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

Attached is an Appeal for Academy of St Benedict The African (Laflin Street) [BEN: 70709]. The ineligible charges were double-counted for Form 471 875605 FRN 2390535.

Our Form 471 Application Number 875605 for this FRN explicitly listed \$971.63 for ineligible charges for phone system handsets. On February 28th 2013 USAC requested we increase the ineligible total from \$971.63 to \$1,250.71. However, on March 18th, 2013 the Total Ineligible Non-Recurring Charges were inadvertently increased to \$2,222.34 (\$971.63 + \$1,250.71).

The FCC's Bishop Perry Order [FCC 06-54] and the Wireline Competition Bureau's Academy for Academic Excellence Order [DA 07-1180] found reason to allow for Ministerial and Clerical Errors in Funding Requests.

Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. We will demonstrate (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

Please let me know if you have any questions, or if there is any additional information I can provide. We greatly appreciate your consideration of our appeal. Thank you for your time, effort, patience, and continued support of Academy of St Benedict The African (Laflin Street).



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**Before the  
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	)	
Appeal by Academy of St Benedict The African	)	
Of Decision Of	)	
Universal Service Administrator	)	
	)	
Academy of St Benedict The African	)	
Chicago, Illinois	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	CC Docket No. 96-45

**(1) A Statement setting forth Academy of St Benedict The African’s interest in the matter presented for review.**

In this matter presented for review, Academy of St Benedict The African is the sole appellant organization. Academy of St Benedict The African is seeking an Appeal to the Federal Communications Commission. Academy of St Benedict The African wishes to appeal the USAC Administrator’s Decision on Appeal dated April 11, 2014. The original issue was USAC inadvertently double-counted our ineligible charges on Form 471 Application Number 875605 FRN 2390535 released March 18th, 2013.

**(2) A full statement of relevant, material facts with supporting affidavits and documentation.**

Appellant / Organization Name: Academy of St Benedict The African  
Consultant Name: Coleman Group Consulting  
Consultant Registration Number: 16062788  
Contact Person Name: Stephen Weiss  
Contact Mailing Address: 233 South Wacker Drive Suite 3430  
Contact Phone Number: 312-850-4134  
Contact Fax Number: 312-893-2038  
Contact Email Address: [sweiss@colemangroupconsulting.com](mailto:sweiss@colemangroupconsulting.com)

Funding Year: 2013  
Date of FCDL Decision: March 18<sup>th</sup>, 2013  
Billed Entity Name: Academy of St Benedict The African  
Billed Entity Number: 70709  
Form 471 Application Number: 875605

**Funding Request**

Funding Request Number: 2390535

SPIN Code: 143034581

Commitment Amount: \$4,326.65

On March 18th, 2013, the ineligible charges were double-counted for Form 471 875605 FRN 2390535.

Our Form 471 Application Number 875605 for this FRN explicitly listed \$971.63 for ineligible charges for phone system handsets. On February 28th, 2013 USAC requested we increase the ineligible total from \$971.63 to \$1,250.71. However, on March 18th, 2013 the Total Ineligible Non-Recurring Charges were inadvertently increased to \$2,222.34 (\$971.63 + \$1,250.71).

**(i) Special circumstances that warrant a deviation from the general rule**

Form 471 Application Number 875605 for this FRN explicitly listed \$971.63 for ineligible charges for phone system handsets. On February 28th, 2013 USAC requested we increase the ineligible total from \$971.63 to \$1,250.71. However, on March 18th, 2013 the Total Ineligible Non-Recurring Charges were inadvertently increased to \$2,222.34 (\$971.63 + \$1,250.71).

**(ii) Deviation from the general rule will serve the public interest**

Although Academy of St Benedict The African has been educating the students in Chicago's Englewood, Auburn Gresham, and Washington Park (and many other) communities since 1989, the history of the school goes back much further to 1901. The curriculum at Academy of St Benedict The African helps students to achieve their fullest potential through effective, evidence-based teaching practices. The students consistently outperform their expected levels of achievement. The teachers set high expectations for learning and growth, and actively work with students to help them succeed and be prepared for high school and life. They regularly enable students to obtain crucial scholarships for high school. Teachers utilize differentiated instruction, providing each student with the educational experience that best meets the student's individual needs, including students having selected special educational needs. The students are actively involved in their own learning process through engaging and interactive experiences.

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<sup>1</sup>EXHIBIT 1 – PIA Review dated 2/20/2013

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Academy of St Benedict The African provides Before and After-School care. Students are not only cared for in a safe environment, they are also able to do their homework, obtain tutoring and participate in extracurricular activities. Academy of St Benedict The African offers many activities to its students including In-School: weekly Music, Spanish and Dance Classes, Carnivals and Annual Picnics. After School options include Sports such as: Cheerleading, Basketball, Floor Hockey, Volleyball, and Soccer. There are several different Dance classes, Choir, Art Club, Boys and Girls Clubs, and more.

