

Request for Review

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Name: **Prescott Valley Charter**
BEN: **16049140**
Funding Year: **2012**
Application: **870830, 873813**
USAC FCDL: **8/13/2012**
USAC ADAL: **11/30/2012**

January 22, 2013

Dear Sirs,

This is a letter for a request of a Review of the referenced FCDL regarding the above captioned USAC Notification regarding the following FRN's:

FRN#: **2374946 - Phreedom Technologies**– “Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded.”

FRN#: **2384270 - Phreedom Technologies**– “Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded.”

FOR BOTH FRN's – At the time of the filing of the Form 471, the school's data management system was not correctly updated. The data management system houses the student data related to poverty levels based on surveys submitted by parents upon enrollment and updated in the fall on a bi-yearly basis. There was a batch of surveys which were misplaced and the data management professional therefore did not enter the data in the system prior to the posting of the Form 471. Therefore, the school administrator who filed the Form 471 was unaware of the missing surveys and entered erroneous data in the Form 471. The poverty data entered on the

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CC Docket No. 02-6 CC Docket No. 96-45

471 was a clerical error and should be corrected as follows: as of 2/29/2012, out of the total population of 170 students 137 have an income level which make them eligible for NSLP. All the surveys, including the missing batch were signed and dated prior to the Form 471 filing date. Please see Appeal_1-21-13_Attachment #01 for a sample survey.

The FCC has already ruled in:

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Bishop Perry Middle School)	File Nos. SLD-487170, <i>et al.</i>
New Orleans, LA, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

The rest of the petitioners assert a waiver is appropriate for one of two reasons: **either someone on the applicants' staff made a mistake** or had a family emergency that prevented them from filing on time or the delay in the filing or receipt of the application was due to circumstances out of the applicants' control. Specifically, in the first group, some of these appeals involve applicants whose staff members inadvertently failed to file the application forms in a timely manner.¹ Another group

¹ Request for Waiver of Assabet Valley Regional Vocational School District; Request for Review of Barnwell County School District 45; Request for Review of Bath County School District; Request Waiver of Beavertown Community Library; Request for Review of Brown County School Corporation; Request for Review of Caruthers Unified School District; Request for Review of Central Catholic High School; Application for Review of Chawanakee Joint Elementary School District; Request for Review of Clearwater Memorial Library; Request for Waiver of Clinton County Board of Education; Request for Review of Coahoma County Public Schools; Requests for Review of Consorcio de Escuelas y Bibliotecas; Request for Review and Waiver of CPC Behavioral Healthcare; Request for Review of Delta County School District; Request for Review of Fairfax School District R3; Request for Review of Germantown School District; Request for Waiver of Hawaii State Public Library; Petitioner for Reconsideration of High Bridge Board of Education; Request for Waiver of Holmes District School Board; Request for Review of Hubbard Independent School District; Request for Waiver of Indian Oasis Baboquivari District 40; Request for Waiver of Island Trees Public Library; Request for Waiver of Jefferson School District; Request for Review of Los Alamitos Unified School District; Request for Review of Madera Unified School District; Request for Review of Malone Independent School District; Request for Waiver of McClure Community Library; Request for Waiver of Middleburg Community Library; Request for Waiver of Minnesota Transition School; Request for Waiver of Minnewaska Area Schools; Request for Review of Montfort & Allie B. Jones Memorial Library; Request for Waiver of Mount Ayr Community School District; Request for Waiver of Mount Saint John School; Request for Waiver of Mt. Carroll Township Public Library; Request for Review of Our Lady of Refuge; Request for Waiver of Pinon Dormitory; Request for Waiver of Queen of Apostles Catholic School; Request for Waiver of Richmond Public Library; Request for Review of Rylander Memorial School; Request for Waiver of Selinsgrove Community Library; Petitioner for Reconsideration of Siskiyou County Library; Request for Review of Southeast Delco School District; Request for Review of Southeastern Libraries Cooperating; Request for Review of St. Clement's Regional

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of petitioners state that they were unable to comply with the filing deadline due to staff illness or relatives of staff members who were ill.² Other petitioners claim that the rules and instructions for filing an FCC...

And in

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In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Bishop Perry Middle School)	File Nos. SLD-487170, <i>et al.</i>
New Orleans, LA, <i>et al.</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: May 2, 2006

Released: May 19, 2006

By the Commission: Commissioner Copps issuing a separate statement.

While the Bureau has enforced existing filing deadlines for the E-rate program,³ we find that good cause exists to waive the procedural deadline in these cases. We find that given that the violation at issue is procedural, not substantive, we find that a complete rejection of each of these applications is not warranted, especially given that the error in these cases is not the fault of the

Catholic School; Request for Review of St. Elizabeth Interparochial School; Request for Waiver of St. Francis of Assisi School; Request for Waiver of SuperNet Consortium; Request for Waiver of Tiverton School Department; Request for Waiver Wabash Valley Educational Center; Request for Review of Wallington Public Schools; Request for Waiver of Walnut Community School District; Request for Waiver of Washington Local School District; Request for Waiver of Westside Holistic Family Services; Request for Review of Whitfield County School District; Request for Waiver of Wilkinson County School District; Request for Review of Wilson Memorial Library.

² Request for Waiver of Augusta County Library; Request for Review of Bonnie Brae Educational Center School; Request for Review of Garvey School District; Request for Waiver of Gaston County School District; Request for Waiver Millennium Community School; Request for Waiver of Northwest Institute for Contemporary Learning, Inc.; Request for Waiver of St. Mary's School; Petition for Reconsideration of Neches Independent School District; Request for Waiver of Unadilla Community School.

³ See, e.g., *North Dakota Order*, 17 FCC Rcd at 7389, para. 13; *Wilmington Public Schools Order*, 17 FCC Rcd at 12071, paras.7-8; *South Barber Order*, 16 FCC Rcd at 18437-38, para. 7.

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applicants. **Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements revealed by the record in these matters. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.⁴ We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.**

And in

Naperville Community Unit
School District 203
Naperville, Illinois
Federal-State Joint Board on Universal
Service
Changes to the Board of Directors of the
National Exchange Carriers Association, Inc.
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(
File No. SLD-203343
CC Docket No. 96-45

CC Docket No. 97-21

ORDER

Adopted: February 22, 2001 Released: February 27, 2001

II. DISCUSSION

9. At the outset, we emphasize that our primary objective is to ensure that schools and libraries benefit from the schools and libraries universal service support mechanism as contemplated by the statute. For purposes of considering this Request for Review, this means we must balance the need to minimize administrative costs, while expediting fair and efficient review of applications. With that objective in mind, we consider the circumstances surrounding SLD's return of Naperville's FCC Form 471 for failure to meet SLD's minimum processing standards.

⁴See 47 U.S.C. § 254(h).

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Therefore we submit that funding for the above FRN's be approved at the 90% discount level:

FRN#: **2374946**

FRN#: **2384270**

Sincerely,



Daniel Hochman,
Consultant on behalf of Prescott Valley Charter School
T: 201-873-4526
F:201-458-1215

LOA Attached