

# E-Rate Central

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Anthony White Jr.

November 29, 2011

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Received & Inspected

DEC 02 2011

FCC Mail Room

Re: Appeal of a Decision of the Universal  
Service Administrator, CC Docket No. 02-6

Applicant Name:	Fort Plain Central School District
Entity Number:	124521
Funding Year:	2011
Form 471 Application:	None Specified
Appeal Type:	"Request for Waiver"

## Appeal

On June 10, 2010, the Fort Plain School District received a "Postmarked Outside Window letter" stating their Form 471 was mailed after the window closed for Funding Year 2010. We're requesting from the FCC a waiver of the FCC Form 471 filing window.

Attached (Exhibit 1) is the original appeal to the SLD regarding their Form 471 application. We are requesting this waiver based on a decision made by the commission granting a similar appeal under DA 07-1180, which was adopted March 9, 2007. In this specific order the commission granted 44 waivers for two reasons.<sup>1</sup> The one reason that pertains to this particular appeal is; "someone on the applicants' staff failed to file on time due to misunderstanding or personal emergencies").

This appeal is also based under the *Bishop Perry Order*<sup>2</sup>. The order states that "a complete rejection of these applications is not warranted, given that the violation is procedural, not substantive." Under DA 07-1180 the commission reiterates their stance under the *Bishop Perry Order* stating the following: "Like the applicants in the *Bishop Perry Order*, the applicants at issue here have demonstrated that rigid adherence to filing procedures does not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest."

<sup>1</sup> See DA 07-1180, section III (Discussion)

<sup>2</sup> Bishop Perry Order FCC 06-54

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In conclusion, we are kindly requesting the commission to read the appeal (Exhibit 1) originally submitted to the SLD. Combining the original appeal and prior FCC decisions, we feel that the commission will see how Fort Plain's situation is very similar to applicants who received positive outcomes in the past.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Anthony D. White Jr.", written in a cursive style.

Anthony D. White Jr.  
E-Rate Coordinator for Fort Plain School District  
[awhite@e-ratecentral.com](mailto:awhite@e-ratecentral.com)

## Exhibit 1

June 14, 2010

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

Fort Plain Central School District  
25 High St.  
Fort Plain, NY 13339  
518 993-4000

TO WHOM IT MAY CONCERN:

In response to the "Postmarked Outside Window Letter" I received on June 10, 2010, I am contacting you regarding the E-Rate filing for 2010-11 funding year for the Fort Plain School District. Your letter states: "Your Form 471 application was postmarked on 3/12/2010, which is AFTER the Funding Year 2010-2011 filing window closed 11:59 p.m. EST on Friday, February 19, 2010", and "Program rules require us to hold your application pending final review of those applications that were filed within the filing window". I am requesting a reversal to that decision which would allow for processing of Fort Plain's application within the regularly scheduled window.

Last year was my first time filing for E-Rate funding for our school district with assistance, and this year was my first time on my own. I have been very busy performing my every day duties as Computer Coordinator, and since we suffered from corruption to our Active Directory, Structure, I was left with no choice but to rebuild our entire network structure. The entire district, including students, faculty, and staff, rely tremendously on the use of the network for daily routines which depend on our telecommunications infrastructure and internet access. During this time, I had also been working diligently to verify the 2009-10 E-Rate application information with my USAC contact, Bill Kanyuck. The chaos of our network rebuild consumed me so much that I that I became confused regarding the initial application form required to begin the 2010-11 funding year. **My error was that I believed the form 471 due on 2/12/2010 was the first form for starting a new application for a new funding year** and intended to begin this form in late March, early February. Because of this, I **overlooked the deadline for the 2010-11 Form 470 application. This in turn caused a ripple effect due to the 28 day wait period prior to filing the E-Rate 471. Hence, the Form 471 was filed "Out of Window"**.

I was very aware of the Form 471 submission deadline of 2/11/10 (which was then extended to 2/19/10 due to inclement weather). Repeatedly I told my coworker and my boss that, "I have to make time to complete the E-Rate application. The deadline is coming." I was on the mark, and completing the application in a timely manner. I had begun the 471 form process online, when it became apparent to me that the I was confused and the Form 471 is not the first form to begin a new year process and that I had neglected to file the E-Rate 470. As soon as I realized the error, it was necessary to begin the correct procedure by filing the Form 470. My E-Rate 470 application number: 522400000821507, form identifier **f470\_yr13\_10\_11** was filed immediately on

2/9/2010. I spoke with a representative at USAC who informed me that I still must wait the 28 days, reply to vendor responses, file E-Rate 471 "Out of Window", then file an appeal to the FCC. I filed the Form 470 for Fort Plain School District online on February 9, 2010, certified on February 10, 2010. Since there is a 28 day window after completion of that form before eligibility to file the 471, our E-Rate 471 had to be completed on paper. I was not allowed to complete the initial E-Rate 471 I had started online. I immediately prepared the paperwork. That form was postmarked 3/12/2010, but is "Out of Window. I began to start the appeal process early via email with USAC dated 2/10/10, as I knew I made a huge mistake and this was absolutely necessary. I was informed I must wait until I receive the letter referenced herein from USAC prior to any appeal process. I realize this was a careless and costly mistake, and hope the district will not need to suffer another setback caused initially by the network problems. I have enclosed copies of Form 470 application number: 52240000821507 and Form 471 application number 769563 for your convenience.

I am requesting your assistance with my appeal process for allowing an extension to Fort Plain School District to process the completed application Form 471, application number 769563, along with the other "In Window Applications" received by USAC for E-Rate funding for the 2010 - 2011 fiscal year. This funding is very important to the budget process of our district and due to my unpreparedness the district budget could suffer tremendously. In this time of economic hardship, this funding is very important to assist with our telecommunications payments. We have been truly grateful for all the monies received in the past, and hope to continue in your good graces and continue to receive this assistance from the FCC. I apologize for my unpreparedness. Thank you for any assistance and/or advice you may be able to provide me with, and for your time and consideration in this matter.

Sincerely,

**Teresa Sterling**

Digitally signed by Teresa Sterling  
DN: cn=Teresa Sterling, o=Fort Plain Central School  
District, ou=Computer Coordinator,  
email=tsterling@fortplain.org, c=US  
Date: 2010.06.16 16:03:48 -04'00'

Teresa J. Sterling  
Computer Coordinator  
Fort Plain Central School District

Contact information: Terri Sterling  
518 993-4000 x3415 cell: 518 848-6465 fax: 518 993-3393 or 518 993-2897  
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