

May 22, 2009

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

## REQUEST FOR WAIVER

CC Docket No. 96-45 and CC Docket No. 02-6

Applicant Name: Federal Way School District #210  
BEN: 145173  
USAC 471 Application Number: 669556  
Funding Year 2009, Form 471 Postmarked "Outside of Window"  
Applicant's USAC Form Identifier: SecWANyr12

Dear Ms. Dortch:

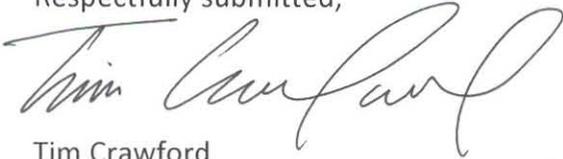
Federal Way School District #210 (hereinafter "the District") respectfully submits this waiver request of the Universal Service Administration Company's policy for "out-of-window" filings.

The pertinent facts are as follows: On February 6, 2009, during the 471 window, Sandy Nelson, a District employee, attempted to file the District's Form 471 application online. The 471 was completed in-window but not certified. The District did not recognize the oversight on that date. Ms. Nelson who has now left the Federal Way School District began transitioning to her new position on March 9, 2009. E-rate responsibilities for the District transitioned to Molly Charbonneau following Ms. Nelson. On March 27, 2009, the District received notification from USAC of the Form 471 with no certification letter and USAC required a response due by March 23, 2009. The district has received no other official communication from USAC. The District contacted USAC on March 27, to open a case (Case #21-876975). The District was directed to certify the 471 and provided guidance that we would receive an "out-of-window" denial that we would need to appeal. The district certified the 471 on March 27, but no additional information has been received to this point. On May 12, the District contacted its PIA reviewer for guidance on this 471 application. Through multiple conversations, the District was directed to the State of Washington E-rate coordinator. The State coordinator has directed the District to file an "out-of-window waiver" with the Federal Communications Commission.

It is the District's understanding that in 2006 and 2007, in the *Bishop Perry Order* and the *Academy for Academic Excellence Order*, the Commission and the Bureau, respectively, granted waivers to applicants who missed the FCC Form 471 filing window deadline due to circumstances beyond their control, including inclement weather, technical malfunctions, school reorganizations, misunderstandings/confusion, personal emergencies, or inadvertent errors<sup>1</sup>. The District believes that these orders apply in this case. The oversight at issue is procedural, not substantive; the District believes that rejection of our 471 filing is not warranted. There is no evidence of waste, fraud, or abuse, or misuse of funds in this case.

The District now stands to lose in excess of \$126,291.24 in discounted telecommunications services. At a time when school districts nationwide are having budget problems, potentially denying the District's application simply because of a change in District staff and lack of timely USAC communications would be unfortunate and inconsistent with the intent of the E-Rate program for schools and libraries.

Respectfully submitted,



Tim Crawford  
Technical Operations Manager  
Federal Way Public School District #210  
(253) 945-2111  
[tcrawford@fwps.org](mailto:tcrawford@fwps.org)

cc: Tom Murphy, Superintendent, Federal Way Public School District #210

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<sup>1</sup> *Bishop Perry Order*, 21 FCC Rcd at 5321-22, para. 12; *Academy of Academic Excellence Order*, 22 FCC Rcd at 4748-49, para. 5.



**Notification of Form 471 with No Certification  
(Funding Year 2009: 07/01/2009-06/30/2010)**

March 3, 2009

Sandy Nelson  
FEDERAL WAY SCHOOL DIST 210  
31405 18TH AVE S  
FEDERAL WAY, WA 98003-5433

**RE: Applicant Form Identifier: SecWANyr12  
Form 471 Application Number: 669556**

**TAKE ACTION BY: 03/23/2009**

This is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has received the above referenced FCC Form 471, Description of Services Ordered and Certification Form. As of the date of this letter we have not received the signed Form 471 Block 6 Certifications.

Note that this letter provides the notice required by the Bishop Perry Order (FCC 06-54, released 5/19/2006), for you to submit your complete Form 471 Block 6 Certifications so that they are received by USAC or postmarked by 03/23/2009. If USAC does not have your Form 471 Certifications by that date, your Form 471 referenced above will not be reviewed for possible funding.

**YOU MUST FILE YOUR FORM 471 CERTIFICATIONS ON PAPER TO BE CONSIDERED WITHIN THE WINDOW.** If you certify your Form 471 online after February 7, 2008, the system will automatically generate an out-of-window letter.

Please disregard this letter if you recently submitted your Form 471 Certifications. You can check the status of your application using the Form 471 Application Status tool on our website or by calling our Client Service Bureau at the number below for assistance.

If this Form 471 is a duplicate, please contact our Client Service Bureau at the number below for instructions on cancelling this application.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-246-8736, or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division  
Universal Service Administrative Company