

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

Request for Waiver

In the matter of:)	
)	
Request for Review by)	
)	
Cybertek Computer and Networking Services)	File Number SLD 680511
Mentone, CA 92359)	FRN Numbers 1858680 and
)	1858766
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	
)	
July 30, 2010)	

Background

Cybertek Computer and Networking Services (Cybertek) is a small business of less than 10 employees that has been participating in the Erate program since 2000 (Year 3). We currently have Erate projects with several other California districts. We pride ourselves in cost effective solutions and exceptional service. The Erate program has been instrumental in growing our business to almost \$2M in annual gross revenues.

Cybertek is requesting a waiver request to cure a mistake in the filing of Form 471 680511, FRN's 1858680 and 1858766 in FY2009. The district (LBUSD – BEN 143528) erroneously filed these FRN's as "monthly" reoccurring expenses, when, in fact, they should have been filed as one-time, non-reoccurring expenses. These FRN's are clearly Internal Connections. Cybertek only became aware of this problem when our invoices were denied by the SLD with the note that they were filed outside the program year. **(Attachment 1).**

LBUSD has contacted USAC and requested that this problem be remedied. The initial request was via email and was met with unwillingness by USAC to assist the district, citing a missed deadline to make corrections. LBUSD has subsequently submitted a written request to make RAL Corrections in Item 23 of the Form 471. This request is pending.

The time necessary to cure this problem could take months or years without FCC intervention. Cybertek is not in a financial position to absorb the loss or delay of these payments. We have participated in good faith and followed the program rules consistently. We are requesting a quick resolution to correct this error. If not corrected in a timely manner, it will do irreparable harm to our business and our employees.

Request for waiver of applicable deadline(s)

Cybertek is a small business with a sizable investment in this project. Equipment has been purchased, inventoried by the district, and installed by Cybertek. The project is currently 45% complete. Even if the equipment could be returned, there is the matter of restocking fees and labor costs. If equipment must be “uninstalled” for return, that will incur additional labor costs.

We have attached a copy of the notices rejecting our invoices totaling \$329,775.74 to date, with an additional \$167,227.10 in invoices waiting for submission. **(Attachment 1)** We have bills to pay and payrolls to meet. It is obvious that without this income, it will be difficult to meet our financial obligations.

The errors made are clearly correctable. We have attached page 5 from the document titled, “Important Notice Regarding Correctable Errors on FCC Forms 470 and 471” from the Bishop Perry Order. **(Attachment 2)**. In the section referencing Item 23 Calculations, it clearly states that “Applicants will be able to submit corrections to this Item (23) even if it causes an increase in the funds requested, within 15 days of notification from USAC”. We don’t believe USAC has formally notified the district of this error and its right to make the corrections.

Finally, there is no suggestion of waste, fraud, or abuse. Both Cybertek and LBUSD pride themselves as good Erate citizens. The goal of the Erate program is to ensure that network access reaches low income students that might not ordinarily be able to afford access. It is hard to believe access would be denied because of correctable errors.

We respectfully request that the FCC intervene on behalf of Cybertek in this manner to waive any USAC deadlines required to make the necessary corrections to FCC Form 471 680511.

Thank you for considering our request.

Scott A. Siegel



President
Cybertek Computer and Networking Services
SPIN: 143026132

[Print](#)

Subject **usac rejections**

From: **Scott A. Siegel <Scotts@cyberteknet.com>**

Sent: **Jul 29, 2010 08:42:56 AM**

To: **jrkeck@verizon.net**

143026132|Cybertek Computer and Networking
services|scotts@cyberteknet.com|usacstatement@universalservice.org|C000408543|2|0.00|7/9/2010|N

143026132|1858680|3441 3442|0.00|"SLD Invoice Number:1331583;Line Item Detail
Number:4496563;Amount Requested:87527.38;Billed Date after [06/30/2010] fund yr;mnthly
cost;76;Billed Date Outside of Funding Year;285;"

143026132|1858766|3441 3442|0.00|"SLD Invoice Number:1331583;Line Item Detail
Number:4496640;Amount Requested:29663.13;Billed Date after [06/30/2010] fund yr;mnthly
cost;76;Billed Date Outside of Funding Year;285;"

