

**Before the  
Federal Communications Commission  
Washington DC 20554**

**In the Matter of:**

	)	
Request for Review of a decision	)	
by the Schools and Libraries Division	)	Administrator Correspondence Dated
for Greensville County, Virginia	)	September 29, 2008
Public Schools	)	
	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**Request for Review or Waiver**

In accordance with Sections 54.719 through 54.721 of the Commission’s Rules, now comes Greensville County, Virginia Public Schools (Greensville) before the Federal Communications Commission (Commission) requesting review of a decision of the Universal Service Administrative Company (Administrator) denying an Invoice Deadline Extension request. This request comes before the Commission in a timely manner from the Administrator letter dated September 29, 2008.

Requestor: Greensville County Public Schools, Virginia  
Billed Entity Number: 126551  
Funding Request Numbers: 1169922, 1169949, 1163380, 1169847, and 1134651  
Form 471 Numbers: 403233 421968

In correspondence dated September 29, 2008, the Administrator denied an Invoice Deadline Extension request appeal from Greensville for E-Rate Eligible services. Greensville originally filed an Invoice Extension Request on June 19, 2008. The Administrator denied the extension request. Greensville timely filed an appeal with the Administrator on September 8, 2008.

Greensville explained that personnel turnover resulted in the missed deadline. Funds for the services were committed and Greensville paid full price. The Commission has granted numerous

appeals and given the Administrator great latitude for granting appeals when program complexity and applicant confusion contribute to minor policy violations.<sup>1</sup>

The Arkansas decision in particular linked the Alaska Gateway decision to a late or non-filed Form 472. “Generally, Arkansas DIS claims that staff mistakes or confusion resulted in missing the FCC Form 486 or FCC Form 472 deadlines, or untimely filing the FCC Form 486. As the Bureau found in the *Alaska Gateway Order*, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted.”<sup>2</sup>

Greensville cited the Arkansas, Alaska Gateway, and Bishop Perry decisions in our appeal to the Administrator. Clearly, the circumstances in this appeal mirror the facts in the Arkansas appeal and decision. The Administrator erred by not granting the appeal resulting in another appeal before the Commission and wasting valuable Commission resources. The Administrator appeal is attached here.

Further, the Virginia Department of Education filed a petition with the Commission two months before the original Arkansas appeal requesting a waiver of the October 28, 2005 deadline for applicants because of contradictory instructions. Specifically, the Form 472 instructions state clearly that the form could only be filed if certain conditions were met, including: “The applicant has filed FCC Form 486 (Receipt of Service Confirmation Form) and entered “Yes” in Column (I) of Item 6 of the FCC Form 486 to indicate its intention to submit a Billed Entity Applicant Reimbursement Form.”

The Virginia Department of Education pointed out that the Form 486 did not have a Column (I) associated with Item 6. In fact, the Form 486 contains no provision for indicating a mode of billing at all. Yet, the Form 472 instructions clearly instruct applicants not to file the form unless such indication was made.<sup>3</sup>

In the interest of fairness and consistent with the goals of the E-Rate program, we ask the Commission to overturn the Administrator decision and remand this to the Administrator for action in accordance with the Arkansas Decision.

Respectfully Submitted this Ninth day of October, 2008,

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<sup>1</sup> Arkansas Department of Information Systems, DA 08-1418; Academy of Excellence, FCC 07-60; and Bishop Perry, FCC-06-54.

<sup>2</sup> Arkansas Decision at 8.

<sup>3</sup> Virginia Department of Education Request for Waiver, filed October 28, 2005, CC Docket Number 02-6, [http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6518174913](http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518174913)