



February 13, 2013

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
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This is a letter of Appeal.

Appellant: Imagine Indiana Life Sciences Academy East
Billed Entity Name: Imagine Indiana Life Sciences Academy East
Billed entity Number (BEN): 16055444
Service Provider Identifier Numbers (SPIN): 143029702
Form 471 Application Number: 813433
FRN: 2210201

USAC Action Being Appealed:

I am appealing the Administrator's Decision on Implementation Extension Request dated January 28, 2013, *FRN 2210201*, which was denied because "Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/12." (Exhibit A *FRN 2210201*). Specifically, "In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001 the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances."

Explanation of Appeal:

I was informed by the applicant that the service provider was unable to complete delivery and installation due to unforeseen scheduling and budget issues for the applicant, as well as equipment ordering and supply issues for the service provider. The FCC Form 500 was submitted within the deadline on September 24, 2012, to extend the Contract Expiration Date to 12/31/2012. The Form 500 Notification Letter dated October 18, 2012, was received modifying the Contract Expiration Date to 12/31/2012, (see Exhibit B). In the body of the Form 500 Notification Letter it does state "You can request a Service Delivery Deadline Extension or Invoice Deadline Extension from USAC following guidance posted on our website." This statement does not indicate that this is a requirement, only a



suggestion. It was assumed that when the Contract Extension Date was granted USAC would automatically update the Service Delivery and Installation for Non-Recurring Services to 12/31/2012 to coincide with the new Contract Expiration Date of 12/31/2012. I believe that reasonable and prudent people would make this assumption.

In addition, the Form 500 Notification Letter Report, (Page 3 of Exhibit B) does not define the Last Allowable Date for Delivery and Installation for Non-Recurring Services. If it did, the applicant could have easily seen that there was more action that needed to be taken in order for the Contract Expiration Date and the Last Allowable Date for Delivery and Installation for Non-Recurring Services to match, with both dates being 12/31/2012.

Finally, Exhibit C is the Data Retrieval Tool from the USAC website. Please note when all data points are selected there is not a listing for Last Allowable Date for Service Delivery and Installation. By not including this information in the Data Retrieval Tool, the applicant does not have sufficient information for submitting required documentation in a timely manner.

Rationale:

I respectfully request that the Allowable Date for Service Delivery and Installation be 12/31/2012. The school corporation believes that special circumstances warrant a deviation from the FCC general rules, and such deviation would better service the public interest than strict adherence to general rules. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. We believe that the denial of this request will inflict undue hardship on the applicant and the service provider. We respectfully request a waiver of all FCC rules regarding filing for Service Delivery Deadline Extensions.

Thank you for your time and consideration of this appeal. If you have any questions concerning this appeal or require additional information please contact me. I have enclosed the LOA authorizing me to submit this appeal.

Respectfully submitted,

Charity Hawkins, E-Rate Contact

Enc. LOA

Cc: Andy Lawhorn, Mobile Technical Services, LLC.