



# Crossroads Schools

*Corporate Office*

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October 19, 2010

To: Gina Spade, Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

RE: Denial of Waiver DA 11-1588, released September 23, 2011  
CC Docket # 02-6  
Crossroads Schools  
Entity Number: 16050397  
Funding Year 2011-2112  
Appellant Name: Dr. Jim Earle  
BEN: 16050397  
Application #: 822527

Dear Ms. Spade,

I am writing you today with regards to our notification from Dr. Jim Earle, with CTI E-rate, of the FCC's decision to not grant our Waiver /Appeal for filing late outside of the window deadline for our 2011-2012 Form 471 application for E-rate funding.

Please accept this letter of our intent to formally appeal the FCC's decision to deny our Waiver/Appeal based on the ruling that we did not present special circumstances justifying a waiver of section 54.507(c) of the Commission's rules. Please see: Page 3, Item 4 of the Order.

Ms. Spade, I respectfully submit to you that the FCC reconsiders their Order because we do meet "Special Circumstances" justifying a Waiver due to the following reason:

1. The FCC's Order on page 2, Item 3 states that they granted the petitioner, Stafford County Public Schools a Waiver because E-rate's staff person suffered a serious medical emergency. My appeal is that the Waiver/Appeal granted Stafford County Public School's is identical to our Waiver/Appeal and from the same E-rate staff person, Dr. Jim Earle with CTI E-rate, who submitted them both. We feel that it is not equitable for the FCC to rule in favor of a Waiver and their Appeal for the Stafford County Public Schools and then deny Crossroads Schools, when both schools were submitted by the same E-rate staff person and with the same "serious medical emergency," but different rulings.

I am including Dr. Earle's Waiver/Appeal letter he submitted to you and the FCC's Order, dated September 23, 2011. I was not aware that Dr. Earle suffered a serious medical emergency and that he was late in filing our Form 471 outside of the "Window Deadline" to submit our Application for 2011-2012.

We retained the services of CTI E-rate to represent Crossroads Schools for the purpose of advising and consulting with us in the filing of our Form 471 Application for the 2011-2012 year. We have been contractually engaged with them as our Consultant for the previous two years and have been funded every year, and have relied on their expertise and knowledge to represent our schools for the granting of funding we are eligible for from the FCC.

We were not aware of the serious medical condition he was in during the time that led to his neglect in not filing within the "Window Deadline!" Had CTI E-rate notified us that Dr. Earle suffered a serious medical emergency, we would have requested Dan Burns, President with CTI E-rate to assign another staff person to file on our behalf. Now, with having read his Appeal Letter to the FCC, we can look back to that period of time leading up to the "Window Deadline" and understand why Dr. Earle neglected to act on our behalf and submit our 2011-2012 Form 471 application.

Once we learned of the passing of the "Window Deadline" CTI E-rate's President, Dan Burns advised us that there was an Appeal process and they would file the Appeal on our behalf. We entrusted the Appeals process with CTI E-rate to submit. We hoped due to Dr. Earle's neglect having suffered a serious medical emergency, and not any due to Crossroads Schools, the FCC would see the hardship that a denial would cause us and waive the denial, granting us permission to re-submit our Application. We were disheartened to learn our Appeal was not granted. We believe that the FCC's findings were in error due to what we believe are "Special Circumstances" as identified in Dr. Earle's Appeal letter, not only for Crossroads but for Stafford County Public Schools along with other schools filed outside of the "Window Deadline" due to "Special Circumstances."

Ms. Spade, I respectfully submit to you that because Dr. Earle suffered a serious medical emergency during the "Window Deadline," you would reconsider the FCC's denial of our Waiver/Appeal request and give consideration to the facts that during the time of filing, there were "special circumstances" to justify a waiver. As I previously stated above, having read through your letter to Dr. Earle that on page 2, paragraph 3 you granted the petitioner Stafford County Public Schools a waiver due to filing within the 14 day window and a serious medical emergency. I would appeal to you that the waiver reasons granted Stafford County Public School's were identical to ours, in that Dr. Earle suffered a serious medical emergency and that the FCC's order is not equitable by denying our Appeal.

We do not rely on any funding to operate our schools, however we do take into consideration that if we do receive funding, it will allow us to provide additional services to our students that they would not otherwise receive. For the last two years we have received funding and it has had a tremendous positive impact on our schools and the student population we serve.

We serve many Learning Disabled students who come from low-income families that fall through the cracks of "Traditional" Private or Public Schools. The funding we have received has given our students an educational advantage and they have made significant progress and are better prepared for life after school. By not being eligible for funding, Crossroads Schools would suffer tremendous hardship and it would negatively impact our students. We want our students to be prepared for life and technology plays a vital role in their education.

Again, Ms. Spade I humbly ask for consideration from the FCC to grant Crossroads Schools a waiver under "special circumstances" and allow our Form 471 Application to be reconsidered again for review. If not for us, then for the students who would benefit from such funding. We ask that Crossroads Schools and our students not be penalized for Dr. Earle's suffering a serious medical emergency that was out of our control, and that the FCC would be equitable in applying the same serious medical emergency circumstances that they did to Stafford County Public Schools.

October 19, 2011

I appreciate your consideration of submitting our request to the FCC to reconsider their decision and grant Crossroads Schools a Waiver under "Special Circumstances." Based on previous rulings, we believe we meet the definition of "Special Circumstances" and ask they grant us the Waiver.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Larry K. Broach  
President  
Crossroads Schools

Cc: Dr. Jim Earle  
Dan Burns  
Kathy Foster