143026132|Cybertek Computer and Networking
services|scotts@cyberteknet.com|usacstatement@universalservice.org|C000410346|2|0.00|7/22/2010|N

143026132|1858680|3442,3451|0.00|"SLD Invoice Number:1339029;Line Item Detail
Number:4521627;Amount Requested:197899.68;Billed Date after [06/30/2010] fund yr;mnthly
cost;76;Billed Date Outside of Funding Year;285;"

143026132|1858766|3442,3451|0.00|"SLD Invoice Number:1339029;Line Item Detail
Number:4521633;Amount Requested:29663.13;Billed Date after [06/30/2010] fund yr;mnthly
cost;76;Billed Date Outside of Funding Year;285;"

143026132|Cybertek Computer and Networking
services|scotts@cyberteknet.com|usacstatement@universalservice.org|C000411211|2|0.00|7/29/2010|N

143026132|1858680|3458,3459|0.00|"SLD Invoice Number:1343248;Line Item Detail
Number:4529880;Amount Requested:13244.00;Billed Date after [06/30/2010] fund yr;mnthly
cost;76;Discount Amt. Billed Not Valid;48;Billed Date Outside of Funding Year;285;Requested
Discount Amount not valid;355;"

143026132|1858766|3458,3459|0.00|"SLD Invoice Number:1343248;Line Item Detail
Number:4529881;Amount Requested:1461.60;Billed Date after [06/30/2010] fund yr;mnthly
cost;76;Billed Date Outside of Funding Year;285;"

Please keep in mind that I retried billing for the \$29663.13

Important Notice Regarding Correctable Errors on FCC Forms 470 and 471

In the recent *Bishop Perry Order*,¹ the FCC directed USAC “to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications.”² The FCC further indicated that “applicants shall have 15 calendar days from the date of the receipt of notice in writing by USAC to amend or refile the FCC Form 470, FCC Form 471 or associated certifications.”³

USAC is publishing this list of correctable errors today. Errors are broken into the following categories:

- A. Errors on Forms 470 that were previously Minimum Process Standards rejections. These corrections must be made before the Form 470 can be posted, which starts the 28-day clock.
- B. Errors on Forms 470 that can be corrected by amending the Form 470. These corrections are made to forms that are already posted, and do not affect the 28-day clock.
- C. Errors on Forms 471 that were previously Minimum Process Standards rejections. These corrections must be made before the Form 471 can be data entered and reviewed.
- D. Errors on Form 471 that can be corrected by amending the Form 471. These corrections are made to forms that are already data entered.

Applicants who completed applications during the window, but who did not certify within the window, will be given 15 days to submit their certification. In order to take advantage of this, your application must be received by USAC during the window and the only thing that was missing was the certification.

Notification for FY2006

All Applicants who applied in FY 2006 (whether you have received your FCDL or not) should carefully review all of the corrections that can be made to their forms. Applicants have 15 days, starting on July 14, 2006 to provide USAC with any allowable corrections. Corrections are due on August 2, 2006.

Because the filing window for FY 2006 has already closed, and all Forms 470 had to be posted for at least 28 days before the close of the window, only some of the errors for the Form 470 can be corrected at this time. They are:

1. Form 470 Certification submission deadline
2. Form 470 Certification received by USAC but missing a signature
3. Form 470 Contact person name changes
4. Form 470 Item 17 – List of Billed Entities

All correctable errors listed for the Form 471 are correctable now.

Starting with FY 2007, applicants will be able to take full advantage of the complete list of correctable errors.

¹ *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA*, CC Docket No. 02-6, Order, FCC 06-54 (2006) (*Bishop Perry Order*).

² *Id.* ¶ 23.

³ *Id.* ¶ 23

How to Correct an Error for FY 2006 Form

Applicants who wish to submit a correction should follow the instructions listed on page 4 of the [RAL](#) for making changes.

Allowable corrections received within 15 days of notification from USAC will be reflected in the Funding Commitment Decision Letter.

