

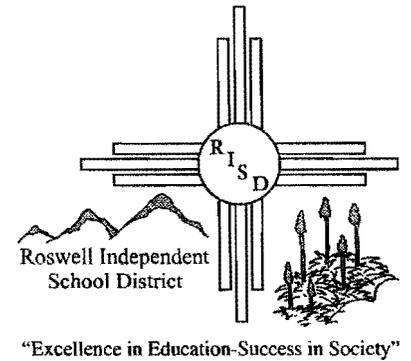
## Roswell Independent School District

P. O. Box 1437 • 300 N. Kentucky • Roswell, NM 88202 • 505/627-2500

Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

CC Docket no. 02-6

RE: FCC Form 471 Application number 780928, Form 486 number 883909



Roswell Independent School District (RISD) requests waiver of USAC’s administrative deadline for filing FCC Form 486 in funding year 2011.

In January, 2012, we completed a Form 486 online with the intention of submitting it in a timely matter, but we failed to hit the submit button. Our Form 486 filing deadline came right in the middle of the 2012 filing window and with all the tasks associated with procurement activities and preparation of the Form 471, we failed to verify that the Form 486 had been submitted. On April 3, 2012, as soon as we realized the error, RISD submitted the Form 486. As a result of our failure to hit submit, USAC adjusted the service start date from July to December, causing a reduction in funding of almost one-half and a loss of almost \$93,000 in E-rate reimbursements.

Over the last several years the FCC has set an important precedent that district’s should not be penalized for making a ministerial error by failing to hit the submit button or missing the Form 486 deadline for some other legitimate reason<sup>1</sup>. Because our error is similar in nature to the errors made by other applicants we feel it is appropriate for the FCC to waive USAC’s administrative deadline.

The children of Roswell benefit greatly from the discounts provided by the E-rate program. The reduction in funding is significant. Please allow a waiver of the Form 486 deadline to allow the district to continue to receive the much needed E-rate discounts.

We also humbly suggest that the FCC instruct USAC to change the manner in which it calculates the penalty for missing the administrative deadline for the Form 486. Currently, USAC adjusts the service start date to 120-days before the postmark of the Form 486, which provides a greater penalty for applicants that receive a later FCDL.

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<sup>1</sup> See Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (Alaska Gateway Order). See also Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Archdiocese of Chicago School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-766468, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 200 (Wireline Comp. Bur. 2012).

receives their FCDL two months after the end of the Funding Year and also miss the Form 486 deadline by one month they will lose all of their recurring charges. Applying different penalties for missing a deadline is patently unfair. Therefore, if you do not think our appeal warrants a waiver of USAC's administrative procedure we ask that you instruct USAC to adjust our service date by only the number of days we missed the deadline.

We thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a stylized flourish extending from the end.

Jeff Bishop

Director of Information Technology