

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of | : | |
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| Federal-State Joint Board on Universal Service | : | CC Docket No. 96-45 |
| | : | |
| Schools and Libraries Universal Service Support Mechanism | : | CC Docket No. 02-6 |
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Sixth Supplement to:

Petition for Waiver and Relief of E-rate Rules
on Behalf of Victims of Iowa Storms and Floods
Date posted online at FCC: December 4, 2012

This sixth supplement provides updated information concerning the Petition for Waiver and Relief of E-rate rules filed on behalf of victims of Iowa 2008 storms and floods. This updated data was gathered in August and September, 2012, through contact with the individual districts impacted by the storms.

Please note that the information contained in this supplement adds to and/or updates previous documents: (1). the Petition for Waiver and Relief, filed August 2008, (2). the Supplement to the Petition for Waiver and Relief, filed September, 2008, (3). the Second Supplement to the Petition for Waiver and Relief, filed March 2009. (4). the Fourth Supplement to the Petition for Waiver and Relief, filed March 2011, (5). the Fifth Supplement to the Petition for Waiver and Relief, filed November 2011. This supplement supersedes all previous requests and provides details of the current request before the Commission.

Updated Site List Included in this Petition

- After FEMA and flood insurance settlements were determined, only three sites had outstanding E-rate eligible expenditures (Waverly-Shell Rock Junior High School, New Hartford Elementary School, and the Cedar Rapids Educational Service Center). A summary of those expenditures may be found on page 4 of this filing. Those three sites are now the only applicants included in the petition.
- Reconstruction on New Hartford Elementary and Waverly-Shell Rock Junior High was completed in the 2008-09 school year. The original Cedar Rapids Educational Services Center was completely flooded and FEMA determined that a new facility had to be built at a different location.

During the time between the flood of June 2008 and spring 2012, the district hub was in temporary quarters. The new facility was completed in spring 2012 with occupancy in summer 2012. A few priority 2 items are still being installed, even though the facility is now in use.

Disaster Victims Special E-rate Window (summary)

- The Iowa Department of Education E-rate coordinator will identify and certify affected entities eligible to file in the Disaster Window.
- A special Form 471 filing window for the three affected entities will be opened. All three entities will be funded at the 90% discount level for eligible priority 2 services directly related to the 2008 natural disaster.
- The three affected applicants will be allowed to apply reimbursement for E-rate eligible products and services that were required to restore the network infrastructures and/or to establish temporary service.
- The rules are waived requiring the posting of form 470 for the E-rate eligible goods and services for funding year 2008. Instead applicable state and local bidding rules were followed (in the absence of filing form 470 for eligible goods and services).
- The rules are waived for priority 2 tech plan filing due to the fact that the applicants could not anticipate needing to purchase infrastructure damaged in the flood.

Add the Following Certifications Page to the Form 471 Application

Affected applicants will certify to the following:

1. I certify that the services and products on this application were/will be solely used to restore the network to the same pre-disaster degree of functionality (prior to the floods of 2008).
2. I certify that any duplicate funding (i.e. insurance, FEMA, state resources) in excess of 90% of the cost for products or services will not be requested on this application.

On behalf of the three impacted applicants, the Iowa Department of Education requests the following:

- A. **Immediately open a special 60-day filing window similar to that allowed for Katrina-impacted schools for those facilities that are rebuilt.** District funds have already been expended to replace destroyed networks and other priority 2 services.

- B. Waive the requirement to file form 470 for the flood-impacted priority 2 services.** Applicable state and local bidding and procurement requirements were and are still being followed in the absence of filing form 470 for funding year 2008. The three entities affected did not have the time and/or human resources to file E-rate forms prior to purchasing E-rate eligible goods and services immediately following the flood. Their attention was focused on restoring and/or rebuilding their facilities to meet student needs.

In the case of the Cedar Rapids Educational Services Center, the hub of the district network had to be temporarily relocated until a new permanent structure was complete. Because construction and re-establishment of the network spanned over four years, the district did file form 470 for funding years 2009, 2010, 2011, and 2012 for internal connections goods and services. However, Form 471 was not filed for these goods and services during these funding years in order to avoid filing duplication with this petition.

- C. Allow the three affected entities to receive 90% discounts for priority 2 reconstruction services for the following funding years:**
- a. New Hartford Elementary: Funding year 2008
 - b. Waverly-Shell Rock Junior High: Funding year 2008
 - c. Cedar Rapids Educational Services Center: Funding years 2009, 2010, 2011, 2012
- D. Waive the five-year record retention requirement for the Cedar Rapids School District.** Flood waters destroyed the records stored in the central district office.
- E. Waive the requirement that all the E-rate priority 2 goods and services be included in technology plans for funding year 2008.** Disaster-related goods and services for New Hartford Elementary and Waverly-Shell Rock Junior High were acquired after Funding year 2008 form 470 and 471 were filed (disaster occurred in June 2008) but prior to the application process for funding year 2009. A tech plan waiver is not needed for Cedar Rapids Educational Services Center for funding years 2009-2012.

Iowa Petition for Waiver and Relief

Flood Damage for all sites below started on or about June 8 and ended approximately July 1, 2008

| District Name | District BEN | School Name | School BEN | Priority 1 requests | Priority 2 requests | Approved discount and funding year (by building) |
|------------------------------------|--------------|--|---------------|---------------------|--|--|
| Dike-New Hartford School District | #132152 | New Hartford Elementary School Rebuilt/repaired facility | #59296 | No P1 needed | <u>Funding year 2008:</u> Requests 90% discount for replacement equipment and installation Actual cost \$30,386.78 (none of the cost covered by FEMA or insurance) | <u>Funding year 2008:</u> Enrollment 214 with 36 NSLP eligible |
| Waverly-Shell Rock School District | #132207 | Waverly-Shell Rock Junior High Rebuilt/repaired facility | #59321 | No P1 needed | <u>Funding year 2008:</u> Requests 90% discount for replacement equipment and installation Actual cost \$23,890.00 (none of the cost covered by FEMA or insurance) | <u>Funding year 2008:</u> Enrollment 394 with 143 NSLP eligible |
| Cedar Rapids Community Schools | #132601 | Cedar Rapids Educational Services Center (school district hub) Building was destroyed. Funding needed for P2 services in new facility. E-rate records | #160223 24 | No P1 needed | <u>Funding year 2009:</u> Requests 90% discount for equipment and installation Actual cost \$34,716.80 (none of the cost covered by FEMA or insurance) <u>Funding year 2010:</u> Requests 90% discount for equipment and installation Actual cost \$15,068 (none of the cost covered by FEMA or | District weighted average discount for E-rate: <u>Funding year 2009:</u> 62% <u>Funding year 2010:</u> 65% |

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| | | destroyed in flood | | | insurance) <u>Funding year 2011:</u> Requests 90% discount for equipment and installation Actual cost \$930,324.27 (none of the cost covered by FEMA or insurance) <u>Funding year 2012:</u> Requests 90% discount for equipment and installation Estimated/bid cost \$118,000 (none to be covered by FEMA or insurance) | <u>Funding year 2011:</u> 65% <u>Funding year 2012:</u> 65% |
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Summary of actual expenses (by years):

Funding year 2008: **\$54,276.78**

Funding year 2009: **\$34,716.80**

Funding year 2010: **\$15,068**

Funding year 2011: **\$930,324.27**

Funding year 2012 (estimated/bid): **\$118,000**

Requested for all sites:

- A 60-day filing window for all sites
- A waiver of form 470 filing requirements and the 28-day waiting period
- A waiver of tech plan requirements for affected sites