

**Before the
Federal Communications Commission
Washington, D.C. 20554
July 19, 2009**

In the Matter of

Appeal of denial of 2009 funding request by USAC Schools) CC Docket No. 02-6
And Libraries Division for the Bridgerland Applied)
Technology College)

**—APPEAL—
APPEAL OF DECISION OF THE UNIVERSAL SERVICE ADMINISTRATOR
AND REQUEST FOR WAIVER**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Appellant:
Bridgerland Area Vocational Center (now Bridgerland Applied Technology College)
Billed Entity Number: 142834
Attn: Kerry Kirkland
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Logan, UT 84321
email: kkirkland@batc.edu

Appeal Contact:
Sabrina Scott
Utah State E-rate Coordinator
101 Wasatch Dr.
Salt Lake City, UT 84112
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RE: Appeal of denial by the Universal Service Administrator of Bridgerland Area Vocational Center's 2009 funding requests due to "Postmarked Outside of Window" certification. The following funding requests were denied:

**USAC Funding Commitment Decision Date: June 5, 2009
2009 FCC Form 471: 699169
2009 FCC Form 470: 450680000670193 (Allowable Contract Date – 8/11/2008)
Category of service: Telecommunications (Basic)
FRNs: 1917169, 1917170, & 1917171
Service Providers: Qwest Communications and Verizon Wireless**

Dear Commissioners,

This Appeal and Request for Waiver is made to the Federal Communications Commission ("FCC") pursuant to 47 C.F.R. §§ 54.719(c) and 54.721 on behalf of Bridgerland Applied Technology College ("BATC") pursuant to the Commission's authority as stated in 47 C.F.R. §1.3.

BATC requests a waiver of the Schools and Libraries' Funding Year 2009 Application Filing Deadline and requests the Universal Service Administrator be directed to accept this Form 471 as "timely filed" and "Certified-In Window" to allow full review by the Administrator and a final Funding Commitment Decision based upon the actual merit of each funding request. We request that the extenuating circumstances surrounding this first-time applicant's situation at the time of filing window closing be considered.

Reason Form 471 Filed Outside of Filing Window

BATC is a first time applicant for E-rate discounts on their basic phone services. The BATC staff assigned to E-rate filing duties worked diligently throughout the summer and fall of 2008, even attending the state's E-rate Training Sessions, in order to prepare for the 2009 filing window. In preparation for their final 2009 Form 471 submission, an online Form 471 was created and saved in the USAC "Apply Online" system days prior to window closing. In the final hours leading up to the filing deadline, unsolicited application assistance from an outside volunteer not well versed in E-rate program rules, effectively obstructed BATC from submitting their online Form 471. Fearing that they may "do something wrong" in the last remaining moments available "In Window", BATC committed a ministerial error in delaying submission of their 2009 funding requests past the filing deadline, but based upon incorrect "advice".

When finally made aware of this problem five days after the 2009 filing window closing, we urged BATC to immediately submit a paper Form 471 along with the signed Certification to USAC, along with the supporting Item 21 Attachments for each funding request. This was postmarked February 18, 2009, as acknowledged by USAC in their enclosed Form 471 Notification Letter.

We believe this appeal and request for waiver of 47 C.F.R. § 54.507(c) related to the Form 471 deadline established by the Administrator has merit based on the circumstances described above and as these relate to the FCC's decisions issued in the Bishop-Perry Order, released May 19, 2006. In the Bishop-Perry order the Commission specifically cited several reasons why it granted numerous appeals for reasons similar to those cited in this appeal.

BATC provides crucial applied technology instruction to public secondary students in the rural northern region of Utah. Their increasing reliance on telecommunications and the current fiscal climate has heightened the need for BATC to obtain E-rate discounts for these basic telecommunications services. Denial of this appeal will further exacerbate the already difficult fiscal environment facing this school.

Thank you for your consideration of this matter. Please contact me if you have any questions.

Sincerely,

Sabrina Scott
Utah State E-rate Coordinator
101 Wasatch Dr.
Salt Lake City, UT 84112

Enc:

- 1.) Scanned copy of the Funding Year 2009 Form 471 Postmarked Outside of Window notification letter from USAC
- 2.) Scanned copy of the paper FCC Form 471 and Certification pages submitted to USAC by applicant, including Item 21 Attachments.
- 3.) Printed copy of "Online" FCC Form 471 # 699169 created prior to window closing.