

October 1st, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

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

Re: Appeal of Lowrey Public Schools (BEN: 140211), for denial of FY 2013 Application 895088 FRN 2432952 and FY 2014 Application 951371 FRN 2587104

Pursuant to 47 C.F.R. § 54.719(a), Lowrey hereby respectfully submits this appeal of decisions by the Universal Service Administrative Company (USAC) to deny FRN 2432952 for Funding Year 2013 and FRN 2587104 for Funding Year 2014.

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The reason for denial:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Signed:

_____/s/_____

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I. INTRODUCTION

Lowrey Public Schools (Lowrey or the District) hereby respectfully requests that the Universal Service Administrative Company (USAC) reverse its decision to deny Schools and Libraries (E-rate) universal service funding to Lowrey for its FRN 2432952 on 471 Application Number 895088 for Funding Year 2013 and FRN 2587104 on 471 Application Number 951371 for Funding Year 2014.

USAC denied the District's request for funding because USAC claims that the District did not select the most cost-effective bidder to provide its Internet access services. To the contrary, as the discussion below will explain, the District satisfied all of the program's competitive bidding rules and selected the most cost-effective services, when it considered price and its other evaluation criteria. USAC's use of a bright-line standard is contrary to Commission precedent stating no such bright-line test exists, and, regardless, *Ysleta* is not applicable here.

Upholding the denials of these applications will preclude a fair and open competitive bidding process in which all bids are fairly evaluated, render the competitive bidding process meaningless and will force schools to select a lower-cost bid, even if not the most cost-effective, contrary to program rules – and possibly their own competitive bidding requirements. For practical purposes, this ruling by USAC will make price the only factor that matters in the E-rate competitive bidding process. That will result in many applicants selecting services that do not provide the best value for them or, therefore, the E-rate program. Such an outcome would not serve the E-rate program or statutory goals. Thus, we respectfully ask USAC to reverse its decision and grant funding to the District for the funding request at issue.

II. BACKGROUND

Lowrey is a small, rural school district in eastern Oklahoma. The District has approximately 150 students enrolled. The District does not have a full time IT person on staff.¹

For Funding Year 2013 the District filed a 470 requesting bids for Internet access and additional services.² The District also released a Request for Proposal on October 8th, 2012.³ Included in this RFP were requests for Internet access and additional services.

The District received two bids for the Internet access portion of the RFP: Meet Point Networks and XO.⁴ After carefully evaluating the bids received, the District selected Meet Point Networks to provide their Internet access under a multi-year contract.⁵

On May 20th, 2016 USAC issued a Notification of Commitment Adjustment Letter that denied the funding request for Meet Point services on FRN 2432952.⁶ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

¹ Affidavit of Jeff Lawrence, paragraph 1

² FCC Form 470 #953120001048477 (FY 2013 Form 470).

³ FY 2013 RFP, Exhibit 1.

⁴ See Exhibit 2, Bids Received.

⁵ FCC Form 471 # 895088, EXHIBIT 3. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

⁶ Exhibit 4, Notification of Commitment Adjustment Letter, dated 5/20/2016.

For Funding Year 2014 the District filed a 470 requesting bids for Internet access and other unrelated services.⁷ The District also released an Invitation for Competitive Bids (IFCB – also known as a Request for Proposal or RFP) on September 30th, 2013.⁸ Included in this RFP were requests for Internet access and other unrelated services.

The District received two bids for the Internet access portion of the RFP: Meet Point Networks and AT&T.⁹ After carefully evaluating the bids received, the District selected Meet Point Networks to provide their Internet access under a multi-year contract.¹⁰

On May 20th, 2016 USAC issued a Notification of Commitment Adjustment Letter that denied the funding request for Meet Point services on FRN 2587104.¹¹ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Lowrey received USAC Appeal Denial Letters for 2013 on August 5, 2016 and for 2014 on August 5, 2016.¹²

⁷ FCC Form 470 # 543770001147790 (FY 2014 Form 470).

⁸ FY 2014 RFP, Exhibit 5.

⁹ See Exhibit 6, Bids Received.

¹⁰ FCC Form 471 # 951371, Exhibit 7. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

¹¹ Exhibit 8, Notification of Commitment Adjustment Letter, dated 5/20/2016.

¹² Administrator’s Decision Letters for 2015, 2014 and 2013, Exhibit 9.

By this letter, the District appeals USAC's decision to rescind its funding commitments.

Commission rules allow 60 days for the filing of an appeal to the FCC.¹³ Because this appeal is filed within 60 days of USAC's decision, it is timely filed.

III. BECAUSE LOWREY SELECTED THE MOST COST-EFFECTIVE SERVICES, ITS E-RATE APPLICATION FOR FY 2013 & 2014 SHOULD BE RE-INSTATED

Federal Communications Commission rules require applicants to seek competitive bids for all services and equipment eligible for E-rate discounts.¹⁴ Applicants are required to "carefully consider all bids submitted" and to select "the most cost-effective service offering" using the price of eligible goods and services as the primary factor.¹⁵ Under section 54.511(a) of the Commission's rules, an applicant "may consider relevant factors other than the pre-discount prices" submitted by providers to determine which service offering is the most cost-effective, so long as price is the primary factor considered.¹⁶

The Commission's *Tennessee Order* ruled there is a presumption of cost-effectiveness when the applicant meets all of the requirements of the competitive bidding process and when the applicant pays its share of the costs.¹⁷ Nevertheless, USAC alleges that the District did not select the most cost-effective service offering. USAC claims that the District's selection of services that cost more than two times another bid violates the Commission's directive in

¹³ 47 C.F.R. § 54.719(a); 47 C.F.R. § 54.720(b).

¹⁴ See 47 C.F.R. § 54.503(a)-(b) (2014). See also *In the Matter of Fed.-State Joint Bd. on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 at ¶ 480 (1997) (*First Universal Service Order*) (finding that "fiscal responsibility compels us to require that eligible schools and libraries seek competitive bids for all services eligible for [E-rate] discounts.").

¹⁵ *Id.* at § 54.511(a) (2012) and (2014). See also 47 C.F.R. §§ 54.503(c)(2)(vii), 54.504(a)(1)(xi) (2012) (requiring applicants to certify on FCC Forms 470 and 471 respectively that the most cost-effective bid will be or was selected).

¹⁶ 47 C.F.R. § 54.511(a).

¹⁷ *Tennessee Order* at ¶¶ 9-12 .

Ysleta.¹⁸ The “standard” used by USAC, however, has never been adopted by the Commission as a bright-line standard for cost-effectiveness. USAC is also applying this standard to compare bids that provide different service components (that are eligible). Further, the dicta in *Ysleta* is not applicable to this case.

A. Lowrey Followed E-rate Competitive Bidding Rules to Select the Most Cost-Effective Bid, Contrary to USAC’s Allegations.

In the *Universal Service Order* establishing the E-rate program, the Commission agreed with the recommendation of the Federal-State Joint Board on Universal Service that schools and libraries should not be required to choose the lowest-priced service but instead should be allowed the “‘**maximum flexibility**’ to take service quality into account and to choose the offering or offerings that meets their needs ‘most effectively and efficiently.’”¹⁹ In the *Second Report and Order*, the Commission codified the requirement that price must be the primary factor when applicants analyze bids they have received.²⁰

Significantly, the Commission’s rules have never required schools and libraries to select a provider offering a lower price, even among bids for comparable service.²¹ Given that price, as

¹⁸ See Funding Commitment Decision Letter; *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District El Paso, Texas, et al.*, Order, FCC 03-313, 18 FCC Rcd 26407, n. 138 (2003) (*Ysleta Order*).

¹⁹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, at ¶ 481 (1997) (*Universal Service Order*) (quoting the Joint Board’s recommendation).

²⁰ See *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, FCC 03-101 (2003) (codifying 47 C.F.R. §54.511(a)) (*Second Report and Order*); see also *School and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808 (2004) (codifying 47 C.F.R. § 54.504(b)(2)(vii) and 47 C.F.R. § 54.504(c)(1)(xi)) (*Fifth Report and Order*).

²¹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9029, para. 481 (1997) (subsequent history omitted) (*Universal Service Order*).

a category, only has to be weighted one point higher than any other category,²² however, it is quite likely that a vendor could be awarded fewer points in the cost category yet still win the bid based on points earned in the technical (non-price) categories. In fact, the Commission has stated repeatedly that price cannot be the only factor for the obvious reason that “price cannot be properly evaluated without consideration of what is being offered.”²³

The District met the Commission’s requirements by giving more weight to price than to any other factor it used in the selection process and by appropriately awarding points in the other non-cost factors. The bid evaluation sheets used by the District allotted a maximum of 40 points for the price of eligible goods and services.²⁴ The only other category, service history, was weighted with half as many points available as price of eligible goods and services (service history had 20 points available).²⁵

For both 2013 and 2014 Lowrey received two bids for its Internet access services. In 2013: XO and Meet Point, in 2014: AT&T and Meet Point.

