Request For Waiver & Review

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

Re: Name: Ger Yeshiva Mesivta Bais Yisroel
BEN: 11559
Funding Year: 2012, 2013
Application: 869123, 919326,
USAC NCAL: 08/21/2015

September 29, 2015

Dear Sirs.

This is a letter for a request for Review regarding the above captioned USAC Notification regarding the following FRN:

FRN# 2369443 – ClearVoice LLC –The information on the bill indicates the Service was provided by Approved Link

FRN# 2508183 – ClearVoice LLC –The information on the bill indicates the Service was provided by Approved Link

The appeal reviewer failed to recognize the fact that Approved Link is just a third party biller. See the attached documentation. FCC Appeal 09292015 Doc 1. Doc 2 & Doc 3. See FCC Appeal Doc 4. A statement by the billing vendor. Had this not been the case an Operational SPIN change could have easily been filed to Approved Link to preserve the award. However since this was not the case the applicant maintains that Clear Voice provided the service.
The issues contained herein are based upon objective and substantiated facts that the Clear Voice LLC appears on the billing statements.

The FCC has already ruled in:

**Before the Federal Communications Commission Washington, DC 20554**

In the Matter of  

Request for Review of the 
Decision of the Universal Service Administrator by  

Bishop Perry Middle School New Orleans, LA, *et al.*  

Schools and Libraries Universal Service Support Mechanism  

File Nos. SLD-487170, *et al.* CC Docket No. 02-6  

**ORDER**

*Adopted: May 2, 2006  Released: May 19, 2006*

By the Commission: Commissioner Copps issuing a separate statement.

While the Bureau has enforced existing filing deadlines for the E-rate program,¹ we find that good cause exists to waive the procedural deadline in these cases. We find that given that the violation at issue is procedural, not *substantive*, we find that a complete rejection of each of these applications is not warranted, especially given that the error in these cases is not the fault of the applicants. **Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds or a failure to adhere to core program requirements revealed by the record in these matters.** Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC’s application procedures does not further the purposes of section 254(h) or serve the public interest.² We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

The Good Samaritan request should be approved as submitted. Failure to do so will result in severe financial hardship for the school.

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¹ *See, e.g., North Dakota Order, 17 FCC Red at 7389, para. 13; Wilmington Public Schools Order, 17 FCC Red at 12071, paras. 7-8; South Barber Order, 16 FCC Red at 18437-38, para. 7.*

² *See 47 U.S.C. § 254(h).*
Sincerely,

Richard J Bernstein,
Consultant  LOA Attached