

Appeal/Waiver Request

CC Docket # 02-6

Applicant Name: **Crossroads Schools**

Entity Number: **16050397**

Funding Year: 2011-2012

CONTACT INFORMATION

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APPLICANT INFORMATION

Appellant Name: Dr. Jim Earle
Applicant Name: Crossroads Schools
BEN: 16050397
Application #: 822527
“Funding Year 2011 Form 471 Postmarked Outside of window Letter”

**This is a request for a Waiver/Appeal of the Filing Window for
Crossroads Schools**

Waiver/Appeal Request:

Funding Year 2011 Form 471 Postmarked Outside of window Letter

Form 471 Information: **822527**

Funding Request Number(s):

FRN: 2239794	FRN: 2239795
FRN: 2239796	FRN: 2239797
FRN: 2239798	FRN: 2239799
FRN: 2239800	FRN: 2239801
FRN: 2239802	FRN: 2239803
FRN: 2239804	FRN: 2239805
FRN: 2239806	FRN: 2239807
FRN: 2239808	FRN: 2239809
FRN: 2239810	FRN: 2239811
FRN: 2239812	FRN: 2239813
FRN: 2239814	FRN: 2239815
FRN: 2239816	FRN: 2239817

TOTAL Dollar Amount Requested: \$88,632.00

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

Paper Copy

Rationale for Request:

During the “eRate filling window”, I had the responsibility of filing for the Crossroads Schools. 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 to be completed by another employee of CTI eRate Services. I was wrong, it was assigned to me. 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 completed or certified. I immediately completed and certified the application by mail, since the application could not be completed on-line.

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 personal life, there were threats on my life, business and household possessions were removed and some were placed 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 Crossroads Schools 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

Crossroads Schools **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 Crossroads Schools 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: 2239794	Service Provider Name: BellSouth Telecommunications, Inc.
FRN: 2239795	Service Provider Name: BellSouth Telecommunications, Inc.
FRN: 2239796	Service Provider Name: BellSouth Telecommunications, Inc.
FRN: 2239797	Service Provider Name: BellSouth Telecommunications, Inc.
FRN: 2239798	Service Provider Name: Windstream Communications, Inc.
FRN: 2239799	Service Provider Name: Windstream Communications, Inc.
FRN: 2239800	Service Provider Name: Windstream Communications, Inc.
FRN: 2239801	Service Provider Name: Verizon Florida Inc.
FRN: 2239802	Service Provider Name: Verizon Florida Inc.
FRN: 2239803	Service Provider Name: Verizon Florida Inc.
FRN: 2239804	Service Provider Name: Verizon Florida Inc.
FRN: 2239805	Service Provider Name: Verizon Florida Inc.
FRN: 2239806	Service Provider Name: Qwest Corporation
FRN: 2239807	Service Provider Name: Comcast Cable Communications, LLC
FRN: 2239808	Service Provider Name: Comcast Cable Communications, LLC
FRN: 2239809	Service Provider Name: Comcast Cable Communications, LLC
FRN: 2239810	Service Provider Name: Bright House Networks, LLC
FRN: 2239811	Service Provider Name: Bright House Networks, LLC
FRN: 2239812	Service Provider Name: Bright House Networks, LLC
FRN: 2239813	Service Provider Name: Bright House Networks, LLC
FRN: 2239814	Service Provider Name: Bright House Networks, LLC
FRN: 2239815	Service Provider Name: Windstream Communications, Inc.
FRN: 2239816	Service Provider Name: Verizon Wireless
FRN: 2239817	Service Provider Name: Network Solutions

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 Crossroads Schools' application for funding during the Funding Year 2012.

Your favorable consideration in this matter is greatly appreciated.



Dr. Jim Earle
Consultant