

CC Docket No. 02-6
CC Docket No. 96-45

REQUEST FOR WAIVER



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To: Federal Communications Commission
From: Stephen Weiss
Date: 10/23/2011
Re: ERate Appeal for St Gabriel School

Received & Inspected

OCT 31 2011

FCC Mail Room

Enclosed is an ERate appeal for St Gabriel School.

Thank you very much for taking the time to consider our appeal. Please let me know if you have any questions.

Have a great day!!

A handwritten signature in blue ink that reads "Stephen Weiss".

ON BEHALF OF
ST GABRIEL
SCHOOL

Stephen Weiss
312-850-4134 x107 (w)
630-430-7342 (cl)

No. of Copies rec'd 0
List ABCDE

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Received & Inspected
OCT 31 2011
FCC Mail Room

Appellant / Organization Name: St Gabriel School
Contact Person Name: Stephen Weiss
Contact Mailing Address: 134 North LaSalle Street Suite 1400
Contact Phone Number: 312-850-4134
Contact Fax Number: 312-893-2038
Contact Email Address: sweiss@colemangroupconsulting.com

Funding Year: 2010
Dates of FCDL Decisions: 6/22/2010
Billed Entity Name: St Gabriel School
Billed Entity Number: 70084
Form 471 Application Number: 766495

Funding Request #1

Funding Request Number: 2072159
SPIN Code: 143001912
Committed Commitment Request: \$586.44
Actual Expenses for Funding Year: \$1,262.18
Adjusted Reimbursement Due: \$586.44

This letter is an appeal.

Action we are Appealing

Section III of the Instructions for Completing the Schools and Libraries Universal Service Receipt of Service Confirmation Form [Filing Requirements and General Instructions] states as follows:

- The complete Form 486 – with Certification – MUST be received by USAC, submitted online or postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of your FCDL, whichever is later, in order to receive discounts retroactively to the Service Start Date. If the Form 486 is postmarked later than the deadline, the date 120 days before the Form 486 postmark date will become the service start date for discounted services on those FRN's featured on the Form 486. USAC will not provide discounts for the services rendered prior to the new start date and will reduce the funding commitment for the relevant FRN as appropriate.

Stephen Weiss
10/23/2011

We would like to ask USAC to make an exception for St Gabriel School.

Comments From Stephen Weiss
Administrator of the Archdiocese Of Chicago ERate Program

On December 16, 2010 the Federal Communications Commission released DA 10-2352 In the Matter of Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Academy St. Benedict – Stewart Chicago, Illinois et al. This Order stated the following:

1. Complete Rejection of ERate applications whose applicants failed to submit timely Forms FCC 486 is not warranted, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule.
 - In our appeal on behalf of St Gabriel School, we were late according to the 486 procedural deadline, but did not violate any Commission rules.
2. Waivers of filing deadlines for appeals were granted because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision, or because of circumstances beyond the applicants' control.
 - Our attempts to process the electronic certifications for the Form 486's have generated errors on the USAC website approximately 50% of the time over the past year. We have a better understanding of how to verify the electronic certification has actually been completed at this point.
3. Requests for Review and/or Requests for Waiver were Granted, and the applications were Remanded to USAC for further consideration.

Saint Gabriel Catholic Elementary School is a school deeply rooted in Faith, Education, and Tradition since 1881. The school has been providing quality education for nearly 130 years and remains an educational icon in Chicago. It fulfills the needs of its students by providing standards-based curriculums and appropriate instruction that allow for individual differences and learning styles. For Students at Saint Gabriel Elementary School, Stewardship becomes a way of life. Saint Gabriel School offers a wonderful After School Program. The program is offered throughout the school year and is available on an as-needed basis for families.

Attached is a detailed spreadsheet that documents the actual telecommunications expenses for the 2010 funding year. Once again please consider granting St Gabriel School an exception on their Form 486 deadline. Please let me know if you have any questions. Thank you very much for all of your help. We greatly appreciate your time, effort, patience and continued support.

