

Appeal/Waiver Request

CC Docket # 02-6

Applicant Name: **Mountain View Christian High School**

Entity Number: **822054**

Funding Year: 2011-2012

CONTACT INFORMATION

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APPLICANT INFORMATION

Appellant Name: Dr. Jim Earle

Applicant Name: Mountain View Christian High School

BEN: 231280

Application #: 822054

“Funding Year 2011 Form 471 Postmarked Outside of window Letter”

**This is a request for a Waiver/Appeal of the Filing Window for
Mountain View Christian School**

Waiver/Appeal Request:

Funding Year 2011 Form 471 Postmarked Outside of window Letter

Form 471 Information: **822054**

Funding Request Number(s):

FRN: 2238866

FRN: 2238867

FRN: 2238868

FRN: 2238869

TOTAL Dollar Amount Requested: \$13,200.00

Service Provider Name: To be listed at end of document

Service Provider Identification Number: To be listed at end of document

Reason for Denial:

Funding Year 2011 Form 471 Postmarked Outside of Window

Cert. Postmark Date: 04/11/2011

Rationale for Request:

During the “eRate filling window”, I had the responsibility of filing for the Mountain View Christian School. The school had supplied me with all of the information for the completion of the Form 471.

Process that Lead To The Error

I have a database that I work from during the filing period and track the status of each application. I was responsible for over 150 applications. On my database I had inadvertently marked this application as completed and certified. I was wrong. I “cross checked” this database on several occasions and on each occasion I missed this application. Finally, after the closing of the window I again “cross checked” my database, I discover that it was in error and the school’s application was not certified. I immediately completed and certified the application.

Circumstances to Consider

During the past year, I have been under extreme stress in my personal life. In September, my spouse left me and for the next several months my life was turned upside down. Without going into my complete person life, there were threats on my life, business and household possessions were removed and some where place in storage and some sold. Restraining orders were broken and there were several legal actions taken. All of which was happening during the period of time that I needed to concentrate on my work for the schools in need of funding. I believed that I was doing that to the best of my ability – I was wrong. It did impact a couple of schools and Mountain View Christian School was one of the schools impacted by this.

At the Jacksonville training on October 21, 2010, I had to leave because of my personal problems. Mr. Mel Blackwell was made aware of why I left the training, just after the start of the session. I have been doing the program since its inception and I believe I have a very good reputation with USAC and the SLD personnel. Upon realizing my error, I contacted Mr. Blackwell and he advised me to wait until the “Out of Window” letters came out then file with the FCC for a Waiver/Appeal of the application.

During the filing window, things continued to deteriorate in my personal life having a direct effect on my business. Business files were placed in a storage area that I legally could not get to until after the filing window. This contributed to my inability to double check all records and may be part of the reason I missed this school. I didn’t have the printed copies that I would cross check. I was working only from the electronic files. As we all know, sometimes it is easy to overlook something on the computer. Still today, I am consumed with personal legal problems that are impacting my work, but have taken steps to make sure that it does not interfere.

Past FCC Ruling

FCC-06-54 May 19, 2006

One of the reasons that a waiver was granted was on page 7 paragraph 13
The rest of the petitioners assert a waiver is appropriate for one of two reasons: either someone on the applicants' staff made a mistake or had a family emergency that prevented them from filing on time or the delay in the filing or receipt of the application was due to circumstances out of the applicants' control. Specifically, in the first group, some of these appeals involve applicants whose staff members inadvertently failed to file the application forms in a timely manner.¹ Another group of petitioners state that they were unable to comply with the filing deadline due to staff illness or relatives of staff members who were ill.

One of the reasons that a waiver was granted was on page 8 paragraph 14
Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507 of the Commission's rules... We nevertheless find that good cause exists to waive the deadline in these cases... Given that the violation at issue is procedural, not substantive, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict **undue hardship on the applicants**.

I believe that this ruling can be applied within this situation. Family illness/emergencies contributed significantly to this application being filed late. It was not due to the fault of the school.

Final Request

Mountain View Christian School **should not** be penalized for my mistakes. Everything that was requested of them was provided. Therefore, it is with humility, that, I am requesting that Stafford County Public School not be penalized for the error made by me as a consultant. The decision that you make can cost the District in excess of \$13,000.00. **The denial of this amount of funding will create undue hardship during these extremely hard and unstable financial times.**

It is hoped that the commission will rule as it has in the past for a waiver of the deadlines associated with the filing of the Form 471.

Form 471s and Associated FRNs with Vendors Effected:

471: 799919:

FRN: 2238866

Service Provider Name: Cox Nevada Telcom, LLC

FRN: 2238867

Service Provider Name: Verizon Wireless

FRN: 2238868

Service Provider Name: Cox Communications Las Vegas, Inc.

FRN: 2238869

Service Provider Name: SLD Interim

This request is made on behalf of the Billed Entity for a Waiver/appeal to be granted. By granting this Waiver/Appeal, USAC could be directed to review Mountain View Christian School' application for funding during the Funding Year 2012.

Your favorable consideration in this matter is greatly appreciated.



Dr. Jim Earle
Consultant