Meet Point received higher scores for service history based upon the District’s direct experience with the people that ran Meet Point in previous funding years. The staff at Meet Point had been responsible for initiation of the Internet services; configuration of the router; determining the cause of any issues with the services and resolving those issues; and the configuration, administration and issue-resolution of email services. Their work ethic

See also Tennessee Order at ¶ 9 (“Even among bids for comparable services, however, this does not mean that the lowest bid must be selected.”).

²² If, for example, a school assigns 10 points to reputation and 10 points to past experience, the school would be required to assign at least 11 points to price. *See Ysleta Order* at ¶ 50, n. 138.

²³ *Tennessee Order* at ¶ 8.

²⁴ 2013 Bid Evaluation Sheets, Exhibit 10. 2014 Bid Evaluation Sheets, Exhibit 11.

²⁵ *Id.*

demonstrated a commitment to providing the best services for the District. The District describes that the staff that run Meet Point “provided service that was far above and beyond what others, including AT&T...did in the past.”²⁶ The District also notes that “Meet Point would always score high due to their **outstanding service and reliability**. I am sure ALL schools using Meet Point will attest to this. This is no coloration, just good, honest service.”²⁷

This type of work ethic and dedication, (including the fact that the school had a direct line of communication to the owners of Meet Point – the owners provided their cell numbers) are especially important to a school district that had no full time IT staff. Jeff Lawrence is the only person on site that can deal with technology issues. Jeff is a full time teacher and simply does not have the time to address significant technology problems. Lowrey felt that it was essential that it had a company that could resolve any issues in the most expeditious manner possible.²⁸ It was not beneficial for the district to have a service that required a lot of staff time in the restoration process. When the Internet is down, the teacher cannot skip a lesson or wait until next week when the Internet is working again. Every minute of classroom time is valuable, especially with the demands upon the education system today. Similarly, online testing cannot be pushed to a different time. Therefore, service quality (and the ability to quickly restore that service) is an essential component of the selection process. As the Commission has noted, “[A] school should have the flexibility to select different levels of services, to the extent such flexibility is consistent with that school’s technology plan and ability to pay for such services.”²⁹ The quality of service and responsiveness when problems arise are especially important to small districts that have few employees focusing on technology.

²⁶ Lawrence Aff, ¶ 9(iv)

²⁷ Lawrence Aff, ¶ 14 & 18

²⁸ Lawrence Aff, ¶ 9(v)

²⁹ *Tennessee*, Para. 9

Lowrey considered the services that were offered in the bid, as the Commission explicitly recognized in *Tennessee*, and selected the bid that met its needs “most effectively and efficiently.”³⁰ To meet the needs of its students and teachers, Lowrey required an Internet access service that provided strong network security.³¹ Meet Point received higher scores because they were they offered services that neither XO nor AT&T included in their bid – specifically on-site tech support and firewall services.³² XO’s bid was a one-page pricing sheet with no description of any services at all.³³ As noted by the Commission, applicants cannot properly consider price without consideration of what services are being offered. Here, Meet Point offered additional services that neither XO nor AT&T included in their bid proposals.

Additionally, AT&T’s pricing and bid was not a firm or final offer and thus the true price of their service is not reflect on their bid. On page three of their bid, AT&T states that “If you wish to proceed with this offering please contact me, so I can conduct a check of AT&T network fiber placement that would serve your location. This check will determine if any special construction charges would apply.”³⁴ AT&T didn’t even bother to do the engineering work before they sent the quote, and the quote was not their firm and final offer. In fact, when the District had used AT&T’s service in the past AT&T had informed the District that they would no longer support the copper connection the district previously had, because the district was so remote.³⁵ The District had no faith that the price listed on the bid was the final price and had good reason to do so.

³⁰ *Tennessee Order* at ¶ 9

³¹ Lawrence Aff. ¶ 9(iv)

³² Lawrence Aff. ¶ 15 & 18

³³ See Exhibit 2, Bids Received.

³⁴ *Id.*

³⁵ Lawrence Aff. ¶4

In contrast, AT&T received lower point awards for service history because of their poor past performance with the district. Mr. Lawrence notes: “In the past, the district’s Internet access with AT&T would go out anywhere from one day to a week anytime it would rain. The district could spend hours on the phone with AT&T technical support just trying to establish a trouble ticket. Almost every time a new technician came out, so they were unfamiliar with our set up and that took more time. AT&T seemed to be too big” for the district’s needs.³⁶ Lowrey needed reliable Internet access, and their past history with AT&T informed them that they would not get the reliability, or the ability to quickly restore the service, that the District so desperately needed.

Lowrey evaluated the Internet access providers based on categories that it determined were important. That evaluation led Lowrey to select the service provider with the offer that best met the District’s needs. It choose Meet Point because it determined that the service history, expertise of the company, location, and the company’s understanding of the District’s needs were superior to that of AT&T and XO – as allowed and encouraged by Commission orders and E-rate program rules.

B. The Commission Has Never Established a Bright-Line Standard, as USAC Has Done Here.

After adopting the guidance on cost-effectiveness in *Tennessee*, the Commission declined to adopt a bright-line standard for cost-effectiveness. In the *Third Report and Order* – released two weeks after *Ysleta* – and in a paragraph directly referencing *Ysleta*, the Commission specifically noted it did not have a bright-line test for cost-effectiveness: “**Nor do our rules expressly establish a bright line test for what is a ‘cost effective’ service.**”³⁷ The Commission

³⁶ Lawrence Aff. ¶ 18

³⁷ See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-323, at ¶ 87 (*Third Report and Order*) (“Our rules do not expressly require, however, that the applicant

has twice sought comment on whether to adopt specific standards or provide additional guidance with respect to this rule, but has so far declined to do so.³⁸

Contrary to these Commission declarations, however, USAC points to *Ysleta* as support for stating that Lowrey's services are not cost-effective, by stating that the services selected through Lowrey's competitive bidding process were more than two times the XO and AT&T bid. There are several problems with USAC's reliance upon *Ysleta* here. First, USAC appears to be establishing a bright-line rule even though the Commission has expressly stated that it has not adopted a bright-line standard.³⁹ As USAC is aware, USAC cannot interpret Commission rules.⁴⁰ As such, USAC should not use a bright-line standard of "two times" other bids to determine that services selected through Lowrey's competitive bidding process are not cost-effective. Further, the Commission directed USAC to review its approach to cost-effectiveness

consider whether a particular package of services are the most cost effective means of meeting its technology needs. Nor do our rules expressly establish a bright line test for what is a "cost effective" service."); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100, at ¶ 213 (*Modernization NPRM*) ("[W]e seek to refresh the record on whether we should adopt bright line tests, benchmark or formula for determining the most cost-effective means of meeting an applicant's technology needs."). It is notable, however, that the Commission appeared to focus on situations where no bid or only one bid was received, and those situations where applicants are selected expensive priority one services simply because they are supported, even though they are unnecessary or when less expensive services would fill the same need. *Modernization NPRM* at ¶¶ 203, 212-213.

³⁸ In 2003, in the *Third Report and Order*, the Commission sought comment on whether it should codify additional rules to ensure that applicants make informed and reasonable decisions in deciding for which services they will seek discounts. *Third Report and Order*, at ¶ 87. In the *Modernization NPRM*, the FCC sought comment on adopting new standards for cost-effectiveness. *Modernization Order*, at ¶¶ 211-216. In the *First Modernization Order*, the Commission provided limited guidance related to the showing of cost-effectiveness necessary to receive funding for data plans for wireless devices and wireless air cards providing Internet access. The Commission ruled the wireless services are not cost-effective if they are duplicating service already being provided. *Id.* at ¶ 151.

³⁹ See *Third Report and Order* at ¶ 87; *Modernization NPRM* at ¶ 213.

⁴⁰ 47 C.F.R. § 54.702(c).

reviews and then share the information with applicants and services providers before it attempts to implement a new approach, with oversight performed by the Wireline Competition Bureau and the Office of the Managing Director.⁴¹ As of the date of filing this appeal, USAC has not provided this information. It is a potential violation of the Administrative Procedure Act and, at a minimum, fundamentally unfair to applicants to adopt a new standard of review and simply not tell the applicants what the standard is before holding them to it. In fact, the Commission should seek comment in a rulemaking process to establish a new standard, as it has done twice before without adopting such a standard. As the Commission has recognized by seeking comment on this issue, the Commission should adopt an order revising its own precedent if it desires to do so.⁴²

Second, *Ysleta*'s facts are not applicable to this situation. The Commission in *Ysleta* analyzed a competitive bidding process in which the school district received one or no bids.⁴³ Lowrey sought bids through the FCC Form 470 process for its E-rate eligible services. In *Ysleta*, the Commission stated – in dicta – that a price for a piece of *equipment* two to three times “the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances.”⁴⁴ The example the Commission gave in *Ysleta* was of a piece of equipment. Equipment, unlike services, are commodities and more easily comparable. Even so, people often make purchasing decisions based on the quality of the brand of the product. The same is true – and even more so – for services. Evaluations of competing services are, of course, different than

⁴¹ *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Connect America Fund*, WC Docket No. 90-90, Second Report and Order and Order on Reconsideration, FCC 15-189 (2014) at ¶ 126.

