

# Request for Review and Waiver Letter

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

In the Matter of )  
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Request for review by Hayward Unified School ) CC Docket No. 02-6  
District of Decision of Universal Service ) CC Docket No 96-45  
Administrator )

Funding Year 2012  
Form 471 App 855180  
FRNs 2362184 and 2362224

Hayward Unified School District completed its competitive bidding process for Priority 2 funding through the Schools and Libraries Division (SLD) of the Universal Services Administrative Company (USAC). Hayward Unified School District awarded the Service Provider and submitted all relevant forms to the Schools and Libraries Division for review. The SLD determined that Item 21 Attachment for these funds had not been received prior to the deadline imposed. It is our position that the Item 21 Attachments were submitted in a timely manner.

See excerpt below from email communications between consultant(s) and Program Integrity Assurance (PIA) reviewer, where the reviewer asked for and received the proof of submission:

# Request for Review and Waiver Letter

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**From:** mharken@csmcentral.com <mharken@csmcentral.com>  
**Sent:** Thursday, July 18, 2013 11:05 AM  
**To:** 'Plewa, Jerzy'  
**Cc:** Russell Selken; bswenson@husd.k12.ca.us  
**Subject:** FW: FW: Item 21 Hayward USD Form 471 \_855180[1].pdf

Good Afternoon Jerzy,  
Your last inquiry (see below), you asked to provide documentation to show we provided our Item 21 prior to May 9th, 2012.  
Please see my email on May 30th, and the email below that from March of 2012..

Please let me know if your need any additional details.

Thanks, Michelle

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I. **Eligibility of Service**

We have completed our review of your Funding Year 2012 Form 471 application <855180> and have determined that FRNs 2362184 and 2362224 will not be funded because the Item 21 attachment to support these FRN(s) was not received on or before the filing deadline. For FY2012, Program rules required that Item 21 Attachments were to be submitted on or before <05/09/2012>.

If you believe that the FRN(s) should **not** be denied and you have supporting documentation to show proof of your Item 21 attachment submission on or before <05/09/2012>, please provide this documentation. Examples of acceptable documentation are proof of mailing or your submission (e.g., post-office receipt, actual email and/or fax with confirmation page). In addition to proof of submission, please submit an EXACT COPY of the Item 21 Attachments that were previously submitted.

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**From:** mharken@csmcentral.com <mharken@csmcentral.com>  
**Sent:** Thursday, May 30, 2013 9:25 AM  
**To:** jplewa@sl.universalservice.org  
**Cc:** Russell Selken; 'Swenson, Brett (MOT Facilities Maintenance Manager)'; 'Drulyne Vang'; pia@csmcentral.com  
**Subject:** FW: FW: Item 21 Hayward USD Form 471 \_855180[1].pdf

Good Morning Jerzy,

Please find the attached responses to your questions regarding application 855180. I have detailed our responses in the word document that was sent to us. In addition, I have included the original email that is in question regarding our timely submission of the Item 21 for two FRN's (Please see the email below, and the attached PDF file Item 21 Hayward USD Form 471

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855180). I would also like to point out that the original PIA manager assigned to this Form 471, had already asked us questions regarding the FRN's in question, so this indicated to us, that USAC had already received the Item 21's for the 2 FRNs in question.

Please let us know if we can provide any additional items to help you in the processing of our application.

Thank you,

**Michelle Harken**  
CSM Consulting, Inc.  
209.834.0556  
[mharken@csmcentral.com](mailto:mharken@csmcentral.com)

-----Original Message-----

From: Russell Selken [mailto:[rselken@adtechgroup.com](mailto:rselken@adtechgroup.com)]  
Sent: Tuesday, March 20, 2012 8:13 PM  
To: [attachments@sl.universalservice.org](mailto:attachments@sl.universalservice.org)  
Subject: Item 21 Hayward USD Form 471 \_\_855180[1].pdf

Item 21 for Hayward School Distirct, Internal connection

Please note the following attachments:

**Hayward Unified evidence of Item 21 submission.pdf:** Submission of the Item 21 attachment on March 20, 2012 at 8:13 p.m. Response from USAC of receipt of Item 21 Attachment on March 20, 2012 at 8:13 p.m.

The Item 21 attachment that was submitted included the attachments for four Funding Requests. Of these four requests, two of them were approved. It appears that a clerical error within USAC resulted in the Item 21 not being recorded properly.

Therefore we submit that Hayward Unified School District's above FRNs be remanded to USAC for additional review so as not to create undue hardship for an eligible institution that would prevent them from potentially receiving funding that they truly need to bring advanced telecommunications and information services their students and patrons . We request that the Item 21 attachments be considered timely filed.

Sincerely,



Brett Swanson  
Hayward Unified School District