

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

**In the Matter of:**

	)	
Request for Review of a decision	)	
by the Schools and Libraries Division	)	Administrator Correspondence Dated
for Danville City Public Library	)	August 23, 2010
	)	
	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**Request for Waiver**

In accordance with Sections 54.719 through 54.721 of the Commission’s Rules, now comes Danville City Public Library (Danville) before the Federal Communications Commission (Commission) requesting waiver of the Form 471 Filing Window for Fund Year 2010. This request comes before the Commission in a timely manner from the Universal Service Administrative Company (Administrator) letter dated August 23, 2010.

Requestor: Danville City Public Library, Virginia  
Billed Entity Number: 126638  
Funding Request Number: 2091281  
Form 471 Number: 771203

In correspondence dated August 23, 2010, the Administrator notified Danville that the Form 471, postmarked on August 9, 2010, was received outside the Funding Window, which closed on February 19, 2010. As such, the application would be held pending review of applications filed within the Window. Danville believes there will be insufficient funds available for applications filed outside the Filing Window and ask the Commission to grant Danville special dispensation and waive the filing deadline.

**Background**

Danville first applied for E-Rate discounts in Fund Year 2008 and obtained discounted telephone service in both Fund Years 2008 and 2009. For Fund Year 2010 Danville filed a Form 470, number 651050000762443, on October 12, 2009 for local, long distance, and cellular telephone

service. The allowable service provider selection date was November 9, 2009. Danville certified the Form 470.

On January 19, 2010 the Danville individual responsible for E-Rate was detained and charged by Danville police and subsequently resigned. The charge was unrelated to any Danville business. A service provider had been selected but the Form 471 had not been filed and all E-Rate work ceased.

Danville hired a new library director on June 1, 2010. The new director assessed all library functions and finances. Because E-Rate is a significant portion of the technology budget, questions were raised about the status of this revenue source. The library contacted the Library of Virginia and state E-Rate consultant to determine how to secure E-Rate funding.

With assistance from the consultant and thorough review of relevant documentation, Danville filed the Form 471 on the earliest possible date after discovery of the missed deadline – August 9, 2010.

## **Discussion**

The Commission has granted waivers of the Form 471 filing deadline for a number of reasons. Most recently in Academy of Math and Science, the Commission generally granted waivers for applications or certifications received within two weeks of the filing window and reiterated grounds for longer delays.<sup>1</sup> Previous orders specifically granted deadline waivers when the person responsible for E-Rate filing died, suffered from disease, or was deployed for military service, among others.<sup>2</sup>

Danville asks that detainment (and subsequent resignation) be added as justifiable grounds for extended delay in filing required forms or responding to Administrator correspondence. Upon discovery of the missed deadline, Danville immediately took action to rectify the situation. Indeed, the Virginia Library consultant was first contacted on June 29 and the Form 471 was not filed until August 9, after all documents were obtained and the new director could be briefed on E-Rate regulation and policy. In Greenfield, the Commission notes, “It would have been difficult for a replacement to determine the status of the applications, gain an understanding of the applicable rules, and take over responsibility for the applications given that the District Technology Coordinator had already left Greenfield to commence his military service.”<sup>3</sup>

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<sup>1</sup> Academy of Math and Science, FCC 10-122, Rel. July 8, 2010.

<sup>2</sup> Acorn Public Library, DA 08-2376, Rel. October 30, 2008; Bishop Perry, FCC 06-54, Rel. May 19, 2006; Academy of Academic Excellence, DA 07-1180, Rel. March 9, 2007; Greenfield Public School District, DA 06-487, Rel. February 28, 2006 (Deployment).

<sup>3</sup> Greenfield at 5.

## **Conclusion**

Danville City Public Library requests waiver of the FCC Form 471 filing deadline for the stated reasons. While the funding request is a modest \$3,648, it represents a significant portion of a budget already devastated by state and local funding reductions.

Respectfully submitted this 27th day of September, 2010,

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Shelly Hypes Janosko, MLIS

Director

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