



Received & Indexed

MAR 21 2013

focused. experienced. dedicated. **E-Rate Consulting** FCC Mail Room

March 15, 2013

Letter of Appeal  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
  
Washington, DC 20554  
CC Docket No. 02-6

Re: Request for Window Waivers in regard to Form 470 application number 651420001131530 and Form 471 Application number 904351

Dear Marlene H. Dortch:

I am submitting this letter in appeal of the inevitable denial regarding E-rate FY 2013 funding request Form 470 Application number 651420001131530, and also Form 471 number 904351 on the grounds that the Form 470 in question was filed outside of the filing window, on February 15<sup>th</sup> 2013, with plausible reason.. The Form 471 could then not be filed until March 15<sup>th</sup> due to this circumstance.

Appellant Name: Erate Exchange, LLC  
Applicant Name: Gunnison Watershed School District  
471 Application Number: 904351  
470 Application Number: 651420001131530  
Billed Entity Number: 142412

No. of Copies rec'd 0  
List ABCDE

SLD Explanation for denial: No denial has yet been released for the Form 470 in question. This appeal is being pursued in the inevitable case that a Form 470 filed after the close of the filing window may be denied . No denial has either been issued for the Form 471 tied to the Form 470 in question. We are requesting a waiver request.



Received & Inspected

MAR 21 2013

FCC Mail Room

---

focused. experienced. dedicated. **E-Rate Consulting**

The issue in this case boils down simply to this: The employee of the Applicant Gunnison Watershed School District, who was responsible for the filing the Form 470 out of window, came under extraordinary circumstances that prevented him from filing the Form 470 within the window. Nearing the end of the window, the employee had a family emergency where the employee's kin needed emergency heart surgery. It was necessary and reasonable that the employee travel to be with his kin during this difficult experience. The experience incurred with an unforeseeable time frame of resolution, which delayed the employee from returning to work before the close of the Form 470 filing window on February 15<sup>th</sup> 2013. Without being able to return to work, the employee missed the close of the 470 Filing Window, February 14<sup>th</sup> and was forced to file the Form 470 in question the day after on February 15<sup>th</sup> 2013.

The late filing of the Form 470 directly ensures a late filing of the Form 471 whose Allowable Contract Date is, March 15, exactly 28 days after February 15<sup>th</sup>. It is a reasonable assumption that this Form 471 maybe denied since it will be filed past with close of the Form 471 Window, March 14<sup>th</sup> 2013. The late filing of Form 471 is a direct result of the circumstances surrounding the late filing of the Form 470. We feel that by the FCC granting this waiver request for this slight deviation from the rule would, better serve the public self interest. Clearly, this situation could not have been avoided even with the best planning models. The denial of funding for a slight deviation from program rules places a particular hardship on a school district that otherwise should have been approved for and received E-rate funding for its application.

The applicant has since sought guidance and assistance in The Appellant, E-rate Exchange so that such unavoidable and extraordinary circumstances can be limited in the future.



Received & Inspected

MAR 21 2013

FCC Mail Room

---

focused. experienced. dedicated. **E-Rate Consulting**

Due to this extraordinary circumstance, we respectfully request that you waive the filing window date for the Form 470 and Form 471 for the corresponding application's in question. Thank you for reviewing this appeal. Please use the contact information below.

Sean, E-rate Exchange, LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332,  
[stc@erateexchange.com](mailto:stc@erateexchange.com)

Sincerely,

**E-rate Exchange, LLC**

A handwritten signature in black ink, appearing to be 'Sean Cuskey', written over a horizontal line.

Sean Cuskey