

HAMILTON
COUNTY SCHOOL DISTRICT
4280 S.W. County Road 152
Jasper, FL 32052

February 13, 2012

Letter of Appeal

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No 02-6

Request for Waiver and Review of Administrator's Decision on Invoice Deadline Extension Request, Issued on September 7, 2010

Authorized person who can best discuss this Appeal with you

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

Information

<u>Entity</u>	Hamilton County School District
<u>Billed Entity Number</u>	127552
<u>Funding Year</u>	FY12 (2009-10)
<u>Form 471 Application Number</u>	666050
<u>Funding Request Numbers</u>	1818428, 1818433, 1818450
<u>Total Form 472 Reimbursements</u>	\$57,485.17
<u>Document Being Appealed</u>	Administrator's Decision on Invoice Deadline Extension Request, Issued on September 7, 2010, RE: 471 Application Number 666050

ADL Items Being Appealed:

Decision on Request "Denied"

Explanation "Current deadline guidelines and procedures do not allow approval for the reason submitted."¹

Request for Waiver:

Hamilton County School District (Hamilton) requests a waiver of the 60-day rule for filing of appeals. According to E-rate rules, Hamilton was required to file its appeal of SLD's "Denied" decision in the Administrator's Decision on Invoice Deadline Extension Request (ADL), for FRNs 1818428, 1818433, and 1818450 by November 6, 2011, 60 days after SLD's September 7, 2010 issuance of the ADL. However, neither Hamilton nor its E-rate

¹ Letter from Universal Service Administrative Company, Schools and Libraries Division, to Richard Larson, (consultant on behalf of Hamilton County School District), 11 North Beverwyck Rd., Lake Hiawatha, NJ 07034, dated September 7, 2010; Administrator's Decision on Invoice Deadline Extension Request (ADL).

consultant, Richard Larson, was aware of the existence of the ADL because it was sent to the wrong address.

The Invoice Deadline Extension Request (Request) was submitted to, and acknowledged by, SLD on August 10, 2011.² Following the format required by SLD, a return address is not part of the Request; correspondence, including SLD's decision, is conducted almost exclusively via email, not surface mail. Although the Request did include Mr. Larson's email address, no email regarding this request was received by either Mr. Larson or Hamilton after August 10th. Hamilton does not understand why this time-sensitive information was not emailed to Mr. Larson, as are virtually all such decisions.

Hamilton notes that on September 30, 2011, shortly after SLD mailed the ADL to the wrong address, SLD did mail the Quarterly E-Rate Payment Authorization Report (3rd Quarter 2011) to the correct address for Mr. Larson.³ This report included a payment authorization for another FRN for 471 # 666050. We are perplexed that a routine report such as this was mailed to the correct address but a document as important as the ADL was not, and we question why a secondary communication – a common standard for review communication throughout SLD – was not sent via email.

Hamilton waited patiently for the decision on the Request – while most deadline extension requests are handled within a few weeks, it is not unusual for such decisions to take several months. On December 15, 2011, Mr. Larson contacted SLD's Client Service Bureau (CSB) requesting the status of the Request. The CSB agent advised that the ADL had been issued in September, and a copy of the ADL was promptly emailed to Mr. Larson.⁴

Hamilton respectfully requests the Commission to waive the 60-day rule as it applies to the ADL and apply it to the date the CSB emailed the ADLs to Mr. Larson – December 15, 2011. This would imply a closure of the 60-day appeal window on February 13, 2012. Hamilton further asks the Commission to give consideration to the below Request for Review of the ADL decision.

Request for Review:

Hamilton respectfully requests the Commission to reverse the SLD decision to deny Hamilton's August 10, 2011 invoice deadline extension request for FRNs 1818428, 1818433, and 1818450 in 471 Application Number 666050 and approve the Request, thereby enabling Hamilton to submit a Form 472s for \$57,485.17 for FRNs 1818428, and 1818433.⁵

Hamilton contends that SLD's explanation makes little sense, and in no way justifies denial of Hamilton's timely-file Request. The ADL states "*Current deadline guidelines and procedures do not allow approval for the reason submitted*"; however, the Request filed by Hamilton states the reason for requesting the extension of each of these FRNs is "*Documentation requirements that necessitate third-party contact or certification.*" This

² Email to Richard Larson (rlarson@erate360.com) from SLD re "SLD Inquiry #: 22-258174 Received", dated August 10, 2011, 4:46:13 PM.

