



July 16, 2014

Request for Waiver CC Docket No. 02-6

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

To Whom It May Concern:

We are filing an Request for Waiver on behalf of the Gilbert Unified School District #41 for Funding Year 2013.

Billed Entity: Gilbert Unified School District #41
Billed Entity Number (BEN): 142964
Form 471 Application Number: 893342
FRN: 2479233, 2479235, 2479264, 2479269, 2479273, 2501882, and 2501927
Administrator's Decision on Appeal Date: June 16, 2014

Appeal Request filed by:
Nicely Done Consulting, LLC
Ernest N. Nicely, Partner
3820 W Happy Valley Road
Glendale, Arizona 85310

Reason for Denial of Funding Request:

"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."

Basis of Appeal:

The Appeal to the USAC was submitted more than 60 days after the date of the Funding Commitment Decision Letter. The FCDL was dated February 20, 2014 and the Appeal was submitted May 20, 2014 (90 days after the date of the FCDL). The harm to the applicant is eligible entities that otherwise would have been funded were removed from the application; resulting in a cost allocation that substantially reduced the committed funding. The applicant is asking for a Waiver of the FCC Rule requiring appeals to be filed within 60 days of the FCDL.

Background:

The USAC Program Integrity Assurance Reviewer submitted a Request for Information to the applicant. The Request for Information was not remitted to the applicant's consultant nor was the applicant's consultant informed that there was an active Request for Information. The Request for Information was not responded to in the requisite time. The result was that eligible entities were removed from the application that should not have been removed. These entities

have been listed on past applications, and there was no reason to believe that they were now ineligible. The applicant should not be penalized for not correcting an incorrect assumption on the part of the USAC Reviewer.

Corrective Measure:

The applicant is asking for a Waiver of the FCC Rule requiring appeals to be filed within 60 days of the FCDL, and that the eligible entities be added back to the application, as requested; and further that the funding be restored that was reduced from the original application.

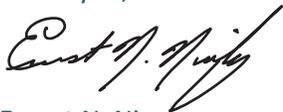
Supporting Documentation:

- ◆ Appeal to the USAC dated May 20, 2014

Additional Supporting Statement:

The procedural error of not responding to the PIA Request for Information in the requisite time does not alter that fact that the application requested funding for eligible entities. Eligible entities should not be removed from funding applications. The applicant is asking the FCC to Waive the rule in order to restore the applicant's position had the procedural error not been made.

Thank you,



Ernest N. Nicely
Partner
Nicely Done Consulting, LLC