⁴² *Third Report and Order*, ¶ 87; *Modernization NPRM*, at ¶¶ 213.

⁴³ *Ysleta* at ¶ 54.

⁴⁴ *Id.*

evaluating bids for the same piece of equipment. When evaluating a service, Applicants will have to consider the reliability of the service, the ability of the service provider to restore service in downtimes (including the technical expertise of the staff), and if the service provides the elements the Applicant would be purchasing (for example, are we really getting the amount of Internet access we have ordered?). Accordingly, USAC should not use *Ysleta* to support its analysis when comparing services, especially when the bids are different and include different, eligible services – such as on-site technical support and firewall services. As described above, Lowrey compared the quality of services of Meet Point with the services provided by XO and AT&T and reached the conclusion that Meet Point’s services were superior.

Third, the *Ysleta* decision does not establish a standard that applicants are precluded from selecting bids that are twice as expensive as “the lowest bid.” The standard in *Ysleta* is “two or three times” the prices that are **commercially available** for those services,⁴⁵ which begs the question: *What would have been the pricing of the lower bidders had they included the additional, eligible services that Meet Point provides, or if those lower-priced bidders had the level of expertise of the Meet Point staff?* Of course, the answer to that question is “unknown” which means comparing these two bids using the *Ysleta* standard is a moot exercise and is not a fair evaluation of what is and is not cost effective.

Is Meet Point’s bid “too expensive” for USAC to fund? We disagree with the conclusion that it is. The only way to determine if the bid is “too expensive” is to compare it to other commercially available services. USAC did not compare Meet Point’s bid, which provided for different levels of support (cell phone numbers for the principals, on-site support and turn up) and different services (firewall services) than the other bidders, to other similar, commercially

⁴⁵ *Id.*

available offerings. USAC, in trying to make that determination could have surveyed local providers to determine what the commercially reasonable local price would be for a similar set of services (both scope and quality), or USAC could have used existing information they have gathered via 471 submissions about similar Internet access services provided in Oklahoma. We believe the price that Meet Point charges, given the level of support, the technical expertise of their staff and additional services offered, is commercially reasonable.

Additionally, we note that USAC funded the 2013 and 2014 FRNs for the District. USAC knew exactly how much they were paying for exactly how much bandwidth. USAC has cost-effectiveness standards before they fund applications to “red flag” funding requests that are out of a normal range. Neither the District’s 2013 or 2014 FRNs triggered one of those USAC pre-funding cost effectiveness review. For USAC to fund the FRN, knowing exactly how much they were paying for a specific amount of bandwidth and services and then years later demand that the District repay that funding is patently unfair to the District.

Finally, the Commission in *Ysleta* was also describing a situation in which there was only one bidder, and therefore no competitive bidding, this precluding the applicant from any comparison of services or price.⁴⁶ In such a case, the applicant is at the mercy of the service provider’s pricing and does not have a choice as to providers. Lowrey was not held hostage to one provider. It received multiple bids and made a reasoned judgment regarding the services and comparative costs that met its needs through its competitive bidding process.

The reason that Lowrey selected a more expensive service provider – even though funding for schools is tight in Oklahoma – is that a properly functioning Internet service is critical to the success of its students. The evaluation categories of location, service history,

⁴⁶ *Id.*

expertise of the company and understanding the needs of the District all relate to whether the Internet access service will function as expected or be repaired as quickly as possible. Internet access services are as important to Lowrey as its other utilities, including heat and water. With the way the curriculum is structured, the schools simply cannot function if the Internet is not accessible. It is not cost-effective for either the District or the E-rate program to pay for an Internet service – no matter how inexpensive it is – that does not further the goal of providing students with access to greater educational opportunities. Further, the District believed it was cost-effective for its needs as a small, rural district, to pay extra for a service that included enhanced levels of support and protection (*i.e.*, the firewall). Lowrey chose the service provider that was most cost-effective for its needs.

C. USAC’s Decision in This Case Undermines Program Policies and Goals

Application of USAC’s decision on a consistent basis will not further E-rate program policies and goals. First, it will force applicants in some cases to select a provider that does not offer the most cost-effective services for the applicants’ needs – and likely could cause applicants to perform a disingenuous bid review process. Second, this decision could require applicants to weight price more heavily in the bid evaluation process – which is not required by Commission rules – in order to try to meet USAC’s newly created standard. Finally, the District will suffer significant harm if its funding is denied.

First, USAC’s attempt to second-guess the work of the District will force applicants to select a lower-priced offering, regardless of quality or other relevant criteria, so they will not be subject to second-guessing months or years after the conclusion of the competitive bidding process. To prevent this potential denial of funding, applicants will be forced to select a lower-

price bidder, notwithstanding their review of the vendors' bids using the other factors important to the individual applicants.

Using such a standard will lead to a disingenuous bidding process. Applicants are required to consider all valid bids received.⁴⁷ Is it really USAC's position that an applicant must evaluate a bid that is two times more expensive than the other bids, but that bid (under USAC's interpretation of *Ysleta*) must always lose? Are applicants supposed to manipulate the evaluation process so that the more expensive vendor receives fewer points, notwithstanding the reviewer's actual analysis of the bid responses? A fair and open competitive bidding process cannot have pre-determined outcomes. Such a result could cause applicants to violate their own competitive bidding requirements. Further, what is the point of allowing the applicant the "maximum flexibility" to consider service history, quality of service, or other reasonable factors of a bid that USAC has pre-determined must always lose? An applicant that follows all of its own state and local procurement rules should not be prohibited from selecting a bid that meets its needs, but for a non-codified standard that USAC has decided to impose. If it is truly the intention that bids that are twice as much as the lowest bid are, on face, not cost-effective and should never win, then the program should explicitly allow applicants to disqualify those bids before the bid evaluation process begins, even if no disqualification factors are listed by the applicant in the FCC Form 470 and/or RFP. As it stands right now, applicants are required by FCC rules to evaluate all bids received and applicants do not have the authority to disqualify bids that are twice as expensive as the lowest bid received.

Second, USAC's process to determine cost-effectiveness is flawed. USAC's current interpretation of *Ysleta* places the applicant in an untenable position - the applicant is required to

⁴⁷ 47 C.F.R. § 54.511(a).

evaluate all bids, required to use specific bid criteria weighted in a specific manner and conduct an open and fair competitive bidding process. Even when an applicant complies with all of these rules and follows all of the approved processes, if a bid is awarded the most points and determined to be the best fit for the applicant's needs, but is twice as much as a lower bid, what can an applicant do? The applicant can't simply throw out the bid or disqualify it – not only would the winning bidder have legal recourse against the applicant should the applicant throw out that bid, but the applicant could very well be in violation of local or state competitive bidding rules for not proceeding with the bid that was awarded the most points. Under USAC's interpretation of Ysleta, that bid should never win, but using the FCC's competitive bidding process and rules it did. What is the point of following all of the competitive bidding rules if it produces an outcome that USAC won't fund?

There are no allegations of competitive bidding rule violations by the District. USAC's concerns about cost-effectiveness seem better directed at the bid evaluation process that produced an outcome that USAC deems too expensive (perhaps the Commission should set more stringent procedures for weighting Price of Eligible Goods and Services at 50% of the total available points) than directing those concerns at the District. How can a winning bid be determined to be "too expensive" by USAC if the applicant properly evaluated price (and correctly awarded points) according to the Commission's rules and procedures?

Third, USAC's denial suggests the price differential should have been weighted more heavily than the District weighted it. To reach such a result, USAC is effectively overruling

Commission precedent that only requires that pricing be given at least one more point than any other individual category.⁴⁸

At a minimum, USAC's decision here substitutes its judgment on the merits of the competitive bidding process for that of the District. When the Commission established the rules for the E-rate program in 1997, it stressed that a fundamental principle would be the determination of local needs by local decision-makers regarding what services would work best for that school or school district.⁴⁹ It did not try to impose a top-down regime where the federal government decided the merits of each service choice of a particular school or district. The idea was that the thousands of schools and districts would know their own technology needs better than the federal government. The Commission has not wavered from this principle. If this decision stands, USAC would be free to evaluate the merits of the respective bidders without the knowledge that applicants have regarding service quality, service history, personnel qualifications, and the value they are receiving for the services purchased. There is simply no way USAC can make a proper evaluation of the bids without that information. In this case, while Lowrey has attempted to provide that information in responses to USAC's reviews, it appears that USAC has discounted the information or failed to take it into consideration,

⁴⁸ As described above, USAC appears to be going beyond Commission precedent to establish a new standard without basis in Commission precedent. USAC, however, is not authorized by the Commission to interpret Commission rules. Under the Commission's rules, USAC "may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress." 47 C.F.R. § 54.702(c). To the extent the Commission's rules are unclear, USAC has no authority to act without first seeking guidance from the Commission. *See id.* Moreover, the District proceeded entirely in accordance with Commission precedent when it evaluated relevant factors other than price. As a result, USAC has acted outside its authority by finding that Lowrey, despite having strictly followed the Commission's rules and precedent, failed to adhere to the Commission's requirements. Furthermore, if the Commission decides that a revision to the rule would advance program goals, such an interpretation should be provided by the Commission before it is applied, and following a notice-and-comment rulemaking.