³ Quarterly E-Rate Payment Authorization Report (3rd Quarter 2011) to Richard Larson, Hamilton County School District, 322 Route 46W, Suite 130E, eRate 360 Solutions, LLC, Parsippany, NJ 07054, dated September 30, 2011.

⁴ Email to Richard Larson (rlarson@erate360.com) from SLD Problem Resolution re "letters", dated Dec. 15, 2011, 12:35 PM. Attachments: IDER NL 666050.docx; IDER NL 666076.docx (ADLs for Hamilton; see footnote 1).

⁵ Hamilton has decided not to file a Form 472 for FRN 1818450.

reason is one of the conditions listed in SLD's on-line procedures,⁶ and is applicable for this request for FRNs 1818428 and 1818433:

- FRN 1818733: BEAR form # 1523500 was filed by Hamilton on 8/9/2011, before the Last Date to Invoice (LDI) of 8/10/2011 for this FRN. However, the service provider was unable to certify the BEAR until 8/11/2011,⁷ which was then denied by SLD.
- FRN 1818428: Hamilton was unable to prepare information and documentation for this FRN by the LDI of 8/10/2011 to enable timely submission of the BEAR form. The district's sole on-site E-rate coordinator was overwhelmed with tasks due to staff reductions due to budget cutbacks, and could not complete these tasks by the 8/10/2011 deadline.

For each FRN the BEAR form required certification by a third party, the service provider; hence the appropriateness of the reason given in the Request. Our requested extension will enable Hamilton to submit BEAR forms for the service provider to certify.

Hamilton cites the recent "*Clintonville Public School District, Clintonville, Wisconsin, et al.*"⁸ decision which granted six applicants "file or resubmit their invoicing forms". Reason cited ranged from "paperwork mix-ups" (Clintonville) to forgetting to file BEAR forms on a timely basis (Republic SD 309 and Torah Prep Girls School). Hamilton respectfully submits that its reasons have at least as much merit as those presented by these schools.

Conclusion:

Hamilton thanks the FCC for its time and consideration. We are available to respond to questions or to provide any further information requested by the FCC in its review of this appeal.

Authorized signature for this Appeal⁹



Date: 2/13/12

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

⁶ This reason is one of eight acceptable conditions for requesting an Invoice Deadline Extension listed on page one of the web page "*Step 11: Invoice Deadlines and Extension Requests*" (<http://www.usac.org/sl/applicants/step11/invoice-deadlines-extension-requests.aspx>)

⁷ Email to Richard Larson (rlarson@erate360.com) from SLD (noreply@solix.com) re "*Online BEAR Certification Results*", dated August 11, 2011, 2:33:17 PM.

⁸ DA 12-84, January 25, 2012, "*Clintonville Public School District, Clintonville, Wisconsin, et al.*", File Nos. SLD-744909, et al., CC Docket No. 02-6.

⁹ "Letter of Agency" from Harry J. Pennington, Superintendent of Schools at Hamilton County School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of Hamilton.

Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 1 - Hamilton_FY12_BEAR extension ADL_9-7-11

Administrator's Decision on Invoice Deadline Extension Request

September 7, 2011

Richard Larson
E-rate 360
11 North Beverwyck Rd,
Lake Hiawatha, NJ 07034

RE: Hamilton County School District

RE: SLD Invoice #: N/A BEAR or SPI: N/A
Invoice Date: N/A

SLD Line(s) #: N/A
Vendor invoice #: N/A
471 Application Number: 666050
Funding Request Number(s): 1818428, 1818433, 1818450
Your Correspondence Dated: August 10, 2011

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the invoice number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your request included more than one invoice number, please note that for each invoice for which an invoice deadline extension request was submitted, a separate letter is being sent.

