Hemet's request for extension, however, Hemet's letter of November 8th, apparently 'crossed in the mail' and USAC did not receive Hemet's request to add the additional 4 FRN's until after they had sent the extension approval.

On January 28, 2008, Spectrum Communications, Hemet's selected service provider, sent a letter of inquiry regarding the status of the approval for the additional 4 FRN's.

On February 15, 2008, both Hemet and Spectrum were notified that USAC had denied Hemet's request for extension on the additional 4 FRN's. The reason for denial was that the request appeared to USAC to have occurred after the delivery window had closed.

On May 28, 2008, Spectrum Communications, Hemet's selected service provider, sent an appeal to the USAC providing additional information in support of Hemet's request to add the 4 omitted FRN's.

On June 20, 2008, Hemet received a USAC Administrator's Decision on its request for an extension to the abovementioned FRN's. Hemet's request was "denied in full". (Attachment C)

Hemet and Spectrum Communications appeal USAC's decision to deny Hemet's request for extension. This appeal is timely.

The basis for Hemet's appeal is that in its original request for an extension to USAC, Hemet mistakenly omitted 4 FRN's from its request. Subsequently, USAC approved Hemet's extension request minus the 4 missing FRN's.

In the time between Hemet's original request and USAC's approval, Hemet realized that it had omitted the additional 4 FRN's, and wrote USAC to inform them and request that these 4 FRN's be included in its extension request. It appears however, that these letters crossed in the mail, as Hemet had soon after received an extension approval minus the 4 omitted FRN's.

USAC requires FCC guidance in order to approve the additional 4 FRN's because Hemet had mistakenly omitted them in their original, and timely, request for extension, for which USAC had approved. However, because Hemet's did not realize their omission of the 4 FRN's until November 8th 2007, USAC is unable to grant extension on these without FCC approval because by that time the service delivery window had closed.

Hemet is in need of the additional 4 FRN's in order to complete their technology plans as provided to USAC in its original Form 471 request.

Granting this request serves the purpose of the E-Rate program. There are no additional budgeting requirements necessary, as these 4 FRN's were originally approved for funding in Hemet's initial Form 471 request.

In the past, the Commission has allowed applicants to correct similar mistakes, such as inadvertently leaving portions of the FCC Forms blank, or making minor errors.¹

Hemet and Spectrum, respectfully asks the FCC to grant its request and extend the additional 4 FRN's which should have been included, but was mistakenly omitted, to the original extension request that was approved.

This Petition for Immediate relief is made because Spectrum Communications, the selected service provider for this funding request, can not complete the balance of the work as proposed by Hemet in its funding request.

Subsequently, this project is on hold until the FCC provides its decision to this request. If this request is not granted, Hemet may have to eliminate needed functionality to its technology goals.

Please forgive Hemet's oversight in its omission of the 4 FRN's to its request for service delivery extension.

Should you have any questions or require further information, please contact Richard Beck at (951) 765-5100 ext. 2401. Conversely, you may contact Robert Rivera at (951) 371-0549.

Respectfully Submitted,

Richard Beck
Asst. Superintendent, Hemet Unified School District

Robert Rivera
Spectrum Communications

Cc:

¹ See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism, File Mo. SLD-48770, CC Docket No. 02-6.

See also, Mineola Union Free School District, FCC Form 471 No. 637705; DA 08-872

Mel Blackwell, Vice President SLD
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Encl.