USAC List of Correctable Ministerial and Clerical Errors

In the recent *Bishop Perry Order*,⁴ the FCC directed USAC “to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications.”⁵ After receiving notification from USAC, applicants will have 15 calendar days to correct these errors. (It should be noted that applicants always have the option of correcting any error on a form by resubmitting that form, as long as they can comply with the any necessary deadlines.)

The following list explains which items on the FCC Form 470 and FCC Form 471 can be corrected by applicants within 15 days of notification by USAC.

FCC Form 470

There are two categories of errors that can be corrected without refileing the Form 470. Correction to items listed in the first category, Minimum Processing Standards Errors, with the exception of the Certification Deadline and the Authorized Person Signature, *must be received by USAC before the form can be posted, which starts your 28-day clock.* Corrections to the second category, Errors that can be corrected by amending the Form 470, can be made after the Form 470 has been posted.

A. Minimum Processing Standards Errors

The following items previously listed in the FCC Form 470 Instructions as Minimum Processing Standards will no longer be cause for automatic rejection. However, USAC must receive the missing information within 15 days of notification from USAC before the FCC Form 470 can be posted. The 28-day clock starts once the form is posted. It should be noted that if you are going to take full advantage of the time to make corrections, that will require at least 43 days to process (15 days to correct plus 28 days for posting.) **If you do not provide the information within 15 days, your form will be rejected for failing Minimum Process Standards and any FRN on a Form 471 will be denied.** To avoid these errors, USAC encourages applicants to use the Apply Online system.

ERROR LOCATION	CORRECTIVE ACTION ALLOWED
FCC Form 470 – Funding Year Specific	Applicants who use the wrong version of the form from a prior funding year can make corrections to the correct version of the form within 15 days of notification from USAC. This item is required before the form can be posted which starts the 28-day posting requirement.

⁴ *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA*, CC Docket No. 02-6, Order, FCC 06-54 (2006) (*Bishop Perry Order*).

⁵ *Id.* ¶ 23.

ERROR LOCATION	CORRECTIVE ACTION ALLOWED
FCC Form 470 Block 1 Items 1 and 3 Applicant Name and Contact Information	As long as there is sufficient contact information on the form to be able to make contact with someone, applicants can provide the missing contact information within 15 days of notification from USAC. This information is required before the form can be posted which starts the 28-day posting requirement.
FCC Form 470 Block 2 Items 8, 9, 10, and 11 Summary Description of Needs or Services Requested (Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, and Basic Maintenance of Internal Connections)	Applicants who did not enter <i>any</i> information in <i>any</i> of these items can correct this error by providing the missing information within 15 days of notification from USAC. This information is required before the form can be posted which starts the 28-day posting requirement. Applicants who seek to correct information already posted for these items or who want to add a category of service that was not entered when the form was posted will not be allowed to make those corrections. Paper filers can correct these items before their form is posted, and online filers can file a new Form 470 as long as there is still time in the filing window.
FCC Form 470 certification submission deadline	For applications completed within the filing window, applicants can file the certifications within 15 days of notification from USAC.
FCC Form 470 Block 5 Item 27 Signature of Authorized Person	Applicants who forget to sign their certification page can correct this error within 15 days of notification by USAC. To avoid this error, USAC encourages applicants to use their PIN to e-certify.

B. Errors that can be corrected by amending the Form 470

For the items listed below, applicants can amend their Form 470 without restarting the 28-day clock -- you need only to provide the information within the 15 days after notification from USAC.

ERROR LOCATION	CORRECTIVE ACTION ALLOWED
FCC Form 470 Block 1 Items 6a Contact Person Name	Applicants will be able to submit corrections to the contact information within 15 days of notification from USAC. Before making the change, the correction will be reviewed to ensure that the change does not circumvent the FCC's competitive bidding requirements.
FCC Form 470 Block 4 Item 16c Eligible Entities That Will Receive Services – School districts, library systems or consortium applications that serve multiple entities	Applicants can submit corrections to the number of eligible entities within 15 days of notification from USAC, as long as it is not a significant departure from the scope of the original request and is due to clerical error.
FCC Form 470 Block 4 Item 17 Billed Entities that will be paying the bills information.	Applicants can submit corrections to the list of Billed Entities that will cite the Form 470 within 15 days of notification from USAC.