Invoice Number: N/A Line(s): N/A
Decision on Request: **Denied**

Explanation: Current deadline guidelines and procedures do not allow approval for the reason submitted.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant or Service Provider name,
 - BEN and/or SPIN,
 - Form 471 and FRN,
 - Invoice number as assigned by SLD,
 - “Administrator’s Decision on Invoice Deadline Extension Request” dated **September 7, 2011 AND**
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC’s decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by USAC’s decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, send your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

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

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the “Appeals Procedure” posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

cc: Maryann Hebert, USA Mobility Wireless, Inc.
Cindy Brenning, Windstream Communications, Inc

Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 2 - SLD Inquiry #_ 22-258174 Received

Richard Larson

From: sldnoreply@sl.universalservice.org
Sent: Wednesday, August 10, 2011 4:46 PM
To: rlaron@erate360.com
Subject: SLD Inquiry #: 22-258174 Received

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-258174.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

*[FirstName]=Richard [LastName]=Larson [JobTitle]=Compliance Officer
[EmailAddress]=rlaron@erate360.com [WorkPhone]=8885357771102 [FaxPhone]=8665693019
[PreviousCaseNumber]=0 [FormType]=Invoice Extension [Owner]=DEADLINEEXTENSIONS
[DateSubmitted]=8/10/2011 4:45:17 PM [AttachmentFlag]=N[Question2]=I request an extension of the filing
deadline for Form 472 for the following: Contact Person: Richard Larson Contact Phone: 888-535-7771 x.102
Contact Fax: 866-569-3019 Contact Email: rlaron@erate360.com Applicant: HAMILTON COUNTY SCHOOL
DIST BEN: 127552 Application #: 666050 FRN: 1818428 Service Provider: 143030766 SPIN: Windstream
Communications Amount of Invoice: \$ \$39,732.00 Reason for request: Documentation requirements that
necessitate third-party contact or certification. Application #: 666050 FRN: 1818433 Service Provider:
143030766 SPIN: Windstream Communications Amount of Invoice: \$ \$27,822.72 Reason for request:
Documentation requirements that necessitate third-party contact or certification. Application #: 666050 FRN:
1818450 Service Provider: 143018525 SPIN: USA Mobility Wireless, Inc. Amount of Invoice: \$ \$340.56
Reason for request: Documentation requirements that necessitate third-party contact or certification.
Application #: 666076 FRN: 1818490 Service Provider: 143021795 SPIN: Coleman Technologies Amount of
Invoice: \$ \$3,222.42 Reason for request: Documentation requirements that necessitate third-party contact or
certification.*

Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 3 - Hamilton_FYs12-13-14_QPAR-3Q11



**Quarterly E-Rate Payment Authorization Report
(3rd Quarter 2011)**

September 30, 2011

Richard Larson
HAMILTON COUNTY SCHOOL DIST
322 Route 46W, Suite 130E
eRate 360 Solutions, LLC
Parsippany, NJ 07054

Re: Billed Entity Number 127552

Enclosed you will find your Quarterly E-Rate Payment Authorization Report (Report) reflecting payment activity under the program for your billed entity for the period of July 1, 2011 through September 30, 2011.

This report is issued each quarter to provide you with timely information and reflects the invoice payment authorization activity related to all E-Rate fund years for your billed entity. You may expect your next Report in early January 2012 for the 4rd quarter 2011 payment authorization activity. The payment authorizations are a direct result of invoices submitted by your service provider(s) FCC Form 474, Service Provider Invoice (SPI) Form¹ and/or invoices submitted on behalf of your billed entity FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form¹.

