

March 7, 2012

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

Submitted via ECFS
2 PAGES TOTAL

CC Docket No. 02-6

Request for Review and Waiver

Sasakwa Independent School District hereby submits its appeal to the Commission to review the decisions of the Universal Service Administrative Company (USAC) concerning the Funding Commitment Decision Letter issued to the district on 1/18/2012 and to waive the Item 21 Deadline requirements of the Commission's Public Notice, DA 10-2218.

The relevant application information is as follows:

- Appellant Name: Sasakwa ISD
- BEN: 140371
- Application #: 812305
- FRNs included in this appeal: 2206239, 2206248, 2206257, 2206265, 2206269

Sasakwa (along with its consultant, CRW Consulting, CRN: 16024800) is filing this appeal in support of the arguments advanced in the appeal filed by the State E-rate Coordinators' Alliance (SECA) on this matter on 1/19/2012. We believe the arguments advanced in SECA's appeal apply to the facts of this denial by USAC and we ask that the Commission instruct USAC to process our application based upon the reasonable position advocated by SECA.

The Commission issued a clarifying order for the deadline of Item 21 submission for the 2011 (year 14) filing period (DA 11-88, issued January 14th, 2011). In this order, the Commission provided detailed instructions for how USAC should proceed if the Applicant had missed this deadline (Para 5, emphasis added):

Beginning with funding year 2011, **when USAC determines that an application lacks an item 21 attachment**, USAC shall treat the missing attachment as it treats a missing certification. USAC shall inform the applicant promptly in writing of the omission and give it 15 calendar days from receipt of that notice to submit the missing item 21 attachments.¹ We believe that the 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed, is sufficient time for applicants to file item 21 attachments, and ultimately should decrease administrative costs associated with interrupted reviews. We also clarify that if applicants do not provide timely responses to USAC

¹ See *Bishop Perry Order*, 21 FCC Rcd at 5326-27, para. 23. Receipt of notice will be presumed to be five days after the notice is postmarked.

requests for omitted item 21 attachments, USAC should treat the associated applications as out of window for the purposes of meeting the filing window deadline.

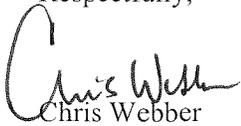
For the 2011 (Year 14) filing period USAC issued approximately 15,000 "Urgent Reminder" letters to those Applicants that did not file their attachments using USAC's on-line Item 21 submission system. USAC never made the required "determination that an application lacks an item 21 attachment," instead of making that determination USAC issued these letters to every applicant that filed their attachments by mail, email or facsimile. We ask for a waiver of the Item 21 deadline based upon this fact alone.

Additionally, these letters did not inform the applicant that USAC was actually missing any information. The letter, in the first sentence explains that "This letter is to remind you of the deadline for submitting your 471 Item 21 Attachment(s)." Nothing in this letter informed the applicant of a specific deficiency in their application, as required by Commission's Order, DA-88.

On 12/7/2011 Michelle Graham-Lyons, a reviewer in the SLD's Program Integrity Assurance division informed us that USAC had not received Item 21 Attachments for application # 812305. Two days later, on 12/9/2011 the complete attachments were emailed to Ms. Graham-Lyons. The email that Karla Hall, an employee at CRW Consulting sent to Ms. Graham-Lyons with the original Item 21 attachments is included at the end of this appeal.

We ask the Commission Waiver of the Item 21 deadline based upon the fact that USAC did not follow the Commission's guidelines in DA 11-88, and based upon the fact that when USAC did actually inform us that this particular application was missing the Item 21 attachments, only two days passed before they had received those documents.

Respectfully,



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