

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Appeal for denial of 2008 funding by USAC Schools
and Libraries Division to the Wisconsin Center for
the Blind and Visually Impaired

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) CC Docket No. 02-6
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**—APPEAL—
REQUEST FOR REVIEW AND WAIVER OF DECISION
OF THE UNIVERSAL SERVICE ADMINISTRATOR**

Appellant:

Jacki Radecki
Wisconsin Center for the Blind and Visually Impaired, BEN 61590
1700 W. State St.
Janesville, WI 53546-5399
608-758-6106; Jacki.Radecki@dpi.wi.gov

RE: Appeal for denial of 2008 funding for the following funding requests:

Form 471 Number	FRN	Service and Provider	Funds Requested
634827	1755763	Internet (WiscNet)	\$3,755.74
635708	1758827	Telecom (AT&T)	\$1,741.18
635488	1758079	Telecom (U.S. Cellular)	\$2,361.31
634317	1754121	Telecom (AT&T)	\$147.17

To Whom It May Concern:

The Wisconsin Center for the Blind and Visually Impaired is appealing the denial of 2008 funding for the above referenced funding requests. The denials were in four letters we received from USAC dated June 13 and June 19, 2008. The denials were from appeals previously made to USAC.

USAC Reason for Denial: *Certifications Postmarked Outside of Window Letter for the Application Numbers.*

We do not dispute USAC's claim that we submitted the certification page after the 471 filing window closed. However we had submitted all four 471 forms by the February 7, 2008,

deadline. Only the certification pages were late in being filed. We had assumed (unfortunately, incorrectly) that the certification page could be filed after the form deadline, just like the Item 21 attachments. In fact, we sent in the signed certification page in the same time frame that we submitted our Item 21s. We received a letter from USAC on February 21, 2008, stating that our certifications had to be filed, which we knew. The certifications were sent to the SLD, but they were not postmarked until March 15, which was three days after the March 12 deadline referenced in the February 21 USAC letter. This was an honest mistake on our behalf.

We believe our appeal request to waive 47 C.F.R. § 54.507(c) related to the Form 471 deadline set by the Administrator has merit based on the facts as described above and the FCC's decisions reached in the Bishop Perry appeal, released May 19, 2006. In the Bishop-Perry appeals the Commission specifically cited several reasons why it granted almost 200 appeals. Some of these reasons are germane to our appeal. For example, paragraph 7 refers to schools that successfully appealed their late filing of Form 471. And one particular sentence in this paragraph states, "We find that a *slight delay* [emphasis added] in USAC's receipt of the applications in each of these cases does not warrant the complete rejection of each of these applicants' E-rate applications." To restate, our applications were all filed on time—only the certifications were late. Our school believes (1) that filing late certifications is not as serious as filing late applications; and, (2) that a three-day delay in the certifications in this context should meet the Commission's definition of a "slight delay."

We have successfully filed for E-rate discounts since 2000 and have never had a 471 denied because of a late certification. Thus we hope you will see that our late filing of the certifications was a honest mistake and that we in no manner were engaged in any actions that could be deemed as waste, fraud or abuse. We respectfully request the Commission to reverse the decision of USAC and allow our 2008 E-rate applications to move forward. Thank you for your consideration of this matter and please contact me if you have any questions. (Robert Bocher, state E-rate coordinator from the Wisconsin Department of Public Instruction, has authority to file this appeal on our behalf.)

Sincerely,



Jacki Radecki
Wisconsin Center for the Blind and Visually Impaired