

STETSON SCHOOL
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July 15, 2010

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

Re **CC Docket No. 02-6**
Petition for Waiver of FCC Form 486 filing deadline
Form 471 Application No. 693908 (FY2009), 693795 (FY2009), 693997
(FY2009), 693638 (FY2009)
Applicant: Stetson Schools, BEN 19

Dear Ms. Dortch,

With this letter Stetson School ("Stetson") requests a waiver of the FCC Form 486 filing deadline in the case of each captioned funding request under the schools and libraries universal service support mechanism (E-Rate).

Background

Stetson accommodates children and adolescents with sexual behavior problems from grades four through high school. We maintain the belief that every child can succeed, and that every child deserves the opportunity to become a confident, capable adult, and a productive member of the community.

During the 2009 E-Rate funding year, the staff member who is responsible for our E-Rate filings was in the process of undergoing a divorce. As is often the case in such matters, the process was not amicable.

This employee would sometimes bring work home, including some E-Rate management documents. Unfortunately, during the course of the divorce proceedings, the spouse was able to take possession of these documents and refused to release them to our staff member.

Our employee did his best to comply with E-Rate filing requirements, but without his planning documents, he did not realize that he had failed to comply with the FCC Form 486 filing deadline until several months past the deadline. When he finally realized that he had missed the deadline he did file the Form 486, but due to these circumstances which were realistically beyond the control of our school, the filing was several months late.

Analysis

Due to factors not reasonably within its control, Stetson was unable to fully comply with the requirement to file Form 486 by the normal 120 day limit after the latter of the service start date and the Funding Commitment Decision Letter date for Form 471 No. 693908 (FY2009), 693795 (FY2009), 693997 (FY2009), 693638 (FY2009). To the best of our knowledge, our E-rate funding application is otherwise in full compliance with all FCC rules and USAC requirements.

In *Alaska Gateway*¹, *Alcona County Library*², and *Children of Peace School*³, the Wireline Competition Bureau (“Bureau”) found that where special circumstances are present and a Form 486 was not filed on a timely basis, good cause exists to grant a waiver of the filing deadline and direct USAC to process the applicant's Form 472 reimbursement application without a postponement of the funding start date. The Bureau noted that in these cases the applicants missed a procedural deadline and did not violate a substantive rule.

The cited orders were consistent with the *Bishop Perry Order*⁴, where the Federal Communications Commission had found that, under certain circumstances, rigid adherence to certain E-rate rules and requirements that are “procedural” in nature does not promote the goals of section 254 of the Communications Act of 1934, as amended – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest.

The Bureau further noted in *Alaska Gateway* and in *Alcona County Library* that denying the petitioners’ requests would create undue hardship and prevent these otherwise eligible schools and libraries from receiving funding that they need to bring advanced telecommunications and information services to their students and patrons. That would certainly be the case if Stetson were to be denied the opportunity to request reimbursement for its eligible expenses. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

¹ *Alaska Gateway School District et al*, FCC Order DA 06-1871

² *Alcona County Library et al*, FCC Order DA 08-2379

³ *Children of Peace School et al*, FCC Order DA 10-855

⁴ *Bishop Perry Middle School et al*, FCC Order 06-54

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Request for Waiver

For the reasons stated in this letter, Stetson respectfully requests that the Federal Communications Commission grant a waiver of the FCC Form 486 filing deadline for the cited E-rate funding applications.

STETSON SCHOOL

A handwritten signature in black ink that reads "Zoltan Bardossy". The signature is written in a cursive style with a large, stylized initial 'Z'.

Zoltan Bardossy

Director of Information Technology