FCC Form 471

Applicants who discover any error on their FCC Form 471 always have the option of filing a new FCC Form 471 as long as they can do so within the filing window. The following two categories of errors, however, can be corrected without refiling the FCC Form 471.

C. Minimum Processing Standards Errors

Some items previously listed in the FCC Form 471 Instructions as Minimum Processing Standards will no longer be cause for automatic rejection. However, USAC must receive the missing information within 15 days of notification from USAC before the Form 471 can be data entered and reviewed for funding. If you do not provide the information within 15 days, your form or FRN will be rejected for failing Minimum Process Standards. You can avoid these errors by using the Apply Online system.

ERROR LOCATION	CORRECTIVE ACTION ALLOWED
FCC Form 471 – Funding Year Specific	Applicants who use the wrong version of the form from a prior funding year can make corrections to the current version of the form within 15 days of notification from USAC to correct this error. This item is required before the form can be data entered and reviewed.
FCC Form 471 Block 1 Items 1 and 3 Applicant Name and Contact Information	As long as there is sufficient contact information on the form to be able to make contact with someone, applicants can provide the missing contact information within 15 days of notification from USAC to correct this error. This information is required before the form can be data entered and reviewed.
FCC Form 471 Block 5 Item 13 and 14 Service Provider Identification Number (SPIN) and Name	If this information is missing completely, applicants will be able to submit the missing information within 15 days of notification from USAC. This information is required before the form can be data entered and reviewed.
FCC Form 471 Block 6 certification submission deadline	For applications completed within the filing window, applicants can file the certifications within 15 days of notification from USAC.
FCC Form 471 Block 6 Item 38 Signature of authorized person	Applicants who forget to sign their certification page can correct this error within 15 days of notification by USAC. To avoid this error, USAC encourages applicants to use their PIN to e-certify.

D. Errors that can be corrected by amending the Form 471

For the items listed below, applicants can amend their FCC Forms 471 without having to refile their application -- you need only to provide USAC with the information requested within 15 days of notification from USAC. Starting with Fund Year 2007, the notification from USAC will be on the Form 471 Receipt Acknowledgement Letter.

ERROR LOCATION	CORRECTIVE ACTION ALLOWED
FCC Form 471 Block 1 Billed Entity Contact Information	Applicants will be able to submit corrections to the contact information within 15 days of notification from USAC.
FCC Form 471 Block 4 Discount Calculations Worksheet	Applicants will be able to submit corrections to this item, even if it increases the discount rate, within 15 days of notification from USAC.
FCC Form 471 Block 5 Item 12 FCC Form 470 Application Number	Applicants will be able to submit corrections to this item within 15 days of notification from USAC.
FCC Form 471 Block 5 Item 13 and 14 Service Provider Identification Number (SPIN) and Name	Applicants will be able to submit corrections to this item within 15 days of notification from USAC as long as it is a corrective SPIN change .
FCC Form 471 Block 5 Item 15b Contract Number	Applicants will be able to submit corrections to this item within 15 days of notification from USAC.
FCC Form 471 Block 5 Item 16 Service Provider's Billing Account Number	Applicants will be able to submit corrections to this item within 15 days of notification from USAC.
FCC Form 471 Block 5 Item 18 Contract Award Date	Applicants will be able to submit corrections to this item within 15 days of notification from USAC, as long as the correction is accompanied by a certification.
FCC Form 471 Block 5 Item 22 Entities Receiving Service	Applicants will be able to submit corrections to this item, even if it causes an increase in the discount rate, within 15 days of notification from USAC. Applicants will also have an opportunity to remove entities post-commitment for purposes of the 2-in-5 Rule for Internal Connections.
FCC Form 471 Block 5 Item 23 Calculations	Applicants will be able to submit corrections to this item, even if it causes an increase in the funds requested, within 15 days of notification from USAC.
FCC Form 471 Block 6 Item 25d Amount budgeted for ineligible services	Applicants will be able to submit corrections to this item within 15 days of notification from USAC.