⁴⁹ *Universal Service Order* at ¶¶ 481, 574.

focusing exclusively on the price of the services.

D. If USAC Still Finds the Services Were Not Cost-Effective, USAC Should Commit Funding for Lowrey at a Level That Is Cost-Effective

USAC should, at a minimum, approve part of Lowrey's funding request. There is precedent for such an approach. In the *Fifth Report and Order*, the Commission provided direction for USAC for recovery of funding when it was improperly disbursed.⁵⁰ Cost-effectiveness is not directly addressed in that order.⁵¹ However, some of the other illustrations provide guidance for the cost-effectiveness rule. If a carrier charges the beneficiary "an inflated price," the *Fifth Report and Order* directs that USAC should recover amounts disbursed in excess of what similar situated customers are normally charged in the marketplace."⁵² Similarly, here, if the standard is that cost two times other pricing is not cost-effective, then, by implication, a price 1.9 times the cost is cost-effective. As such, USAC could calculate the cost of the eligible service at 1.9 times that of a lower price and fund that amount for Lowrey. In addition, the Commission has ruled that, when two providers are providing the same service and one is

⁵⁰ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, FCC 04-190 (2004) at ¶¶ 15-44 (*Fifth Report and Order*).

⁵¹ *Id.* The Commission states that full recovery is appropriate for competitive bidding violations. However, this is not a competitive bidding violation. USAC found no issues with the competitive bidding process; it disagreed with the outcome. There are no allegations that the process was not fair and open, price was not the primary factor or that bids were not solicited for at least four weeks.

⁵² *Fifth Report and Order* at ¶ 30. The Commission also discusses situations in which the beneficiary has requested a "clearly excessive" level of support. That situation is not applicable here, as the examples are those when the beneficiary is requesting a number of lines or equipment that is beyond what is necessary. There is no dispute here that the District requires this level of capacity for broadband services, nor are there any allegations that these services are duplicative or redundant.

less expensive, the applicant shall be reimbursed for its Internet connection at the lower rate.⁵³

Following that logic, USAC could reimburse the applicant at the rates offered by a different provider. Such an approach would minimize the harm caused by USAC's delay in determining it had an issue with Lowrey's selection of Meet Point as its service provider.

* * *

For the reasons stated above, the District respectfully requests that USAC reconsider its initial decision and grant its funding requests for FY2013 and FY 2014. As the foregoing has demonstrated, the District met the Commission requirements for competitive bidding, and selected the most cost-effective bid available to meet its needs.

List of Exhibits

⁵³ *Schools and Libraries Universal Service Support Mechanism*, Requests for Review by Macomb Intermediate School District, CC Docket No. 02-6, Order, FCC 07-64 at ¶ 9 (2007). This rule is applicable when the applicant could have purchased all of the services from one provider at the lower rate but chose not to, and when the services provided do not exceed the total capacity required.

Exhibit 1: 2013 RFP

Exhibit 2: 2013 Bids Received

Exhibit 3: 2013 471 Application

Exhibit 4: 2013 COMAD

Exhibit 5: 2014 Invitation for Competitive Bid (AKA: RFP)

Exhibit 6: 2014 Bids Received

Exhibit 7: 2014 471 Application

Exhibit 8: 2014 COMAD

Exhibit 9: Administrator Decision Letters

Exhibit 10: 2013 Bid Evaluation Sheets

Exhibit 11: 2014 Bid Evaluation Sheets

Affidavit

**Before the Federal Communications Commission
Washington, D.C.**

In the Matter Of)	
)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver)	Application Nos. 895088 and
By Lowrey School District 10)	951371
of the Funding Decisions by the)	
Universal Service Administration Company)	

Affidavit of Lowrey School District 10

I, Jeff Lawrence swear:

BACKGROUND

1. I have been employed by Lowrey schools for 29 years. I have served as the middle school science teacher and tech director for the last 12 years. I am a full time classroom teacher, sometimes coach, G/T Coordinator, as well as some other duties. I have one class period a day to perform all technology related services for Lowrey School. Lowrey School while small is a one to one laptop school. So we have a one to one computer, tablet, laptop equivalent per student served.
2. I have served as an advisor on Lowrey's technology needs for about 15 years. When our previous Superintendent Scot Trower (2005-2010) left the responsibility of ERATE fell on me.
3. I have a Master's Degree in Science and Science Education. I am a professional classroom teacher. I have not had training courses in technology. Our school is very small and rural so I have served as its tech. director for the last 12 years due to the fact I

know more than others. It is an extra duty contract added to my teaching contract. I have never sought or applied for this position. As is common in many small rural schools, someone within the district has to assume the other responsibilities so that the school can function. Some of my former Supt. had enough of a tech background to do part of this job description such as ERATE, OUSF, and other programs supporting technology. My current Supt. Bryan Hix has NO technology experience so I have had to fulfill that role.

4. Lowrey has 3 buildings,

- (1) One for Pre-k, Kind., first grade, Speech Path resource room, and teacher resource room.
- (2) #2 for grades 2nd, 3rd, the school Library and our Special Education Program.
- (3) #3 for grades 4th – 8th, (Lowrey is a K-8 dependent school) also the Office and all admin staff, the cafeteria and its staff, gymnasium, coaches office and bus garage.

There are on average 150 students, with 13 full-time teachers, 9 staff members, 4 paraprofessionals, plus our whole campus is wireless and it is available to public while on campus. Our campus is very rural. There are no houses even near our school. All of our students come from rural homes. We are 14.5 miles from the nearest town. Due to our remoteness, we were notified by AT&T, four years ago that they (AT&T) would no longer be able to provide us with service or support the two 1.5 mbps copper lines. That resulted in us having to look for other vendors. It was a scary time. Lowrey along with two other schools in Oklahoma both rural (Ryals and Mason) were told the same thing by AT&T.

5. Lowrey is a one to one Laptop school and a complete wireless network school. Our students have also been able in the past to take those devices home to use.

One tech director: (ME) Jeff Lawrence who is also a full time teacher. I had actually semi-retired two years ago and now am teaching 5th, 6th, 7th, and 8th grade science, G/T Coordinator and other duties along with tech director all for the pay of \$15,000.00 dollars a year, which is much, much below the standard pay I should receive. Oklahoma is having a critical funding issue costing the schools by continual cutting that started back in 2008 and still continues today. I only agreed to help for such low pay in order to help and support the school, community. Lowrey school like many in Oklahoma are in a funding crisis.

As a one to one school 3 mbps of copper was not sufficient, as stated above AT&T pulled the rug out from beneath us, leaving us not options. By finally finding a solution with COX we were able to bring fiber to a very rural remote area, which now also will serve homes in our community at some point separate from school of course. Our school asked for 10.5 mbps and it was granted. With the one to one 10.5 mpbs is sufficient until we have to do updates or testing. Constant updates of laptops, tablets and iPads uses a lot of bandwidth. When performing this function our internet is overloaded, meaning I have to do it after school, show up at school the next morning at 4:30 am to continue and this still takes 2-3 weeks to complete. Remembering that I am not a full-time tech person. I have teaching and other responsibilities and duties. Small rural schools have fewer resources and people to perform the same functions required of all schools. There is a lot of pressure to make sure these duties are carried out. I have to make sure the SIF (Schools grading, and information system) is up to date and running every day for attendance, lunch counts, grades, and many other reports. Also that the wireless network is running and all servers, etc, etc, etc. We currently have 20 mbps which gives us a robust running capability on most days. However, as stated above many times we are using 100% of that 20 mbps. ALL of our teachers use online learning systems such as Study Island, Google Classroom,

Dibels, Renaissance Learning, ABC School, StarFall, Accelerated Reader and Accelerated Math, plus many more. When several classes are online at the same time we are pushing the extent of our 20 mbps line.

IMPORTANCE OF TECHNOLOGY

6. ALL of our teachers use online learning systems such as Study Island, Google Classroom, Dibels, Renaissance Learning, ABC School, Starfall, Accelerated Reader and Accelerated Math, plus many more. When several classes are online at the same time we are pushing the extent of our 20 mbps line. I have also served in the NOAA Teacher at Sea Program communicating with my students from the South Atlantic 7,000 miles away, interviewing other scientist and answering student questions live online via SKYPE and other systems. I am also a GLOBE teacher and regularly do joint classroom science projects with other schools in the US and around the Globe. Our students participate daily in online activities directed by teachers. MY teachers use KAHN Academy, Teacher Tube, YouTube, and many other video online programs that of course use a lot of bandwidth. Our teacher use TeacherEase to do all Lesson Plans, which is online, along with PowerTeacher to do attendance, and PowerGrade to do grades all online and teachers stayed logged into those programs all day each day. I have also kept a school website with all school activities, calendars, athletic schedules, photos of student activities and fieldtrips, directions to our rural school, school board members and staff information, plus all school board minutes.
7. If our internet access was down there would be NO one to one initiative, our school would not be able to FUNCTION! Matter of fact on rare days when internet is down

because some cut a line may a 100 miles away, my admin staff say they cannot do any work, sometimes they may even go home. The ADMIN staff, are on our SIF and other school related sites every hour every day! NO INTERNET---NO SCHOOL! The state requires many things that are all done electronically, schools can no longer function without an internet connection. Even if we were cut back to the 3 mbps of years ago we would not be able to run any computer labs or students oriented computer applications that require internet, including TESTING and Benchmarking, which is required by the state. All of our testing is now online. At 3 mbps we might only be able to support basic admin functions for admin staff and teachers. No online support of google classroom, video streaming for class lessons, or educational websites that are students use daily. THIS WOULD BE CATASTROPHIC!

