

December 17, 2013

Request for Waiver

To Whom It May Concern:

We are writing to request a waiver of the deadline for correcting the amount requested on FCC Form 471 866961 FRN 2406875 for Funding Year 2013.

Appellant

Contact Name: Jeremy Ballew
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Telephone Number: 254-297-2922
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E-Mail Address: jballew@esc12.net
Applicant Name: Lufkin ISD
Billed Entity Number: 140783

Original FRN:

Form 471:	880292
FRNs	2406875
SPINs	143001200
Amount Requested	\$34,977.50

M & C Correction for the FRN:

Form 471:	880292
FRNs	2406875
SPINs	143001200
Correct Amount that should have been requested	\$190,449.64

Explanation of Request for a Waiver

We are writing to request a waiver of the deadline to correct an error on the 2013 FCC Form 471 Application 880292 and FRN 2406875.

This FRN, 2406875, was for the funding of Telecommunications to Lufkin Independent School District. It is our opinion that the deadline for correcting this 471 should be waived and that the FCC should proceed with a complete review of the information included in this appeal.

Background

Part 1: The amount requested in the Form 471 application 880292 for FRN 2406875 was determined by one of Lufkin ISD's administrative assistants. This employee's job was to upload monthly, for our E-Rate consultant's use, all invoices for E-Rate services for the entire year, in this case 2012. By the close of the bidding window, our employee had uploaded a single vendor invoice with one account number to be used in calculating the E-Rate 2013 local phone service request. This employee did not upload any additional invoices for local phone service prior to or during the Form 471 filing window. Since there were no bids received for this service during the bidding window of 28 days, this single invoice was the only information available for LISD's E-Rate consultant when determining the amount to request for local phone service. This FRN was funded in the Funding Commitment Decision Letter dated 9/5/2013.

Part 2: After the filing window closed and after the allowable contract/selection date of 12/11/2012 passed, a few invoices were uploaded by afore mentioned employee in May 2013. Our E-Rate consultant's Invoice

Auditor reviewed the invoices uploaded in May 2013 and determined that LISD had 26 other local phone service accounts not included in the one invoice used for the 2013 Form 471.

Part 3: An error was made by an incompetent Lufkin employee that is no longer employed by the district. The amount funded for FRN 2406875 was \$34,977.50. Our E-Rate consultant's Invoice Auditor determined the average monthly invoice for the 27 accounts for local phone service was \$15,870.81 over last year's twelve (12) months. Therefore the total amount requested for FRN 2406875 should have been \$190,449.64 (\$15,870.81x 12).

Part 4: Lufkin ISD can support (with invoices) the amount of \$190,449.64 for local phone service for 2013 E-Rate. Due to the incompetence of our employee, we have made a Ministerial & Clerical error in the dollar figure on the FRN 2406875.

Part 5: The FRN funding error was not found in time for a correction on the RAL or even in PIA review due to information not being available to our E-Rate consultants. As you can see, the district person who handled E-rate invoicing was incompetent. The error in the dollar figure on the FRN was a Ministerial & Clerical error but this error was not found until September 20, 2013 and the FCDL had been issued on 9/5/2013.

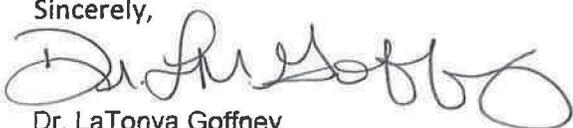
Conclusion:

Based on the facts and circumstances mentioned in this request and the Bishop Perry Order (FCC 06-54; CC Docket No. 02-6), we feel that good cause exists to waive the deadline for correcting the FCC Form 471 by using the RAL after the FCDL has been issued. We understand that under Bureau precedent deadlines have been strictly enforced for the E-Rate program, including those pertaining to the RAL/corrections to the 471. We nevertheless find that good cause exists to waive the deadline in this case. We stated that our staff made a mistake which resulted in an M & C error in the dollar amount on the FRN 2406875. Our employee's primary job is not a position dedicated to pursuing federal grants. Given that the violation at issue is procedural, not substantive; we believe that the denial of the waiver in this case would inflict undue hardship on Lufkin ISD and would not further the purposes of section 47 U.S.C. § 254(h) or serve the public interest.

We further attest that there is no intention to defraud the system in any way by this waiver request.

When FCC allows this waiver to be meritorious, Lufkin ISD will be able to fulfill its commitment to its students for full, robust connectivity to global resources which would not be possible without E-Rate support.

Sincerely,



Dr. LaTonya Goffney

Superintendent and Authorized Person
Lufkin ISD

CC: Jeremy Ballew
Region ESC 12
Personal E-Rate Partner
LOA