Please take the time to review this report and ensure the payment authorization activity is accurate. We want to be sure that you are receiving services and discounts for which payments have been authorized. If you have not received reimbursement from your service provider on an approved BEAR payment and more than 30 days has passed since the service provider was paid by USAC, please contact your service provider. In addition, you may report it using "Submit a Question" on our website. Please provide the following information:

Applicant Name
Form 471 Application Number
Service Provider Name
Service Provider Identification Number (SPIN)
Funding Request Number (FRN)
Amount of payment
Your name and contact information

Schools and Libraries Division
Universal Service Administrative Company

Enclosure

PIFAS200105240

USAC Schools and Libraries
E-Rate Quarterly Disbursements
Authorization Report

Period: 07/01/2011 - 09/30/2011

Billed Entity Number: 127552 Billed Entity Name: HAMILTON COUNTY SCHOOL DIST

Funding Year	APPL #	FRN #	FRN Committed Amount	FRN Authorized Disbursements To Date	Service Provider Number (SPIN)	Service Provider Name	Disbursement Authorization Date	Authorized Disbursements		Total
								SPI	BEAR	
07/01/2011-06/30/2012	807121	2190781	\$5,526.36	\$5,526.36	143028153	Edline, LLC	09/22/2011	\$5,526.36		\$5,526.36
							SPIN Total	\$5,526.36		\$5,526.36
							Application Total	\$5,526.36		\$5,526.36
							Total Fund Year Applications	\$5,526.36		\$5,526.36
07/01/2010-06/30/2011	723518	1961245	\$4,540.80	\$1,326.68	143000677	Verizon Wireless	08/01/2011	\$120.96		\$120.96
							08/22/2011	\$120.84		\$120.84
							09/15/2011	\$120.84		\$120.84
							SPIN Total	\$362.64		\$362.64
							Application Total	\$362.64		\$362.64
							Total Fund Year Applications	\$362.64		\$362.64
07/01/2009-06/30/2010	666050	1818443	\$4,128.00	\$1,700.99	143000677	Verizon Wireless	07/28/2011		\$1,700.99	\$1,700.99
							SPIN Total		\$1,700.99	\$1,700.99
							Application Total		\$1,700.99	\$1,700.99
							Total Fund Year Applications		\$1,700.99	\$1,700.99
							Total Applications All Fund Years	\$5,889.00	\$1,700.99	\$7,589.99

Disbursement Authorization Date: Date SLD authorized disbursement unit to disburse funds.
SPI: Service Provider Invoice; payments authorized based on this form.
BEAR: Billed Entity Applicant Reimbursement Form; payments authorized based on this form.

USAC
Universal Service Administrative Company
Schools and Libraries Division
Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685



05665
Richard Larson
HAMILTON COUNTY SCHOOL DIST
322 Route 46W, Suite 130E
eRate 360 Solutions, LLC
Parsippany, NJ 07054

Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 4 - Hamilton_FY12_BEAR extension_CSB-email_12-15-11

Richard Larson

From: SLD Problem Resolution Mailbox [sld-problem-resolution@vangent.com]
Sent: Thursday, December 15, 2011 12:35 PM
To: 'rlarson@erate360.com'
Subject: letters
Attachments: IDER NL 666050.docx; IDER NL 666076.docx

Rich,

Here are the letters you requested.

Thank you,

Anthony Siebert
Technical Client Service Bureau
Schools and Libraries Division
Help Line: 888-203-8100
Fax: 888-276-8736
E-mail: sld-problem-resolution@vangent.com

Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 6 - Step 11_Invoice Deadlines and Extension
Requests 11-5-09



Step 11: Invoice Deadlines and Extension Requests

Invoicing Deadlines

After a *Receipt of Service Confirmation Form* (Form 486) has been properly filed, USAC must receive an invoice from either the applicant or the service provider in order to make payments for approved support on eligible services. The *Billed Entity Applicant Reimbursement (BEAR) Form* (Form 472) is filed jointly by the applicant and service provider. The *Service Provider Invoice (SPI)* (Form 474) is filed by the service provider.

Invoices must be postmarked no later than:

- 120 days after the last date to receive service, or
- 120 days after the date of the Form 486 Notification Letter, whichever is later.

If an invoice is postmarked after the deadlines listed above, payment will be denied.

