

Washington County School District
501 Industrial Drive
PO Box 716
Sandersville, Georgia 31082

October 31, 2012

LETTER OF APPEAL

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

Re: Request for Review and Waiver
CC Docket No. 02-6

Authorized person who can best discuss this Appeal with you:

Karen Allen	(T) 404-312-8806
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Application Information:

Entity:	Washington County School District
Billed Entity Number:	127448
Funding Year:	Y15 (2012-2013)
Form 471 Application;	872592, 873222, 872875
Funding Request Numbers:	2380677, 2382355, 2381192

Purpose: In accordance with Sections 54.719 through 54.721 of the Commission's Rules, the Washington County School District respectfully requests the FCC to review the decisions of the Administrator's Decision on Appeal Letter and waive the Item 21 Deadline requirements of the Commission's Public Notice, DA 10-2218 and subsequent Clarification Order, DA 11-88.

Situation: All FRNs listed above were denied with the following denial comment in the FCDLs dated September 5, 2012.

This FRN is denied because the Item 21 Attachment was not received on for before the filing deadline. The Item 21 Attachment is an FCC Form 471 Window filing requirement. You failed to provide sufficient documentation demonstrating the Item 21 Attachment was submitted timely. Attachments that met the FCC Form 471 Window requirements have funding priority over applications received after the filing deadline. Given that funding demand for FCC Form 471 filed within the window exceeds the amount available for commitment, we cannot consider this FRN for funding.

An appeal was filed with USAC on September 21, 2012 immediately after receipt of the Funding Commitment Decision Letter.(Attached)

USAC denied the appeal on October 23, 2012. (Attached)

Appeal Explanation: Mr. Charles Allen is the Technology Director at the Washington County School District. He is solely responsible for the instructional and administrative computer systems and communications networks for all five schools and administrative offices in the district. His responsibilities are extraordinarily demanding, and as is the case in so many districts, the additional time requirements and the complex details of the E-rate process too often exceed the resources of a staff person burdened with full-time responsibilities. It is important to note that the Washington County School District has not received any e-rate funds in the last six years.

For the 2012 funding year, he filed the Form 470 on time, certified it, waited more than 28 days, followed the Competitive Bidding process, filed the Form 471 and certified it on time. He did not submit the Item 21 Attachment because he was not aware that this was a filing requirement. Additionally, he doesn't recall getting any correspondence from the USAC reminding him that the Item 21 Attachment had not been submitted. In his mind, he had followed all the guidelines to receive e-rate funding.

On August 7, 2012, Mr. Allen contracted with Allen & Allen Consulting, LLC (no relation) to finish out e-rate activities for 2012 and manage the e-rate process for 2013 going forward. The three 2012 applications went into PIA Review on August 13, 2012. All requested information including the Item 21 Attachments were provided to the reviewer, Marc Nurnberger, on the morning of August 21. At 2:00 EST on August 21, Mr. Nurnberger replied with a letter stating that all requests for funding would be denied.

Request for Review and Waiver: We respectfully request the Commission to waive the Item 21 filing deadline for Funding Year 2012 for Washington County School District (BEN 127448) for the following reasons:

- This deadline is a matter of policy rather than statute, and the Commission has discretion to waive its regulations for good cause.
- The Item 21 clarifies funding requests but does not alter any information submitted on the applications and the applications were otherwise substantially complete.
- The Technology Director, already overburdened with solely managing the entire district's network, was inexperienced with the E-rate funding process. This was an unintentional procedural mistake rather than an instance of waste, fraud or abuse, misuse of funds or intentional failure to adhere to programmatic requirements.
- Neither the Technology Director nor the Georgia State E-rate Coordinator has any recollection of receiving reminders to provide late information.
- As soon as the applications went into PIA Review, the Item 21 Attachments were requested and we provided them to the reviewer.
- The denial of funding will inflict a hardship on the district. The Washington County School District is a small rural district that desperately needs these funds. In this case, a waiver better serves the public interest than strict adherence to the general rules.

We also request reversal of the Schools and Libraries Division (SLD) decision to deny Form 471s 872592, 873222, and 872875 and instruct the SLD to take the following actions for all FRNs:

1. Change the Funding Commitment Decision from "0.00 – Item 21 OOW" to "Pending".
2. Delete the FCDL Explanation as listed above.
3. Conduct a new PIA review of these applications and FRNs.

Thank you for your time and consideration.

Respectfully Submitted,



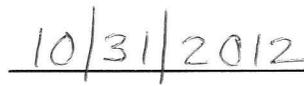
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Date

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