

FCC Appeals Order – Alaska Gateway School District

***Alaska Gateway School District (Tok, AK, et. al.) and
Schools and Libraries Universal Service Support Mechanism
CC Docket No. 02-6, Order, DA 06-1871 (Released September 14, 2006)***

Background

- The School and Libraries Division (SLD) denied or reduced funding to over 128 petitioners due to late or no submission of FCC Form 486.
- The 128 petitioners filed appeals to the Federal Communications Commission (FCC) to protest the Form 486 filing deadline to have the Universal Service Administrative Company (USAC) review their forms and allow them full reimbursement amounts due to ministerial or clerical errors.

Discussion

- The petitioners claimed that the late or lack of filing was a result of immaterial clerical, ministerial or procedural errors, or circumstances beyond their control.
- Most applicants filing these forms have other jobs aside from filing E-rate including acting as school administrators, technology coordinators and teachers. In this case unforeseen events or emergencies may delay the completion of the forms because no one else is there to deal with them.
- Form 486 indicates that when services have begun, this form must be filed before the applicants are able to start receiving discounts. The Form must be postmarked 120 days from the start date of the service start date or the receipt of funding commitment decision letter, whichever is later.
- Over the years the FCC Form 486 deadline has varied, due to the start date of the services.
- Complete rejection of funding due to missed USAC procedural deadline that did not violate an FCC rule is not warranted.
- The Commission found that good cause exists to waive the deadline for filing the FCC Form 486 for the petitioners.
- USAC has been directed to create an outreach procedure to better inform applicants of the approaching or passed FCC 486 deadline and procedures.
- The FCC has created a 15 calendar day period after the FCC Form 486 deadline and after written notice from USAC to allow applicants to still file or amend their forms without penalty, but does not eliminate the deadline or any procedures and restrictions.

Conclusion

- Although applicants filed their FCC Form 486 past the deadline and received reduced or denied funding, the FCC has decided to grant their waivers due to good causes. USAC is directed to review the forms and reward or deny funding to the applicants within 90 days.
- The 15 day grace period is now in effect, and applicants will have time to still file their Forms 486 for the full funding amount in case of small clerical or ministerial errors.

FCC Appeals Series, Alaska Gateway. Date of Summary: January 28, 2013, © Funds for Learning, LLC.