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2400 N. Lincoln Ave  
Altadena, CA 91001

April 14, 2014

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

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

**Waiver Request and Appeal** of Administrator's Decision of Appeal – Funding Year 2011-2012, Prologue-CPS, 471 Application: # **819328** issued on February 14, 2014.

**Authorized person who can best discuss this Appeal with you**

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**Application Information**

Prologue-CPS **Billed Entity** #16063938

FY2011-12 471 Application: # **819328**, **Funding Request Numbers: 2229201 and 2229293**

**Document Being Appealed**

Administrator's Decision of Appeal – Funding Year 2013-2014, Prologue CPS, 471 Application: # **819328** issued on February 14, 2014.

**Decision:** Denied in full

**Explanation:**

- Explanation: Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/2012.

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.

## **Request for Review**

This “waiver request” and “appeal” to the FCC, is written and submitted on behalf of Prologue-CPS, 16063938. This “waiver request” and “appeal” is an urgent matter concerning the enclosed Universal Service Administrative Company (USAC) “Administrator’s Decision on Implementation Extension Requests” dated December 12, 2013; wherein the requests for extending the priority two non-recurring services delivery deadline for FY2011 Form 471 819328 Funding Requests: #2229201 and #2229293 are “Denied in full” and “Request received after the FCC deadline for Implementation Deadline Extension requests which was 09/30/2012”

Prologue-CPS’s staff, representatives and service providers acted in good faith in their efforts to comply with the FCC’s programmatic rules, procedures and deadlines for implementing the FY2011 priority two non-recurring services to the USAC in a timely manner and respectfully asks that the FCC waive the procedural deadline for Implementation Deadline Extension requests for the priority two non-recurring services in this case and grant this appeal for the reasons set forth herein.

Prologue-CPS is one of four schools managed by Prologue Inc. within the city of Chicago Illinois. Prologue-CPS supports students from economically disadvantaged households and that have typically not been able to matriculate through a normal public school environment. With limited IT Staff and lease contract renewals being undertaken at three of the four schools during this time period, the service providers for this FRN were unable to implement these projects in a timely manner. Prologue’s management team’s difficulty in finding adequate space for schools in the City of Chicago proved to be especially arduous given that all of their schools support a predominately “Alternative” student population. Hence, the school’s management team was unable to renew the lease on one of its schools (Prologue-Houston) and was forced to put all IT infrastructure upgrades on hold until all school facilities were properly secured.

The Funding Decision Commitment Letter was awarded on November 11, 2011 and Prologue-CPS’s management, in agreement with the service providers, originally requested to extend the contract expiration dates for these FRNs in December 2012. The request to extend the invoice deadline was also requested at this time. The school was furthermore, unable to implement these projects by the new contract date of 06/30/13 and issued an additional extension request in August 2013. Both requests for Contract and Invoice extensions were approved on November 2012 and August 2013.

In communications with USAC’s Kelly Miller on November 22, 2013 and on November 22, 2013 regarding the extending the invoice for these FRNs it was realized that even though a Form 500 was submitted to extend the contract date, a Service Delivery Deadline Extension Request letter for the affected FRNs is still required for FY2011. The school submitted this letter on December 12, 2013 shortly after the Thanksgiving holidays.

There was no waste, fraud, or abuse of the E-Rate program funds. This is simply a case where the school in managing the lease renewals of three of its schools and the subsequent relocation of one of its schools was forced to put IT infrastructure projects on hold. The School respectfully asks that the FCC to reverse the denial and restore funding for these desperately needed IT infrastructure projects.

**Alaska Gateway, TOK, AK, et al:**

Applicants are often overwhelmed with the complex requirements of the E-Rate process. In its *Alaska Gateway* ruling issued September 6, 2006, the FCC took this type of situation into account when addressing issues with 486 filing deadlines, stating that:

As we recently noted in Bishop Perry Middle School, a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest.<sup>29</sup> Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline.<sup>30</sup> We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms.<sup>31</sup> Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants.

The school respectfully contends that the FCC's recognition of the difficulties faced by applicants such as Prologue-CPS ought to be applied to this particular situation. We ask that the FCC apply the conclusions drawn in the Alaska Gateway ruling and reverse the decision on 471#**819328**

The School appreciates the Commission's consideration of this appeal. Please contact me directly should you have any questions on this matter.

Sincerely,



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Attachments: Deadline Extension Denial Letter