Stephen Weiss
10/23/2011

**St Gabriel School Expense Documentation Summary (FY 2010)
2011-10-23**

LOCID	41440	41440
LOCATION	St Gabriel School	St Gabriel School
CATEGORY	INTERNET	TOTAL
CONVERGENT ACCOUNT	872-700-3749-000078	
AGGREGATOR ID	773 268-6636 292	
FRN	2072159	
2010-07		\$111.84
2010-08		\$97.22
2010-09		\$101.79
2010-10		\$104.12
2010-11		\$104.85
2010-12		\$103.57
2011-01		\$106.32
2011-02		\$105.62
2011-03		\$113.59
2011-04		\$107.21
2011-05		\$104.04
2011-06		\$102.01
COUNT	12	12
TOTAL DOCUMENTED	\$1,262.18	\$1,262.18
PROJECTED TOTAL	\$1,262.18	\$1,262.18
REIMBURSEMENT PCT	50%	50%
FUNDING REQUEST AMOUNT	\$586.44	\$586.44
REIMBURSEMENT DUE	\$586.44	\$586.44

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Stephen Weiss
10/23/2011

Federal Communications Commission

DA 10-2352

Before the Federal Communications Commission Washington, DC 20554

REQUEST FOR WAIVER

CC DOCKET NO.

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Stephen Weiss

File Nos. SLD-660086, et al. 10/23/2011

CC Docket No. 02-6

In the Matter of)
Requests for Review and/or Waiver of)
Decisions of the Universal Service Administrator by)
Academy St. Benedict – Stewart)
Chicago, Illinois, et al.)
Schools and Libraries Universal Service)
Support Mechanism)

ORDER

Adopted: December 16, 2010

Released: December 16, 2010

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we grant 45 appeals of decisions by the Universal Service Administrative Company (USAC) that reduce or deny funding from the schools and libraries universal service support program (also known as the E-rate program) for various funding years because USAC found that the applicants failed to timely submit FCC Forms 486. Consistent with the Commission's Alaska Gateway Order, and based on our review of the record, we find that complete rejection of these applications is not warranted, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule. Therefore, we remand the underlying applications to USAC for further action consistent with this order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the appendices and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from release of this order.

2. We also grant 14 petitioners waivers of our filing deadline for appeals because we find they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision, or because of circumstances beyond the applicants' control.

1 In this order, we use the term "appeals" to generally refer to requests for review or waiver that are related to decisions issued by USAC. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

2 Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SI D-412028, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (Alaska Gateway Order) (finding good cause to waive USAC's deadline for FCC Form 486 for several applicants).

3 See 47 C.F.R. § 54.720.

4 Request for Review by Ahi Ezer Yeshiva School; Request for Review by Buckingham County Public Schools; Request for Waiver by Derry Co-Op School District; Request for Waiver by Newmarket School District (for FCC Form 471 application numbers 474136 and 584028); Request for Waiver by Newport School District; Request for Review by Long Beach Unified School District; Request for Review of Mitchell County Board of Education; Request for Review by Philadelphia School District; Request for Review by Westampton Township Public Schools; and Request for Review by Yeshivat Keter Lurah.

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3. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the petitioners as listed in the appendices ARE GRANTED and the applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

4. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that waivers of section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, ARE GRANTED to Ahi Ezer Yeshiva School, Buckingham County Public Schools, Derry Co-Op School District, Hancock Library System, Jemez Mountain School District, Long Beach Unified School District, Newmarket School District for FCC Form 471 Application Numbers 474136 and 584028, Newport School District, Philadelphia School District, Savannah River Challenge Program, School Administrative Unit #47, and Westampton Township Public Schools.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

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Stephen Deist
10/23/2011

⁵ Request for Waiver by Hancock Library System; Request for Review by Jemez Mountain School District; Request for Waiver by School Administrative Unit #47, and Request for Review by Savannah River Challenge Program.