8. We are 14.5 miles from the nearest town. Due to our remoteness, we were notified by AT&T four years ago that they (AT&T) would no longer be able to provide us with service or support the two 1.5 mbps copper lines. That resulted in us having to look for other vendors. It was a scary time. Lowrey along with two other schools in Oklahoma both rural (Ryals and Mason) were told the same thing by AT&T.

As I understand the bidding process, many things are taken into account including reliability of service. When we were with AT&T every time it rained much we were without service anywhere from one day to a week. The copper lines were not reliable. Lowrey's ISP NewNet 66 were very instrumental in making sure AT&T got out to our school to fix things, they would also monitor our internet from offsite on weekends, holidays, and in the summer, always informing me of problems and in many cases resolving those for Lowrey.

THE PROCUREMENT

9. In my 12 years as tech director, I have done my best to keep our school current with available technology:

- i. We needed affordable connectivity sufficient to handle our needs; We are a one to one laptop wireless campus and need very minimum of 10.5 mbps, but to fully support one to one and admin needs, Lowrey School needs 20 mbps of internet capability.
- ii. We needed reliable connectivity to support the learning and teaching experiences; and to do daily teacher/student related requirements such as attendance each class period, grade recording for each class period per student, SIF activities including lunch count, breakfast count, and after school program count. Plus all students must enter a code each day that each lunch to keep an electronic record. When Lowrey only had 3mbps of capability, teachers could not show online videos for classroom instruction and students could not all access the internet at the same time, and the one to one laptop initiative could not be supported.
- iii. Online blocks as well as those provided by each laptop, desktop, or other device are not adequate to ensure that what is required by ERATE, Federal and State required mandates as it relates to internet security. We used a filter via NewNet66 for years that was easy to manage and worked well.

iv. We needed network protections (i.e., firewall) sufficient to protect the network from third-party spam, attacks, and viruses. NewNet66 our ISP also helped Lowrey to maintain its Firewall which was a Juniper. I do not have the technical expertise to manage a firewall, which is really an issue during testing and for our Special Education Program. Special rules had to be set up in the Firewall to make sure all worked properly. Lowrey Schools ISP NewNet 66 at the time provided this service far above and beyond what others including AT&T, and OneNet did in the past. Meet Point also provided head to end firewall services that I lack the expertise to provide the district. As a matter of fact since switching back to OneNet, they (OneNet) have disconnected my firewall without informing me, which left us much more vulnerable than we ever were before. NewNet66 and later MeetPoint went far and above what they were required to provide and have always provided a superior level of support far and above all other vendors. However, since switching to OneNet I have found that they are much better than they were years ago when we first used them, but still not up to par with NewNet66/Meet Point. By ERATE standards points are awarded based on reliability and service. I, nor Lowrey School have ever had any thought for defrauding anyone at any time. I consider myself to be honest to a fault. Vendors were chosen on a fair bidding process and stated by the requirements on USAC and the ERATE program.

- v. We needed to ensure that, if the network went down, our provider would be available to assist with restoring service as soon as possible. ***Primary importance. Without reliable service it is impossible to plan lessons and perform daily-required functions from the school to the state of Oklahoma via the WAVE Program, etc. With AT&T it was not uncommon to be down during rainy weather, also as stated several times, AT&T decided at some point they could not provide service for Lowrey.

10. Accordingly, I decided what evaluation criteria to use to evaluate the bids received.

Example below: As shown Price is awarded the most points, lowest to highest. Service History, MeetPoint fulfilled these much better than others. Many times they would let me know if there was a network problem before I was even aware. Also Lowrey would receive emails about possible threats from viruses, spam, emails, etc.

11. I received a list of possible categories from our consultant, CRW Consulting, but I determined which categories we would use for evaluation of the bids.

12. The competitive bidding process was fair and open. Meet Point did not have any role in the development of the RFP nor did it have any information not available to any other bidder. I have NEVER had any dealing with MeetPoint other than as an ISP. They never contact me by phone or email on any things relating to bidding for ERATE or other services. They submit an RFP just like anyone else. I would not even call to discuss this

with them, just the same as with other vendors. Due to the rural remote location of Lowrey School, very few vendors would even bid. As stated above AT&T DISSONNECTED from Lowrey and only COX could provide an answer and solution, which in the following years their outside footprint became what MeetPoint bid for.

THE EVALUATION PROCESS 2013 (Internet)

13. I decided to use the categories Price of Eligible Goods & Services and Service History. I used these categories for both vendors. As stated earlier MeetPoint was usually the best in service history but not cost. I feel that if USAC wanted this to be the primary if not only category to be awarded points, it should have been stipulated. That would have allowed all the schools that chose a higher vendor to know that only price was being considered.

14. **Price of Eligible Goods and Services:** (40 pts) Most points awarded, I usually gave anywhere for 15-40 points depending on the price.

Service History: (20 pts.) MeetPoint would always score high due to their outstanding service and reliability. I am sure ALL schools using MeetPoint will attest to this. This is no collaboration, just good honest service. I might add something hard to find today. MeetPoint would provide an answer to my technical questions, if they did not know they would find it, on their own time and expense.

15. In the years 2013 and 2014 I (Jeff Lawrence) completed all the bid sheets. Previous years I had a superintendent that had some technology background and he took care

of most of this. In 2011 Lowrey had a new superintendent with no technology expertise and the job of fulfilling the ERATE/USAC requirement fell on me.

It usually took several days to complete the bid evaluations, depending on how many I had to evaluate. Sometimes I would have to call a vendor to get further clarification, since I had never met with them. I NEVER had to meet with MeetPoint because it was always clear what they were providing.

- a. Due to our rural location, Lowrey did not receive many bids. Our school does not get wireless phone service with AT&T and only very sparse service with Verizon. WE are very REMOTE.
- b. We bid for support and upgrading our network infrastructure, both years in questions we did NOT receive Cat 2 funding.
- c. Lowrey was no longer in the Cox foot print to provide service, so we had to select a new service provider. XO's bid did not include firewall or onsite services.

THE EVALUATION PROCESS 2014 (Internet)

16. I decided to use the categories of Price of Eligible Goods & Services and Service History.

Price of Eligible Goods and Services: (40 pts) Most points awarded, I usually gave anywhere for 15-40 points depending on the price.

Service History: (20 pts.) MeetPoint would always score high due to their outstanding service and reliability. I am sure ALL schools using MeetPoint will attest to this. This is no collaboration, just good honest service. I might add something hard to find today.

17. Service history and Expertise is vital for a small rural school with only part-time support at the district level. We must defer in many cases to someone with more expertise than I have. In most cases very few are willing to provide service to small rural schools with limited budgets and remote sites. I had used OneNet early in the ERATE process, Late 90's. They were very poor in support and I could not understand what they were talking about. Fifteen years later I find that they are much better, but at the time very poor.

18. It took me two days to review all documents after receiving them. However, much more time in receiving bids and looking through and answering questions from vendors not familiar with our school. Also during and after the process I had to consult with the School Supt. and school administrative assistant who handles all billing dealing with USAC and other entities.

a. **Price of Eligible Goods and Services:** (40 pts) Most points awarded, I usually gave anywhere for 15-40 points depending on the price.

Service History: (20 pts.) MeetPoint would always score high due to their outstanding service and reliability. I am sure ALL schools using MeetPoint will attest to this. This is no collaboration, just good honest service. I might add something hard to find today. With AT&T in the past, our service would go out anywhere from one day to a week

anytime it would rain. Also when a problem was called in it took hours to get a response and a ticket set up. Sometimes many days or even a week would pass before the problem was solved. Almost every time a new technician came out, so they were unfamiliar with our set up and that took more time. AT&T seemed to be too big and little understood the needs of our school. Also it was AT&T that informed Lowrey School that they would be disconnected from internet service in the summer of 2012, which was extended to 2013. They had no alternatives for anyone providing service to our school.

b. AT&T did not include firewall service or on site tech support which are vital to Lowrey.

19. Meet Point scored high in all areas and was evaluated in a fair, comprehensive, and diligent manner to ensure fairness and quality service for Lowrey School.

