

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator and Petition)	
for Waiver of)	
)	
Leola School District 44-2, Leola, South)	
Dakota)	CC Docket No. 02-6
)	
Schools and Libraries Universal Service)	
Support Mechanism)	
)	

Request for Review of the Decision of the Universal Service Administrator and Petition for Waiver of Late-Filed Form 486 (Form 486 Number 892710) concerning FCC Form 471 Application Number 809007, Funding Request Numbers 2227596, 2227669, 2227759, 2227884, 2227965

The Leola School District 44-2 (SLD Entity # 134225) successfully submitted Form 471 Application 809007 and received a Funding Commitment Decisions Letter that was dated August 23, 2011. The total amount of approved funding was \$8,490.80.

The District received a reminder letter about filing the Form 486 during the first week in January of 2012. Unfortunately, the letter went unnoticed because it was tucked inside a magazine and was not found until weeks later, well after the expiration of the 20 day deadline. The magazine went untouched for several weeks because the technology director was in the midst of working on a building renovation project that consumed all of her time. The Board of Directors had toured the building over winter break at the end of December and thereafter the technology director was furiously figuring out the costs of renovating versus building a new building and designing technology options based on those options. She also was busily working

on the Form 470 Application for FY 2012 and gathering the documentation needed to complete FCC Form 471 Application. Otherwise the technology director would have probably looked through the magazines sooner and discovered the reminder letter. When the letter was discovered, the technology director promptly filed the FCC Form 486 on March 29, 2012.

On April 11, 2012, the District received a Form 486 Notification Letter that adjusted the service start date for each of the FRNs on Form 471 Application 809007 to November 29, 2011 and reduced the committed funds for each FRN. Funding was forfeited for the five month period July 1, 2011 – November 29, 2011 to a total amount of \$5,660.53 or by \$2,830.27. In this appeal and request for waiver, the District requests the FCC to waive the Form 486 deadline and restore the \$2,380.27 amount of reduced funding.

Leola School District is a very small rural school district that has 224 students in the district. Each staff person has many different responsibilities beyond classroom instruction. The technology director is responsible for filing all E-rate forms and E-rate compliance, preparing the district's technology plan, supporting all staff and students in the use of technology, providing staff professional development training in the use of technology and a plethora of other responsibilities. She has no other employees or resources to assist her in juggling these various tasks. While she attends annual state E-rate training and tries to diligently comply with all E-rate deadlines, she inadvertently overlooked the initial deadline to file the Form 486 and then the reminder letter was inadvertently hidden between the pages of a magazine and was not discovered until much later, when she finally had the time to look at the magazine.

Since the issuance of the Alaska Gateway appeal decision¹ the FCC has generously granted numerous appeals filed by applicants that missed this procedural guideline.² The FCC

¹ Request for Review of Decision of the Universal Service Administrator by the Alaska Gateway School District. DA 06-1871, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6 (Order released September 14, 2006).

has consistently found good cause to waive this procedural rule noting that this does not involve a violation of a FCC rule. The district hopes and encourages the FCC to find that its oversight in failing to timely submit Form 486 is likewise worthy of waving this procedural deadline.

For these reasons, the Leola School District respectfully requests the FCC to waive the SLD procedural deadline for filing Form 486, revise the service start date to July 1, 2011 and restore full funding of these FRNs.

Respectfully submitted,



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² Request for Review of Decisions of the Universal Service Administrator by Alcona County Library, *et al.*, File Nos. SLD-425479, *et al.*, CC Docket No. 02-6, DA 08-2379 (Order released October 30, 2008) (34 appeals granted); Request for Review of Decisions of the Universal Service Administrator by State of Arkansas, Department of InFormation Systems, *et al.*, File Nos. SLD-395179, *et al.*, CC Docket No. 02-6, DA 08-1418 (Order released June 13, 2008) (14 appeals granted for either late Form 486 or late Form 472 filed); Request for Review of Decisions of the Universal Service Administrator by Children of Peace School, *et al.*, File Nos. SLD-469413, *et al.*, CC Docket No. 02-6, DA 10-885 (Order released May 20, 2010) (25 appeals granted); Request for Review of Decisions of the Universal Service Administrator by Academy St. Benedict-Stewart, *et al.*, File Nos. SLD-660086, *et al.*, CC Docket No. 02-6, DA 10-2352 (Order released December 16, 2010) (45 appeals granted); Request for Review of Decisions of the Universal Service Administrator by Bancroft Neurohealth, *et al.*, File Nos. SLD-689221, *et al.*, CC Docket No. 02-6, DA 11-1239 (Order released August 3, 2011) (13 appeals granted); and, Request for Review of Decisions of the Universal Service Administrator by Beebe Public Schools, *et al.*, File Nos. SLD-756808, *et al.*, CC Docket No. 02-6, DA 12-569 (Order released April 12, 2012) (8 appeals granted).

Since the Alaska Gateway decision was issued, the only time the FCC has denied an appeal from a late filed Form 486 is in those situations where the applicant had failed to timely certify its CIPA compliance by October 28, 2011 because this was a statutory and not a procedural deadline. *See* Request for Review of Decisions of the Universal Service Administrator by Casa Lake-Bena Schools, ISD No. 115, *et al.*, File Nos. SLD-251875, *et al.*, CC Docket No. 02-6, DA 07-1238 (Order released March 13, 2007).