

Academia Avance  
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April 16, 2013

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

**Re: CC Docket No. 02-6**

Request for Review and/or Waiver of Decisions by the Universal Service Administrator Company – E-Rate Program for 471 Application: # 842187

**APPLICANT: Academia Avance, Billed Entity # 16038922**

Dear Secretary Dortch,

Academia Avance would like to formally request a waiver to the 60 day deadline for filing an appeal to the USAC decision issued on 12/18/2012 for FCC FY 2012, Form 471 Application # 842187 Funding Request Numbers (FRNs) #2285289 and #2285282.

## **I. Background Information**

Academia Avance is a California-based Charter School that serves low-income youth grades 6-12th. Academia Avance combines rigorous academic preparation with the development of real-world skills. All of the students that graduate will have a college career preparation that exceeds all of the University of California class requirements, with emphasis on the development of successful life-long learning habits.

The Funding Commitment Decision Letters (FDCL) for Application # 842187 was issued on 12/18/2012. In the FDCL Comment section, it was noted that FRNs #2285289 and #2285282 were cancelled in consultation with the applicant. The contact person representing the applicant, Paul Im, is no longer employed by the school and erroneously, we assume, cancelled these funding requests. Note that the services associated with these FRNs have been in-use by the school for many years. The cancellation of this funding was only recently discovered by the school's newly hired E-Rate manager/contact, Hector Lucereo, after reviewing prior funding requests and decisions. The unexpected departure of Mr. Im has created a hardship for the school as it relates to the E-Rate program because he was the only person in the school trained to do this function and the school's

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management was not made unaware of the cancellations of this much needed funding. The attached bills will show that these services were being used during FY2012 for each of the services associated with these FRNs.

If SLD's procedures for filing an appeal were to be strictly applied, the result of this clerical error would be a total loss of committed funding for the affected Funding Requests – and it would be our students who would bear the consequences of this unfortunate clerical error.

Academia Avance's management does exercise its best efforts to ensure absolute compliance with all E-Rate rules and deadlines. Realistically, however, it is beyond the control of Academia Avance to totally eliminate the possibility of the isolated clerical or administrative error especially when there is an unexpected personnel change.

## **II. Analysis of the Situation**

Hence, due to factors not reasonably within its control, Academia Avance was unable to fully comply with the requirement to file an appeal to the USAC decision within the normal 60 day limit for funding 471 application #842187. To the best of our knowledge, our E-rate funding application is otherwise in full compliance with all FCC rules and USAC requirements.

In ABC Unified School District (1), the Federal Communication Commission's ("Commission") Wireline Competition Bureau ("Bureau") found that a good cause existed to waive the Commission's rules which requires applicants to seek review of a USAC decision within 60 days because the appeal was filed only a few days late.

Denying the Academia Avance's request, as noted in this and previous rulings, would create undue hardship and prevent the school from receiving funding that is needed to bring advanced telecommunications and information services to their students in this community. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

### Notes

(1) ABC Unified School District, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD - 58409, et al., CC Docket No. 02 -6, Order, 26 FCC Rcd 11019

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### III. Request for Waiver

Academia Avance, therefore, respectfully requests that the Bureau grant a waiver of the 60 day deadline for filing Appeal of FCC Funding Decision for 471 Application: # 842187 and to reverse the decision of cancelling the funding requests for the reasons detailed above as consistent with previous rulings.

In support of our efforts to provide our students and community with access to a 21<sup>st</sup> Century Learning Environment and consistent with the goals of the E-Rate Program, Academia Avance also respectfully requests that the Bureau expedite consideration of this petition.

Please contact me directly should you have any questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ricardo Mireles', written in a cursive style.

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