USAC REVIEW OF THESE APPLICATIONS

20. Since the late 1990's Lowrey School has applied and received ERATE funding each and every year. Starting with OneNet, Mastermind, AT&T, NewNet66, Cox, MeetPoint, and finally back to OneNet. Never has there been any concern from USAC about the process or any irregularities. Lowrey is small, rural, and a 75% low and reduced free lunch program school. We have been funded at both 80% and 90% each and EVERY year. I feel that there is some sort of witch hunt going on with entities within our state (Oklahoma) and unfortunately some schools with a business connection with Meet Point are being singled out. I am not sure why this is. I have nothing but a professional relationship with MeetPoint and would have chosen

OneNet or any other vendor if so directed by USAC or OUSF. If price is the only underlying service to be evaluated it should so be stated so that then all schools can make that determination. I am so weary of all this business. I chose education to promote students understanding and excite students in the areas of science. The Technology Revolution has really accelerated this process and allowed me to give an enhanced learning environment to my students, who by the way use Google Classroom, and technology each and every day in the classroom. ERATE' s conception was to provide quality access to the World Wide Web and give small rural schools equal footing with regards to technology as those enjoy by larger better funded schools in the urban environments. Lowrey School has been on the forefront of the technology revolution especially in the state of Oklahoma. Lowrey was one of the first four schools in the state with a true one to one initiative. This would not be possible without the support of ERATE. I can testify and ENSURE to all that the best money ever spent by ERATE was spent at Lowrey School. I would invite anyone from USAC to Lowrey at any time to show them how wisely and well that money was spent. There may be some schools taking advantage of any loopholes, etc. but Lowrey School is not one of those. Not only do we receive a generous and thankful amount form ERATE, but our small school of 150 students made a commitment in 2006 to purchase 70 Apple MacBooks on a lease purchase program which was totally paid with school funds and later supported by a passed bond issue that was passed. Lowrey still promotes this programs choosing now to use tablets, iPads, etc. They are much cheaper and with the use of Google Classroom we are

able to do the same things more efficiently. One most KNOW that have the appropriate amount of bandwidth is CRITICAL.

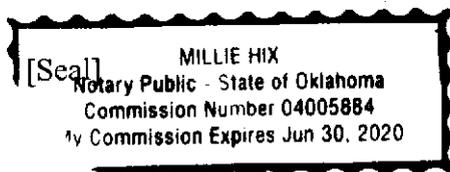
21. As I understand the standard, we were to make a choice of the most “cost-effective” provider. Accordingly, we evaluated the quality of the services offered and the price of those services. If COST is the primary objective, it probably should be the only objective. Schools should be told in advance. I feel the rules have suddenly been changed and we are being singled out on criteria (low cost vs. high cost) that was not communicated to us prior to the process. Also if USAC approved these applications (2013 and 2014) if there was a problem it should have been stated then and either the school not receive funding or rebid. LOWREY SCHOOOL NEVER looked for loopholes or anyway to help another entity. Lowrey Schools is only interested in provided the best service we can to our students in a FAIR, RELIABLE, and CONSISTENT BASIS. Cost is a factor, but as demonstrated over the years, Lowrey School has put by percentage more into their technology than I am sure 95% of all other schools. We do have skin in the game. Every time ERATE provides something, Lowrey school is responsible for 10-20%. Getting the Fiber line to our school cost us \$7,000.00 the first year. May not seem like much to some, but we have a very small budget that has been cut 8 years in row. I do attest that every part of the ERATE process was done with integrity and commitment to excellence. For now the past two years we have chosen a cheaper ISP (OneNet). OneNet has come a long ways since their conception, their service is much better and even reliable. However, they still cannot provide the quality and expertise of service that MeetPoint once provided to Lowrey School.

I certify under penalty of perjury that the foregoing is true and correct.

Jeff Lawrence

Jeff Lawrence
21132 East 640 Road
Tahlequah, OK 74464

Subscribed and sworn to before me this 14 day of July, 2016.



Millie Hix
Notary Public

Exhibit 1: Request for Proposal

[Sign up](#) [Sign In](#)

Request for Proposal

RFP Posted
08 October 2012

Lowrey School District 10

District Address

21132 E. 640 RD, Tahlequah, OK
74464

RFP ID: 953120001048477



Bid Deadline:

05 November 2012

Questions Due By:

29 October 2012

RFP Requirements

- All Questions and Bids must be submitted using the on-line RFP system. If for some reason the system is down before the respective deadline, please email your bid to info@crwconsulting.com or fax it to 918.445.0049. Bids or questions submitted in this fashion will be disqualified if the on-line system is active at the time of submission.
- Bidder must agree to participate in USF Program (AKA "E-rate") for the corresponding funding year.
- Please include the correct Service Provider Identification Number (SPIN) on your bid.
- By submitting a bid, bidder certifies that the bidder does have a valid (non-red light status) SPIN for the E-rate program at the time of submission. Should the Applicant discover that the bidder is on red light status, or if the FCC classifies the bidder as on red-light status before work is performed and invoices are paid, the contract will be null and void and the applicant will have no payment obligations to the bidder.
- Bidder is expected to provide the lowest corresponding price per E-rate rules. See <http://www.usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx> for details.
- Contracts should be contingent upon E-rate funding unless stated otherwise.
- Bidder must agree to provide the Applicant the choice of discount methods (SPI or BEAR).
- Bidder will be automatically disqualified if the District determines that the bidding company has offered any employee of the District any individual gift of more than \$20 or gifts totaling more than \$50 within a 12 month period.
- Depending on E-rate funding, the district may choose to proceed with all or part of the projects, at the district's discretion.
- Contracts awarded through this RFP process will be subject to five consecutive one year voluntary renewal periods upon written notice by the Applicant, beyond the original term of the contract.

Services and Equipment Requested

Local and long distance phone service - Approx 5 lines

VOIP phone service - Approx 15-20 phones

Cellular phone service including internet access/data plans - Approx 3 lines

Wireless internet access - Approx 3 data cards

Internet Access - Minimum 10Mb bandwidth, applicant is considering upgrading to 100Mb bandwidth. Please provide scalable quotes, approx 10Mb increments is preferred. The terminating address for this circuit is 21132 East 640 Road, Tahlequah, OK 74464. The area code and prefix for the service address (or terminating point) are (918) 456.

INTERNAL CONNECTIONS:

- 48 port switch - approx 1 switch; Extreme or functional equivalent
- 24 port switch - approx 1 switch; Extreme or functional equivalent
- Wireless Access Points - Approx 4
- Wireless Controller - Approx 1
- Wireless Antenna - Approx 1
- Firewall - Approx 1; Palo Alto Firewall PA-500 or functional equivalent

BASIC MAINTENANCE OF INTERNAL CONNECTIONS:

For those items listed under "INTERNAL CONNECTIONS"

Upload Bid:



Questions Received with District Answers:

[Submit a Question](#)

No Data

Exhibit 2: Bids Received



Meet Point Networks, LLC

Customer Service Proposal

Proposal Date 10-16-2012

Proposal # MPN 1231

SPIN# 143035519

Meet Point Networks Rep: Mike Pennell
Phone Number: 918.633.6896

Meet Point Networks
P.O. Box 339
Bixby, OK 74008
Voice 918.557.0277
www.meetpointnetworks.com

Page one (1) of this document is for Internet access pricing options and is informational only.
Page two (2) through four (4) is the service agreement contract.

Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

Customer Information

Customer Name: Lowrey School District
Street Address: 21132 E. 640 RD
City/St/Zip: Tahlequah OK 74464
Federal Tax ID:

Taxes and Fees Not Included

	Service Description	New Qty	Terms (months)	Type	Monthly Recurring Charge	Annual Charge	One Time Activation and Setup
1	10.5 Mb Internet Access	1	60	New	\$5,119.50	\$61,434.00	\$0.00
2	50 Mb Internet Access	1	60	New	\$7,715.07	\$92,580.84	\$1,000.00
3	100 Mb Internet Access	1	60	New	\$8,747.35	\$104,968.20	\$1,000.00
4							
5							
6							

NewNet 66 Services

~ NewNet 66 Services are included in the pricing above.

~ 24 x 7 Internet Access Troubleshooting & Repair - NewNet 66 will work to restore functional Internet access – this includes working with all of the necessary telecommunication providers and calling in trouble tickets, if necessary.

~ On site visits to restore Internet Access, if necessary.

~ Unlimited Email Accounts supporting POP3, Web Mail, and IMAP. (student accounts available on request)

~ Web Site Hosting Service - 10 Gigabit of space. This service does not include the creation or modification of content.

~ Firewall management to include Juniper Networks and Fortigate firewalls.



Meet Point Networks, LLC

Meet Point Networks Service Agreement

10-16-2012

Fax signed copy to 918.512.4400

or email to

contracts@meetpointnetworks.com

SPIN# 143035519

Customer Name: Lowrey School District

Meet Point Networks

Street Address: 21132 E. 640 RD

P.O. Box 339

City/St/Zip: Tahlequah OK 74464

Bixby, OK 74008

Voice 918.557.0277

Federal Tax ID:

Check the service you want below. Select only one.