Example 1. If your last date to receive service was June 30, 2007 and your Form 486 Notification Letter was dated October 26, 2006, then invoices must be postmarked no later than 120 days after the last date to receive services, the later of the two dates.

Example 2. If your last date to receive service was September 30, 2007 and your Form 486 Notification Letter was dated October 20, 2007, then invoices must be postmarked no later than 120 days after the date of the Form 486 Notification Letter, the later of the two dates.

USAC will base the billing mode (reimbursement using the BEAR form or discounting using the SPI form) on the first invoice type that it processes for payment. Applicants and service providers should work together, before the first invoice is submitted, to determine whether a BEAR or a SPI will be filed. That type of invoice must then be used for the remainder of that funding year.

Invoice Deadline Extension Requests

USAC provides for the extension of invoice deadlines under certain conditions. These conditions include:

- Authorized service provider changes
- Authorized service substitutions
- No timely USAC notice (e.g., the service provider's Form 486 Notification Letter is returned as undeliverable)
- USAC errors (for example, in data entry) that ultimately result in a late invoice
- Documentation requirements that necessitate third-party contact or certification
- Natural or man-made disasters that prevent timely filing of invoices
- "Good Samaritan" BEARs
- Circumstances beyond the service provider's control

Applicants can use the [FRN Extension Table](#) to determine if their deadline for postmarking an invoice to USAC has been extended. Applicants whose deadlines have been extended should locate the Funding Request Number (FRN) in the table and then look to the far right of the FRN to find the extended deadline for postmarking an invoice to USAC.

To request an invoice deadline extension, send a letter to USAC detailing your request and include the following information:

- Contact person name
- Contact information (including email address)
- Form 471 Application Number
- Funding Request Number (FRN)
- Service provider name
- Service Provider Identification Number (SPIN)
- USAC-assigned Invoice Number (if known)
- Amount of invoice

- [Reason for extension request](#)

Requests may be filed electronically by email or by fax. Requests submitted by email will be considered filed on a business day if they are received by USAC at any time up to 12:00 a.m. (midnight) ET. Requests received after that time will be considered received on the next business day. Similarly, fax transmissions will be considered filed on a business day if the complete transmission is received by any time up to 12:00 a.m. (midnight) ET.

- [Requests filed by email](#) can be submitted in any widely used word processing format, such as Adobe Portable Document Format (PDF), Word, or WordPerfect. USAC will automatically reply to incoming emails to confirm receipt.
- [Requests filed by fax](#) must be faxed to **973-599-6526**. The fax transmission should include a cover sheet listing contact name, phone number, and - if available - an email address.
- [Requests may also be filed by mail or other carrier](#). Send your letter to the following address:

Invoice Deadline Extension Request
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on deadlines for delivery of recurring and non-recurring services, see [Service Delivery Deadlines and Extension Requests](#).

For more information on deadlines for filing Form 486, see [Form 486 Deadlines](#).

For more information on other Program deadlines, see our [Schools and Libraries Deadlines Tool](#).

Step 10: Begin Receipt of Services

Last modified on 11/5/2009

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Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 7 - Online BEAR Certification Results - inv 1523500

Richard Larson

From: no-reply@solixinc.com
Sent: Thursday, August 11, 2011 2:33 PM
To: Cindy.Brenning@windstream.com; RLARSON@ERATE360.COM
Subject: Online BEAR Certification Results

The Service Provider for BEAR Invoice 1523500 has certified 1 out of 1 line items.
If some of your items were not certified, you are advised to contact the Service Provider.

Bear Certification Date: 8/9/2011

[View Bear Form Status](#)

Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 8 - Clintonville_late-472s-&-ddlIn-exts_1-25-12

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Waiver and Review of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Clintonville Public School District)	File Nos. SLD-744909, <i>et al.</i>
Clintonville, Wisconsin, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: January 25, 2012

Released: January 25, 2012

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

1. Consistent with precedent,¹ we grant six requests from petitioners² seeking review of decisions made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program).³ Based on our review of the record, we find that good cause exists to justify a grant of petitioners' requests to be able to file or resubmit their invoicing forms (FCC Forms 472 or 474).⁴ We therefore remand the underlying applications listed in the appendix 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 the submitted invoices related to each application and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from its receipt of the submitted invoices. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services requested or the petitioners' applications.

