October 30, 2015

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554
VIA FCC ELECTRONIC COMMENT FILING SYSTEM

Re CC Docket No. 02-6
Petition for Reconsideration
FCC Form 471 Nos. 1051854, 1051855
Applicant: Naa Tsis’aan Community School, BEN 201170

Dear Ms. Dortch,

With this letter Naa Tsis’aan Community School ("NTCS") prays that the Wireline Competition Bureau ("Bureau") reconsider its 9/30/2015 Streamlined Resolution of Requests Related to Actions by USAC Order1 to the extent that the order denied NTCS’s 5/27/2015 Petition for Waiver2, and that the Bureau grant the relief sought.

Background
On 4/30/2015 NTCS submitted to the Universal Service Administrative Company ("USAC") via USAC’s web interface Funding Applications 1051854 and 1051855. The submissions were compliant with USAC’s applicable procedures except that they were submitted on 4/30/20153 – 14 days after Funding Year 2015’s 4/16/2015 application window close date. NTSC subsequently certified these Funding Applications in compliance with Commission rules4 and applicable USAC procedures. On 5/27/2015 NTCS requested a waiver, consistent with precedent5, of the provisions of the Commission’s rules6 regarding funding applications filed after the window close date.

1 See Streamlined Resolution of Requests Related to Actions by USAC, Order DA 15-1105, released 9/30/2015.
2 See letter from Mary Rule, Principal, Naa Tsis’aan Community School, to the Office of the Secretary, Federal Communications Commission (dated and filed 5/27/2015).
3 See Appendix A, showing the USAC webpages which confirm the submission dates of the two Funding Applications.
4 See 47 CFR §54.504(a)(1).
5 See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism, 25
For Funding Year 2015 the Bureau has granted waiver petitions to several petitioners similarly situated to NTCS, i.e., who filed funding applications not later than 14 days after the close of the annual application window; however, NTSC’s petition was denied.

Analysis
NTCS filed its Funding Applications on 4/30/2015, within 14 days of the filing window deadline. The consistent and continuing policy of the Commission and the Bureau is to grant a late-filing waiver in this situation, and the Bureau erred in declining to grant NTCS’s waiver petition.

Request for Relief
For the reasons stated in this letter, NTCS respectfully requests that the Bureau reconsider its 9/30/2015 Order and grant the relief NTCS sought in its 5/27/2015 petition.

NAA TSIS’AAN COMMUNITY SCHOOL
Lolita Paddock

Principal

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FCC Rcd 9256, 9259, ¶ 8 (2010) (Academy of Math and Science Order) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within fourteen days of the FCC Form 471 filing window deadline).

6 See 47 CFR §54.507

APPENDIX A

to 10/30/2015 Petition for Reconsideration
filed by Naa Tsis’aan Community School

USAC webpage images showing 4/30/2015 submission dates for Funding Application Nos. 1051854, 1051855