	Service Description	New Qty	Unit Price	Terms (months)	Type	Monthly Recurring Charge	Annual Charge	One Time Activation and Installation
1	<input type="checkbox"/> 10.5 Mb Internet Access	1		60	New	\$5,119.50	\$61,434.00	\$0.00
2	<input type="checkbox"/> 50 Mb Internet Access	1		60	New	\$7,715.07	\$92,580.84	\$1,000.00
3	<input type="checkbox"/> 100 Mb Internet Access	1		60	New	\$8,747.35	\$104,968.20	\$1,000.00
4	<input type="checkbox"/>							
5								
6								

Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

E-Rate Customers E-rate customers: The term of this contract is 60 months. During the term of this contract, the applicant may choose any of the above service levels and upgrade to those levels upon written notice to Meet Point Networks. Meet Point Networks will determine the turn up time after the customer contacts us to begin the process.

Customer Authorized Signature

Meet Point Networks Authorized Signature

Mike Pennell

Signature

Signature

Mike Pennell

Print

Print

President

10-16-2012

Title or Position

Date

Title or Position

Date

By signing this Service Agreement, you represent that you are the authorized Customer representative and the above information is true and correct and you accept this Agreement. Both parties agree that each party may use electronic signatures to sign this Service Agreement.

Meet Point Networks may withdraw the proposal at any time prior to Customer signature. If within (30) days after Customer signature, Meet Point Networks determines that customer location is not serviceable under Meet Point Networks normal installation guidelines, Meet Point Networks may withdraw this Service Agreement without liability. Both parties agree that each party may use electronic signatures to sign this Service Agreement.

1. Tariffs/Service Guide If Customer is purchasing any Services that are regulated by the FCC or any state regulatory body ("Regulated Services"), then Customer's use of such Regulated Services is subject to the regulations of the FCC and the regulatory body of the state in which the Customer location receiving these Regulated Services is located (which regulations are subject to change), as well as the rates, terms, and conditions contained in tariffs on file with state and federal regulatory authorities. Termination fees include, but are not limited to, nonrecurring charges, charges paid to third parties on behalf of Customer, and the monthly recurring charges for the balance of the Term.

2. Service Start Date and Term This Agreement shall be effective upon execution by the parties. The "Initial Term" shall begin upon installation of Service and shall continue for the applicable Term commitment set forth on the Cover Page; provided that if Customer delays installation or is not ready to receive Services on the agreed-upon installation date, Meet Point Networks may begin billing for Services on the date Services would have been installed. Meet Point Networks shall use reasonable efforts to make the Services available by the requested service date. Meet Point Networks shall not be liable for damages resulting from delays in meeting service dates due to construction delays or reasons beyond its control. If Customer delays installation for a period of three (3) months or longer after the parties' execution of this Agreement, Meet Point Networks reserves the right to terminate this Agreement immediately at any time thereafter and Customer shall be responsible for the full amount of construction costs and any other related costs incurred by Meet Point Networks as of the date of termination. AFTER THE INITIAL TERM, THIS AGREEMENT SHALL AUTOMATICALLY RENEW FOR ONE (1) YEAR TERMS (EACH AN "EXTENDED TERM") UNLESS A PARTY GIVES THE OTHER PARTY WRITTEN TERMINATION NOTICE AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OR THEN CURRENT EXTENDED TERM. "Term" shall mean the Initial Term and Extended Term (s), if any. Meet Point Networks reserves the right to increase rates for all Services by no more than ten percent (10%) during any Extended Term by providing Customer with at least sixty (60) days written notice of such rate increase. For the avoidance of doubt, promotional rates and promotional discounts provided to Customer will expire at the end of the Initial Term or earlier as set forth in the promotion language. Customer's payment for Service after notice of a rate increase will be deemed to be Customer's acceptance of the new rate.

3. Termination Customer may terminate any Service before the end of the Term selected by Customer on the Cover Page; provided, however, if Customer terminates any such Service before the end of the Term (except for breach by Meet Point Networks), unless otherwise expressly stated in the General Terms, Customer will be obligated to pay a termination fee equal to the nonrecurring charges (if unpaid) and 100% of the monthly recurring charges for the terminated Service(s) multiplied by the number of full months remaining in the Term. This provision survives termination of the Agreement. If Meet Point Networks is delivering Services via wireless network facilities and there is signal interference with any such Service(s), Meet Point Networks may terminate this Agreement without liability if Meet Point Networks cannot resolve the interference by using commercially reasonable efforts.

4. Payment Customer shall pay for all monthly Service charges, plus one-time activation and set up, and/or construction charges. Unless stated otherwise herein, monthly charges for Services shall begin upon installation of Service, and installation charges, if any, shall be due upon completion of installation. Any amount not received by the due date shown on the applicable invoice will be subject to interest or a late charge no greater than the maximum rate allowed by law. Customer acknowledges and agrees that if Customer fails to pay any amounts when due and fails to cure such non-payment upon receipt of written notice of non-payment from Meet Point Networks, Customer will be deemed to have terminated this Agreement and will be obligated to pay the termination fee described in Section 5, above. If applicable to the Service, Customer shall pay sales, use, gross receipts, and excise taxes, access fees and all other fees, universal service fund assessments, bypass or other local, state and Federal taxes or charges, and deposits, imposed on the use of the Services. Taxes will be separately stated on Customer's invoice. No interest will be paid on deposits unless required by law.

5. Service and Installation Meet Point Networks shall provide Customer with the Services identified on the Cover Page and may provide related facilities and equipment, the ownership of which shall be retained by Meet Point Networks (the "Meet Point Networks Equipment"), or for certain Services, Customer, may purchase equipment from Meet Point Networks ("Customer Purchased Equipment"). Customer is responsible for damage to any facilities or equipment installed or provided by Meet Point Networks (the "Meet Point Networks Equipment"). Customer may use the Services for any lawful purpose, provided that such purpose (a) does not interfere or impair the Meet Point Networks network or Meet Point Networks Equipment and (b) complies with the AUP. Customer shall use the Meet Point Networks Equipment only for the purpose of receiving the Services. Customer shall use Customer Purchased Equipment in accordance with the terms of the related equipment purchase agreement. Unless provided otherwise herein, Meet Point Networks shall use commercially reasonable efforts to maintain the Services in accordance with applicable performance standards.

Contract is subject to availability of facilities and construction charges.

6. General Terms The General Terms are hereby incorporated into this Agreement by reference. Meet Point Networks, in its sole discretion, may modify, supplement or remove any of the General Terms from time to time, without additional notice to Customer, and any such changes will be effective upon Meet Point Networks publishing such changes on the Meet Point Networks web site. BY EXECUTING THIS AGREEMENT AND/OR USING OR PAYING FOR THE SERVICES, CUSTOMER ACKNOWLEDGES THAT IT HAS READ, UNDERSTOOD, AND AGREED TO BE BOUND BY THE GENERAL TERMS.

7. LIMITATION OF LIABILITY MEET POINT NETWORKS AND/OR ITS AGENTS SHALL NOT BE LIABLE FOR DAMAGES FOR FAILURE TO FURNISH OR INTERRUPTION OF ANY SERVICES, NOR SHALL MEET POINT NETWORKS OR ITS AGENTS BE RESPONSIBLE FOR FAILURE OR ERRORS IN SIGNAL TRANSMISSION, LOST DATA, FILES OR SOFTWARE DAMAGE REGARDLESS OF THE CAUSE. MEET POINT NETWORKS SHALL NOT BE LIABLE FOR DAMAGE TO PROPERTY OR FOR INJURY TO ANY PERSON ARISING FROM THE INSTALLATION OR REMOVAL OF EQUIPMENT UNLESS CAUSED BY THE NEGLIGENCE OF MEET POINT NETWORKS. UNDER NO CIRCUMSTANCES WILL MEET POINT NETWORKS BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, ARISING FROM THIS AGREEMENT OR ITS PROVISION OF THE SERVICES.

8. WARRANTIES EXCEPT AS PROVIDED HEREIN, THERE ARE NO OTHER AGREEMENTS, WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE SERVICES. SERVICES PROVIDED ARE A BEST EFFORTS SERVICE AND MEET POINT NETWORKS DOES NOT WARRANT THAT THE SERVICES, EQUIPMENT OR SOFTWARE SHALL BE ERROR-FREE OR WITHOUT INTERRUPTION. INTERNET SPEEDS WILL VARY. MEET POINT NETWORKS MAKES NO WARRANTY AS TO TRANSMISSION OR UPSTREAM OR DOWNSTREAM SPEEDS OF THE NETWORK.

9. Public Performance. If Customer engages in a public performance of any copyrighted material contained in any of the Services, Customer, and not Meet Point Networks, shall be responsible for obtaining any public performing licenses at Customer's expense.