¹ *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-584091, *et al.*, CC Docket No. 02-6, 26 FCC Rcd 11019 (Wireline Comp. Bur. 2011) (*ABC Order*) (granting 24 appeals after finding good cause to waive USAC's deadline for filing FCC Forms 472 or 474).

² The requests for waiver or review are listed in the appendix.

³ 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).

⁴ Generally, the Commission's rules may be waived if good cause is shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

2. 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 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), the requests for review or requests for waiver filed by the petitioners listed in the appendix ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Clintonville Public School District Clintonville, WI	744909	2010	Dec. 19, 2011
Decatur Public Schools Decatur, IL	516857, 568177	2006, 2007	Aug. 18, 2009
Hazel Crest School District 152 ½ Hazel Crest, IL	660692	2009	Nov. 23, 2011
Oran School District R3 Oran, MO	683786	2009	Nov. 14, 2011
Republic School District 90 Republic, WA	194826, 558352	2000, 2007	Aug. 26, 2011
Torah Prep School Saint Louis, MO	621810	2008	Nov. 14, 2011

Hamilton County School District
BEN 127552
471 # 666050
FRNs 1818428, 1818433, and 1818450
Letter of Appeal
Federal Communications Commission
February 13, 2012

NOTE 9 - Hamilton_FY12_LOA

Hamilton County School District

School Board Members

Damon Deas - District 1
Lynn Roberson - District 2
J. T. Simon - District 3

Harry J. Pennington, Superintendent

4280 SW County Road 152
Jasper, Florida 32052
Phone: (386) 792-1228 Fax: (386) 792-3681

School Board Members

Joyce Shaw - District 4
Don Fenneman - District 5

Letter of Agency

Hamilton County School District

Billed Entity Number: 127552

Letter of Agency For FY 12 (2009 - 2010)

I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Paul Holt, Bert Garofano, and Al Arauz to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of **Hamilton County School District** for all eligible services outlined in the most current "Eligible Services List" published by USAC. I understand that, in submitting these forms on our behalf, you are making certifications for **Hamilton County School District**. By signing this Letter of Agency, I make the following certifications

- (a) I certify that **schools in our district** are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our **school district** has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our **school district** is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):
 an individual technology plan for using the services requested in this application; and/or
 higher-level technology plan(s) for using the services requested in this application; or
 no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our **school district** has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

Hamilton County School District

School Board Members

Damon Deas - District 1
Lynn Roberson - District 2
J. T. Simon - District 3

Harry J. Pennington, Superintendent

4280 SW County Road 152
Jasper, Florida 32052

Phone: (386) 792-1228 Fax: (386) 792-3681

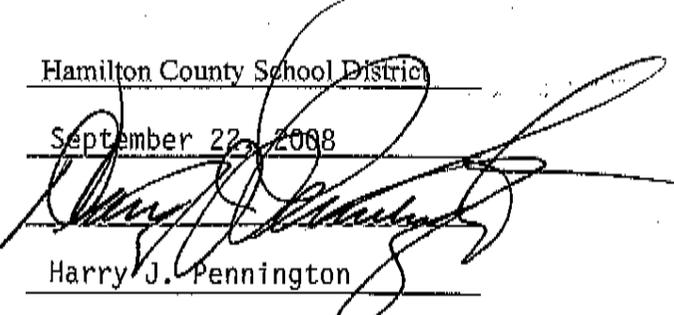
School Board Members

Joyce Shaw - District 4
Don Fenneman - District 5

- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to eRate 360 Solutions, LLC for E-rate submission is true.

District: Hamilton County School District

Date: September 22, 2008

Signature: 

Printed Name: Harry J. Pennington

Title: Superintendent of Schools