

## DETROIT SERVICE LEARNING ACADEMY

21605 Seven Mile Road West

Detroit, MI 48219

Phone 313-541-7619 • Fax 313-538-4245

E-mail brown.carolyn2@detroitsla.org

April 25, 2014

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554  
VIA FCC ELECTRONIC COMMENT FILING SYSTEM

Re **CC Docket No. 02-6**  
Petition for Waiver  
FCC Form 471 No. 993077  
Applicant: Detroit Service Learning Academy, BEN 208680

Dear Ms. Dortch,

With this letter Detroit Service Learning Academy ("DSL A") requests a waiver of the FCC Form 471 filing window deadline for Funding Year 2014 under the schools and libraries universal service support mechanism (E-Rate).

### **Background**

DSL A is a unique educational institution which integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities. As members of the community, our students have the responsibility to live the core values of wisdom, justice, integrity, love, compassion, respect, and courage.

My broad scope of responsibility includes management of all aspects of school finance, and the 2014 E-Rate funding year is the first year for which I am responsible for the E-Rate application process. We did file the 2014 FCC Form 470 within the 2014 E-Rate filing window, but we did not file Form 470 early enough to comply with the 28-day waiting period and also submit FCC Form 471 before the end of the filing window. The result is that we submitted our 2014 funding application several days after the end of the filing window.

### **Analysis**

DSL A filed its FCC Form 471 on 4/9/2014, within 14 days of the filing window deadline. To the best of our knowledge, our E-rate funding application is otherwise in full compliance with all FCC rules and USAC requirements.

In *Academy for Academic Excellence*<sup>1</sup>, the Wireline Competitions Bureau (“Bureau”) found that in cases where a delayed Form 471 filing came as a result of circumstances beyond the control of the applicant, the complete rejection of these applications was not warranted, given that the violation at issue was procedural, not substantive. The Bureau found further that rigid adherence to filing procedures would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

In *Acorn Public Library District*<sup>2</sup>, the Bureau found that a delayed Form 471 filing of not more than 14 days after the filing window deadline was not likely to impede USAC’s ability to administer the E-Rate program. The Bureau found that the violation at issue was procedural, not substantive, and the Bureau found further that complete rejection of these applications is not warranted. The Bureau also found that (in the absence of any evidence of waste, fraud, or abuse, misuse of funds, or a failure to adhere to core program requirements and) because the FCC Form 471 was filed within 14 days after the filing window deadline, it was in the public interest to waive the FCC Form 471 deadline.

And in *Academy of Math and Science*<sup>3</sup>, the Federal Communications Commission reiterated that filing of Form 471 late but within 14 days of the filing window deadline is a special circumstance which justifies the grant of a waiver. The Bureau has applied this precedent in several subsequent orders<sup>4</sup>.

Finally, we note that denial of our funding request would impose severe hardship upon DSLA, and the effect of such denial would be a profound adverse impact upon the educational services we provide for our students. 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.

---

<sup>1</sup> See *Academy for Academic Excellence Order*, 22 FCC Rcd 4747.

<sup>2</sup> See *Acorn Public Library District Order*, 23 FCC Rcd 15474.

<sup>3</sup> See *Academy of Math and Science Order*, 25 FCC Rcd 9256.

<sup>4</sup> See *Argos Public Library Order*, 25 FCC Rcd 16109 (2010); *Al-Noor School Order*, 26 FCC Rcd 5792 (2011); *Beaver Area Memorial Library Order*, 26 FCC Rcd 10317 (2011); *All Saints Elementary School Order*, 26 FCC Rcd 13107 (2011); *Bais Chaya Mushka Order*, 27 FCC Rcd 195 (2012); *Anderson Elementary School Order*, 27 FCC Rcd 5319 (2012); *Acadia Parish School Board Head Start Program Order*, 27 FCC Rcd 11033 (2012); *Abbotsford School District Order*, 27 FCC Rcd 15299 (2012); *A.C.E. Charter High School Order*, 27 FCC Rcd 15907 (2012); *Ashtabula Area City Schools Order*, 28 FCC Rcd 4051 (2013); *Academy of Accelerated Learning Order*, 28 FCC Rcd 6947 (2013); *Allenstown Public Library Order*, 28 FCC Rcd 11198 (2013); *Albert Wisner Public Library Order*, 28 FCC Rcd 16900 (2013).

Ms. Marlene H. Dortch  
April 25, 2014  
Page 3 of 3

**Request for Waiver**

For the reasons stated in this letter, DSLA respectfully requests that the Federal Communications Commission grant a waiver of the FCC Form 471 filing window deadline for DSLA's Funding Year 2014 E-Rate funding application.

DETROIT SERVICE LEARNING ACADEMY

A handwritten signature in blue ink that reads "Carolyn Brown". The signature is written in a cursive, flowing style.

Carolyn Brown  
Chief Financial Officer