The students at Academy of St Benedict The African come to school knowing that they are in an environment where they are cared for, loved, and safe to learn and grow. Teachers know the students and their parents by name, and collaborate to best serve the students' academic, emotional and spiritual needs. The entire staff works to keep our students safe. The classrooms are a tight knit learning community, where all students are valued. Personal relationships exist between teachers, students and parents. As a unit, the collective vision is to ensure students think creatively, communicate effectively and work collaboratively. They focus on creating new knowledge and a sense of ownership for one's learning.

**(3) The question presented for review, with reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision.**

The FCC's Bishop Perry Order [FCC 06-54] and the Wireline Competition Bureau's Academy for Academic Excellence Order [DA 07-1180] found reason to allow for Ministerial and Clerical Errors in Funding Requests<sup>2</sup>.

Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest<sup>3</sup>. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis<sup>4</sup>. Consistent with precedent<sup>5</sup>, we have demonstrated (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

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<sup>2</sup> Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316 (2006) (Bishop Perry Order) [FCC 06-54]; Request for Review of the Decision of the Universal Service Administrator by Academy for Academic Excellence, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-539076, 539722, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 4747 (Wireline Comp. Bur. 2007) (Academy for Academic Excellence Order); see 47 C.F.R. § 54.507(c). [DA 07-1180]

<sup>3</sup> *Northeast Cellular Telephone Co. v FCC*, 897 F.2d 1164, 11687

<sup>4</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159

<sup>5</sup> *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128

The following prior appeals have been granted an exception to the 60 day time frame:

- February 6, 2004 – Shawano-Gresham School District, Shawano, WI. Case number DA04-308:
- March 4, 2004 – Middle Peninsula Juvenile Detention Commission Merrimac Center, Williamsburg, VA. Case number DA 04-600
- March 18, 2004 – Fairfax County Public Schools, Fairfax, VA. Case number DA 04-1395
- March 25, 2004 – Cambria Heights School District, Cleveland, OH. Case number DA 04-777
- February 28, 2006 – Greenfield Public School District. Case number DA 06-487A1
- May 26, 2006 – South Carolina Division of the Chief of Information Officer, Columbia, SC. Case number DA 06-1106
- July 25, 2006 – Wyoming Department of Education, Cheyenne, WY. Case number DA-06-1509
- August 2, 2006 – Utica City School District. Case number DA-06-1574
- August 15, 2006 – Academia Discipulos de Cristo Bayamon, Puerto Rico, et al. Case number DA 06-1642
- February 8, 2008 – Franklin McKinley School District, San Jose, CA. Case number DA-08-319
- December 16, 2010 – Ann Arbor Public Schools, Ann Arbor, MI. Case number DA-10-2354
- January 14, 2011 – Bryan Independent School District, Bryan, TX. Case number DA 11-85
- September 14, 2011 – Tulsa Technology Center. Case number DA 11-1554
- June 12, 2012 – Milburn Public Schools, Milburn, OK. Case number DA 12-895
- February 25, 2013 – Bank Street School for Children, New York, NY. Case number DA 13-237

**(4) A statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought.**

Academy of St Benedict The African seeks relief from the Universal Service Administrative Company's Decision to deny funding for FRN 2390535. Academy of St Benedict The African seeks relief from this decision pursuant to:

- The FCC's Bishop Perry Order [FCC 06-54] and the Wireline Competition Bureau's Academy for Academic Excellence Order [DA 07-1180] found reason to allow for Ministerial and Clerical Errors in Funding Requests.

- Electronic Code of Federal Regulations C.F.R. 47 §1.3 states that The Commission may waive any provision of its rules for good cause shown. We have demonstrated (i) special circumstances that warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.

Thank you once again for taking the time to consider this appeal for Academy of St Benedict The African. Please let me know if you have any questions. Thank you very much for all of your help. We greatly appreciate your time, effort, patience and continued support.

Stephen Weiss  
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233 South Wacker Drive, Suite 3430  
Chicago, IL 60606-2310

Billed Entity Number: 70709  
Form 471 Application Number: 875605  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2012-2013**

April 11, 2014

Stephen Weiss  
Coleman Group Consulting  
233 South Wacker Drive, Suite 3430  
Chicago, IL 60606-2310

Re: Applicant Name: ACADEMY OF ST. BENEDICT -  
LAFLIN  
Billed Entity Number: 70709  
Form 471 Application Number: 875605  
Funding Request Number(s): 2390535  
Decision Letter Date: March 18, 2013  
Date Appeal Postmarked: April 09, 2014  
Your Correspondence Dated: April 09, 2014

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be postmarked within 60 days of the above the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company