

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

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**NOV 23 2009**

FCC Mail Room

**In the Matter of:**

Request for Review of a decision	)	
by the Schools and Libraries Division	)	Administrator Correspondence Dated
for Marion Middle School, Virginia	)	November 10, 2009
	)	
	)	
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 Marion Middle School (Marion) before the Federal Communications Commission (Commission) requesting review of a decision of the Universal Service Administrative Company (Administrator) denying a request to change the service start date for a 2008 funding request. This request comes before the Commission in a timely manner from the Administrator's decision.

Requestor: Marion Middle School  
Billed Entity Number: 26331  
Funding Request Number: 1708039  
Form 471 Numbers: 619995

In correspondence dated November 10, 2009, the Administrator denied a request to change the service start date for this FRN from June 18, 2009 to July 1, 2008. Due to a number of circumstances including confusion over program rules, Marion failed to timely file a Form 486 and the Administrator moved the service start date from the actual service start date of July 1, 2008 to June 18, 2009 – 120 days prior to the postmark date of the Form 486. Marion did not timely submit a Form 486 in part because the vendor was discounting bills and Marion believed all paperwork for this FRN had been submitted. Contrary to the assertion that the Administrator mailed an "urgent reminder" letter, we have no record of receiving such correspondence. We became aware of the absence of a Form 486 only when called by a consultant hired by the

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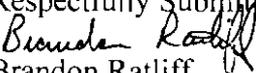
Virginia Department of Education who called to remind us of the missing form. We immediately filed the Form 486 with all proper certifications and submitted it to the Administrator.

The Commission has ruled on numerous occasions that the Form 486 deadline is procedural and not statutory and routinely granted of waivers for service start date adjustments. See Bishop Perry, Alaska Gateway, and Arkansas.

Marion Middle School is a single, small rural school and the person responsible for E-Rate compliance has a multitude of other duties. Again, because the bills were discounted, we assumed that the Form 486 had been filed. The effect of this decision was to reduce our sole funding request by almost \$5,000 – funds desperately needed by the school.

We ask the Commission to waive the policy of reducing the service start date for each day the Form 486 is late and restore the service start date to July 1, 2008 for this FRN.

Respectfully Submitted this 13<sup>th</sup> day of November 2009.

  
Brandon Ratliff  
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