

Waiver to FCC
Anthony ISD

May 15, 2014

Request for Waiver

CC Docket No. 02-6

To Whom It May Concern:

We are writing to request a waiver of the deadline for submitting the Item 21 Attachments and the waiver of the deadline for submitting the RAL correction for FRN 2526985 for the FCC Form 471 application number 925534 for Funding Year 2013.

Appellant

Contact Name: Jeremy Ballew

Address: 2101 W Loop 340, PO Box 23409, Waco, TX 76702

Telephone Number: 254-297-2922

Fax Number: 855-372-4312

E-Mail Address: jballew@esc12.net

Applicant Name: Anthony ISD

Billed Entity Number: 142086

Form 471	925534	925534	925534
FRN	2526852	2526985	2527096
SPIN	143000677	143028428	143028428
Vendor Name	Verizon Wireless (Cellco Partnership)	Time Warner Cable Information Services (Texas), LLC	Time Warner Cable Information Services (Texas), LLC
Amount of Invoice	\$4,158.00	(\$1,718.50/mo.) \$18,559.80	\$27,450.00
Requested RAL Correction		(\$2,634.04/mo.) \$28,447.64	

Explanation of Request for Waiver

We are writing to request a waiver of the deadline to submit Item 21 Attachments on the three (3) funding requests listed above on FCC Form 471 #: 925534 for funding year 2013.

We are also requesting a waiver of the deadline to submit the RAL to correct an M & C Error on the FCC Form 471 #: 925534 for FRN 2526985 for funding year 2013..

Background

Timeline of Events

Date on RAL 03/21/2013	Anthony ISD received the 2013 Form 471 (925534) Receipt Acknowledgement Letter, RAL dated 3/21/2013.
Date the district E-Rate person left the district 4/19/2013	On April 19, 2013 the district E-Rate person, Ruben, left the district without submitting the Item 21 Attachments for application 925534. Ruben left abruptly after disagreements with the administrative staff. He did not inform any district employee of the need to submit the Item 21 Attachments nor did he leave the application number and security code so that someone else could submit the Item 21 Attachments. When Ruben left he told the staff that there was "Nothing to be done on E-Rate".
Date PIA started 01/21/2014	In a letter addressed to Ruben , dated 1/21/2014, PIA made some requests concerning Anthony's 2013 Form 471. The PIA request included: Issue I. "You were previously informed that your Item 21 Attachment(s) for Funding Year 2013 FCC Form 471 application 925534, FRN(s) 2526852, 2526985, and 2527096 were not received. We requested a copy of the Item 21 Attachment and proof of timely submission because the Item 21 Attachment is an FCC Form 471 filing window requirement. To date, we have not received a response." Timely submission meant that the Item 21s were postmarked or submitted on or before 5/15/2013.
Date PIA response was emailed to the PIA reviewer 01/24/2014	The applicant's new E-Rate person, Alex , emailed the responses and Item 21 Attachments to the PIA reviewer on 1/24/2014.
PIA Response Due Date 1/28/2014	The PIA response due date was 1/28/2014.
Date AISD contracted with an E-Rate consultant 1/29/2014	Anthony ISD contracted with an E-Rate consultant for support on 01/29/2014. AISD also appointed a staff person, Alex, to work with the district's E-Rate consultant. Alex and the new consultant wait on any response from the PIA reviewer.
Date that a copy of the RAL was requested 01/30/2014	Anthony ISD's E-Rate consultant reviewed AISD's documentation and found a clerical error on FRN 2526985 . Ruben (who left the district) left the E-Rate documentation in such disarray that the consultant had to request a copy of the RAL from USAC on January 30, 2014, Case # 22-586091, so

	<p>that a correction could be made.</p> <p>Alex and the new consultant wait on any response from the PIA reviewer.</p>
Date the RAL was submitted 03/03/2014	<p>The consultant submitted the Form 471 (925534) RAL on 03/03/2014 via the USAC website "Submit a Question" link with corrections marked for FRN 2526985.</p> <p>Alex and the new consultant wait on any response from the PIA reviewer.</p>
Date email was sent to consultant by PIA 03/05/2014	<p>Anthony ISD's E-Rate consultant received an email dated 3/5/2014 from PIA, slidcorresppondence@sl.universalservice.org, stating "... However, we are unable to process your request because FY2013 FCC Form 471 925534 completed the funding commitment process and a Funding Commitment Decision Letter (FCDL) was issued on 3/5/2014. Therefore, <u>your Form 471 Receipt Acknowledgement Letter (RAL) correction request is dismissed.</u>"</p>

Requested RAL correction is below and can be supported with invoices.

	<i>From</i>	<i>To</i>
Form 471:	925534	925534
FRN	2526985	2526985
SPIN	143028428	143028428
Amount of invoice	\$1,718.50 per month	\$2,634.04 per month

Conclusion:

The timeline above clearly demonstrates that: 1) an error was made by an incompetent Anthony ISD employee that is no longer employed by the district, 2) that the PIA reviewer did not communicate with the applicant concerning the date that the application would be sent for processing and as a result of this processing, an FCDL would be issued and 3) that the RAL correction was submitted prior to the issuance of the Funding Commitment Decision Letter.¹ The verbiage used on the USAC website is "issuance" of the FCDL not "committed" to be processed.

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 submitting the FCC 471 Item 21 Attachments and submitting the RAL to make a correction. We understand that under Bureau precedent, deadlines have been strictly enforced for the E-Rate Program, including those pertaining to the Item 21 Attachments and the

¹ USAC website, <http://www.universalservice.org/sl/applicants/step07/invoice-error-codes.aspx> - After issuance of a Receipt Acknowledgement Letter but prior to the issuance of the Funding Commitment Decision Letter (FCDL) for the 'Funding request Number' (FRN), the FRN Funding Commitment has Not as Yet Been Made. Number 20 in column 1

RAL/Corrections to the 471. We nevertheless find that good cause exists to waive the deadlines in this case. We stated that our staff was incompetent and did not finish the filing of the Form 471 with the submission of the Item 21 Attachments. 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 Anthony 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, Anthony 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,



Alex Ramirez
Authorized Person
Anthony ISD

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

Enclosures: 1) LOA, 2) Copy of PIA request, 3) Copy of Form 471 # 925534 RAL submitted online and 4) Email from sl.universalservice.org to jballew@esc12.net dated 03/05/2014 and 5) Copy of the FCDL