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APPENDIX A

List of Petitioners

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Applicant	Application Number	Funding Year	Date Appeal Filed
Academy St. Benedict – Stewart Chicago, IL	660086	2009	11/1/2010
Ahi Ezer Yeshiva School Brooklyn, NY	508856	2006	1/21/2009
Appoquinimink School District Odessa, DE	See Appendix B		
Buckingham County Public Schools Buckingham, VA	420166	2004	12/21/2005
Cascade School District 5 (Willamette Education Service District) Turner, OR	584671	2007	4/29/2010
City of Tavares Public Library Tavares, FL	666495	2009	4/14/2010
Conemaugh Valley School District Johnstown, PA	448001	2005	4/4/2007
Covina-Valley Unified School District Covina, CA	695134	2009	11/12/2010
Cuba Independent School District Cuba, MN	555895	2007	7/12/2010
Derry Co-Op School District Derry, NH	632694	2008	8/23/2010
Elko County School District Woodland Hills, CA	665113	2009	7/21/2010
Gila Bend Unified School District 24 Gila Bend, AZ	673841	2009	5/17/2010
Guntersville City School District Guntersville, AL	610659	2008	11/15/2010
Hancock County Library System Bay Saint Louis, MS	354032, 393974, 479566, 483775, 534582, 581931, 635497	2003, 2004, 2005, 2006, 2007, 2008	6/10/2010
Houston Public Library – Halan/TT Department Houston, TX	695460	2009	5/21/2010
Jemez Mountain School District Gallina, NM	426990	2004	4/19/2007

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Long Beach Unified School District Long Beach, CA	293131	2002	8/9/2007
Los Angeles Leadership Academy Los Angeles, CA	693174	2009	7/28/2010
Mitchell County Board of Education Camilla, GA	430333	2004	5/23/2006
Mount Holly TWP Public Schools Mount Holly, NJ	649872	2009	8/23/2010
Nadaburg Elementary School District 81 Glendale, AZ	693850	2009	5/3/2010
Newmarket School District Newmarket, NH	474136	2005	8/23/2010
Newmarket School District Newmarket, NH	584028	2007	8/23/2010
Newport News School District Lee, NH	474136, 584844	2005, 2007	9/7/2010
Ohio County Schools Hartford, KY	425705	2004	12/12/2006
Ohio Valley Educational Service Center Cambridge, OH	674393	2009	6/23/2010
Philadelphia School District Philadelphia, PA	562026	2007	11/20/2008
Santa Ana Unified School District Santa Ana, CA	478400	2005	3/24/2008
Savannah River Challenge Program Sylvania, GA	522953	2006	5/7/2008
School Administrative Unit #47 Jaffrey, New Hampshire	577389	2007	2/17/2009
SS Cyril and Methodius School Lemont, IL	694212	2009	11/2/2010
St. Andrew School Chicago, IL	678773	2009	11/2/2010
St. Ann School Chicago, IL	687914	2009	11/2/2010
St. Benedict High School Chicago, IL	652196	2009	11/2/2010
St. Gregory High School Chicago, IL	689240	2009	11/2/2010
St. Ladislaus School Chicago, IL	668663	2009	11/2/2010
St. Louise De Marillac School Chicago, IL	680351	2009	11/2/2010

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Stephen
Lewis

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St. Norbert School Chicago, IL.	679407	2009	11/2/2010
St. Richard School Chicago, IL	678640	2009	11/2/2010
St. Walter School Chicago, IL.	694970	2009	11/2/2010
The Good Hope School Croix, VI	677964	2009	11/18/2010
Tiferes Bnos-Yeshiva Brooklyn, NY	602139, 602147, 602155	2008	6/11/2010
Val Verde Unified School District Perris, CA	669772, 670837, 670865, 670925, 688935, 689705	2009	11/2/2010
Westampton Township Public Schools Westampton, NJ	499969	2006	12/10/2007
Yeshivat Keter Torah Lakewood, NJ	533293	2007	6/8/2009

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APPENDIX B

List of Applicants and Application Numbers Included in the Request for Waiver filed April 23, 2010 by Appoquinimink School District

Applicant Name	Application Number
Appoquinimink School District	663280
Academy of Dover	671316
Brandywine School District	663453
Cesar Rodney School District	663489
Campus Community	663524
Cape Henlopen School District	663541
Capital School District	663560
Charter School of Wilmington	663866
Christina School District	663891
Colonial	663991
Delaware Military Academy	664013
Delmar	664053
Eastside Charter School	664053
Indian River School District	664261
Lake Forest School District	664310
Laurel School District	664339
Maurice J. Moyer Academy	664356
Millford School District	664840
Mot Charter School	664895
Newark Charter School	664930
New Castle County Voc Tech	665065
Poly Tech School District	665090
Providence Creek Academy	675865
Red Clay School District	665152
Seaford School District	665479
Smyrna School District	665497
Sussex Academy Arts & Sciences	665522
Sussex County Voc-Tech School District	665541
Thomas A. Edison Charter School	664221
Woodbridge School District	665562

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