



**E-Rate Funding—Guaranteed**

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October 10, 2012

Letter of Appeal  
Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

The Monsignor Donovan High School (“MDHS”) hereby requests reconsideration of the denial of MDHS’s request for reconsideration<sup>1</sup> in the Churchill Order<sup>2</sup>.

BEN: 9468  
Entity Name: Monsignor Donovan High School

The person who can most readily discuss this with you is the school’s E-Rate consultant:

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Funding information:

Funding Year:	2006	2007	2008	2009
Form 471 #:	510516	550234	620016	678078
FRNs:	1482335	1609690	1753830	1857723
	1483777	1618347	1754513	1868888
	1482965	1617030	1753928	1868653
	1482613	1609744	1747713	1857552
	1483077	1617951	1754042	1868737
		1616778		

As outlined in MDHS’s April 20, 2012 letter, the appeal was timely mailed, but not received by the Commission. When MDHS learned that the appeal had not been received, a request for the waiver of the filing deadline was timely requested.

<sup>1</sup> <http://apps.fcc.gov/ecfs//document/view.action?id=7021913434>

<sup>2</sup> DA 12-985

This case involves loss of funding due to an error by USAC. The applicant pointed out the error to USAC, even though it meant a loss in funding, and was rewarded by having commitments for the previous four years adjusted downward. In the Animas Order, the Commission waived filing deadlines when “the late-filed appeal would never have been necessary absent an error on the part of USAC.”<sup>3</sup> In this case, the applicant pointed out an error to USAC, and in response, USAC retroactively rescinded funding and sought recovery of in previously disbursed funding. If USAC had not made an error, or MDHS had not pointed out the error, the appeal filed on November 3, 2011 and again on April 20, 2012 would not have been necessary.

Because the appeal was only late filed due to problems with the mail, and because the appeal was only necessary due to USAC error, MDHS asks that the Commission reverse its earlier decision and consider MDHS’ original appeal, which is attached.

It is not in the public interest to punish MDHS for pointing out USAC’s error, nor to punish them for mail delivery problems.

Thank you for your attention to this matter.

Sincerely,



Dan Riordan  
President

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<sup>3</sup> DA 11-2040, paragraph 4