Solutions you want. Support you need

November 5, 2012

SERVICE QUOTE

Lowery School
21132 E. 640 RD
Tahlequah, OK 74464

Product	Qty	MRC	NRC		Total
DIA 10 MEG w/Router	1	\$2,161.00	\$0.00		\$2,161.00

TOTAL \$2,161.00

TERM	36MONTH
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XO COMMUNICATIONS Quotes and Proposals are Valid for 30 Days

Elizabeth “Libby” Mackey-Perrin Major Account Executive
2020 Westport Center Dr./ St. Louis, Mo 63146
T: 314.787.7604 C: 314.780.5117 F: 314.787.7954 E: elizabeth.a.perrin@xo.com

Exhibit 3: 471 Application

FCC Form 471

Approval by OMB
3060-0806

Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471

Estimated Average Burden Hours per Response: 4 hours

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.
Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) Lowrey Y16	Form 471 Application #: 895088 (To be assigned by administrator)
Block 1: Billed Entity Address and Identifications	
<p>1 Name of Billed Entity LOWREY SCHOOL DISTRICT 10</p> <p>2 Funding Year 2013</p> <p>3a Entity Number 140211</p> <p>3b FCC Registration Number 0012680179</p> <p>4a Street Address, P.O. Box, or Route Number 21132 E 640 RD</p> <p>City TAHLEQUAH State OK Zip Code 74464-8937</p> <p>4b Telephone Number (918) 456-4053</p> <p>4c Fax Number (918) 458-0647</p> <p>5a Type of Application (check only one)</p> <p><input type="radio"/> Individual School (individual public or non-public school)</p> <p><input checked="" type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)</p> <p><input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA)</p> <p><input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)</p> <p><input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply)</p> <p><input type="checkbox"/> All public schools/districts in the state</p> <p><input type="checkbox"/> All non-public schools in the state</p> <p><input type="checkbox"/> All libraries in the state</p> <p>5b Recipient(s) of Services:</p> <p><input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter</p> <p><input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency</p>	
Entity Number: 140211	Applicant's Form Identifier: Lowrey Y16
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048
Block 1: Billed Entity Address and Identifications (continued)	
<p>6a Contact Person's Name Karla Hall or Chris Webber</p> <p>If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.</p> <p>6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. PO Box 701713</p> <p>City Tulsa State OK Zip Code 74170-1713</p> <p>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</p> <p><input type="checkbox"/> 6c Telephone Number (918) 445 - 0048</p> <p><input type="checkbox"/> 6d Fax Number (918) 445 - 0049</p> <p><input checked="" type="checkbox"/> 6e E-Mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com</p> <p>6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address</p> <p>If a consultant is assisting you with your application process, please complete Item 6g below:</p> <p>6g Consultant Name Karla Hall Name of Consultant's Employer CRW Consulting Consultant's Street Address P.O. Box 701713</p> <p>City Tulsa State OK Zip Code 74170 Consultant's Telephone Number (918) 445-0048 Ext. Consultant's Fax Number (918) 445-0049 Consultant's E-mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com Consultant Registration Number 16024800</p>	

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y16	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
Complete this information on EVERY Form 471 you file for the services requested on that form. Please complete all rows that apply to services for which you are requesting discounts.			
Schools/school districts complete the left-hand column and libraries complete the right-hand column. Consortia complete all that apply.			
Block 2: Impact of Services Ordered for Schools and Libraries from this Form 471			
	Schools	Libraries	
7a Number of students or patrons to be served	145	0	
b Telephone service: Number of classrooms or rooms with phone service	11	0	
c Direct connections to the Internet: Number of drops	61	0	
d Number of classrooms or rooms with Internet access	11	0	
e Number of computers or other devices with Internet access	143	0	
f Number of dial-up Internet access and other connections of up to 200 kbps :	0	0	
g High-speed Internet access services: Number of buildings served at the following speeds (please use advertised download speed coming into building, not actual speed in classroom or work area):	At or greater than 200 kbps and less than 1.5 mbps	0	0
	At or greater than 1.5 mbps and less than 3 mbps	0	0
	At or greater than 3 mbps and less than 10 mbps	0	0
	At or greater than 10 mbps and less than 25 mbps	2	0
	At or greater than 25 mbps and less than 50 mbps	0	0
	At or greater than 50 mbps and less than 100 mbps	0	0
	Greater than 100 mbps	0	0
Block 3:			
8 [Reserved]			

Entity Number: 140211	Applicant's Form Identifier: Lowrey Y16
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 4: Discount Calculation Worksheet **Worksheet - 1530601**
Page 1 of 1

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s):

(For Administrator's Use)

School District or Library System Name:

School District or Library System Entity Number:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
BUS GARAGE	16025220	R	0	0	0.000%	90	N	N	N	0				
LOWREY ELEMENTARY SCHOOL	84949 40 18480 880	R	145	117	80.690%	90	N	N	N	13050				

9b Shared Services

<p>SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.</p>	145														90%
<p>LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.</p>															
<p>CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.</p>															

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y16																												
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																												
Block 5: Discount Funding Request(s)		Block 5, page 1 of 6																												
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2432944 (to be assigned by administrator)																												
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																														
11 Category of Service (only ONE category should be checked) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;"> PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access </td> <td style="width:50%; padding: 2px;"> PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections </td> </tr> </table>		PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	23 Calculations <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="5" style="width:10%; text-align: center; vertical-align: middle;">Recurring Charges</td> <td style="padding: 2px;">A. Monthly charges (total amount per month for service)</td> <td style="text-align: right; padding: 2px;">\$324.31</td> </tr> <tr> <td style="padding: 2px;">B. How much of the amount in A is ineligible?</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">C. Eligible monthly pre-discount amount (A minus B)</td> <td style="text-align: right; padding: 2px;">\$324.31</td> </tr> <tr> <td style="padding: 2px;">D. Number of months service provided in funding year</td> <td style="text-align: center; padding: 2px;">12</td> </tr> <tr> <td style="padding: 2px;">E. Annual pre-discount amount for eligible recurring charges (C x D)</td> <td style="text-align: right; padding: 2px;">\$3,891.72</td> </tr> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">Non-Recurring Charges</td> <td style="padding: 2px;">F. Annual non-recurring charges</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">G. How much of the amount in F is ineligible?</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">H. Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">Total Charges</td> <td style="padding: 2px;">I. Total funding year pre-discount amount (E + H)</td> <td style="text-align: right; padding: 2px;">\$3,891.72</td> </tr> <tr> <td style="padding: 2px;">J. Discount from Block 4 Worksheet</td> <td style="text-align: right; padding: 2px;">90.00</td> </tr> <tr> <td style="padding: 2px;">K. Funding Commitment Request (I x J)</td> <td style="text-align: right; padding: 2px;">\$3,502.55</td> </tr> </table>		Recurring Charges	A. Monthly charges (total amount per month for service)	\$324.31	B. How much of the amount in A is ineligible?	\$0.00	C. Eligible monthly pre-discount amount (A minus B)	\$324.31	D. Number of months service provided in funding year	12	E. Annual pre-discount amount for eligible recurring charges (C x D)	\$3,891.72	Non-Recurring Charges	F. Annual non-recurring charges	\$0.00	G. How much of the amount in F is ineligible?	\$0.00	H. Annual eligible pre-discount amount for non-recurring charges (F minus G)	\$0.00	Total Charges	I. Total funding year pre-discount amount (E + H)	\$3,891.72	J. Discount from Block 4 Worksheet	90.00	K. Funding Commitment Request (I x J)	\$3,502.55
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12 Form 470 Application Number 953120001048477																														
13 SPIN – Service Provider Identification Number 143004662																														
14 Service Provider Name Southwestern Bell Telephone Company																														
15a <input checked="" type="checkbox"/> Check this box if this Funding Request is for non-contracted tarified or month-to-month services.																														
15b Contract Number MTM																														
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).																														
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:																														
16a Billing Account Number (e.g., billed telephone number)																														
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.																														
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 11/05/2012																														
18 Contract Award Date (mm/dd/yyyy)																														
19 Service Start Date (mm/dd/yyyy) 07/01/2013																														
20a Service End Date (mm/dd/yyyy) 06/30/2014																														
Contract Expiration Date (mm/dd/yyyy) 20b																														
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. <table style="width:100%; border: none;"> <tr> <td style="width: 80%;"></td> <td style="text-align: right; border: none;">1</td> </tr> </table>					1																									
	1																													
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1530601																												

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y16																												
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																												
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Non-Recurring Charges	F. Annual non-recurring charges \$0.00																		
	G. How much of the amount in F is ineligible? \$0.00																		
	H. Annual eligible pre-discount amount for non-recurring charges (F minus G) \$0.00																		
Total Charges	I. Total funding year pre-discount amount (E + H) \$61,434.00																		
	J. Discount from Block 4 Worksheet 90.00																		
	K. Funding Commitment Request (I x J) \$55,290.60																		
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13 SPIN – Service Provider Identification Number 143035519																			
14 Service Provider Name Meet Point Networks LLC																			
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tarified or month-to-month services.																			
15b Contract Number n/a																			
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).																			
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:																			
16a Billing Account Number (e.g., billed telephone number)																			
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.																			
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 11/05/2012																			
18 Contract Award Date (mm/dd/yyyy) 12/03/2012																			
19 Service Start Date (mm/dd/yyyy) 07/01/2013																			
20a Service End Date (mm/dd/yyyy)																			
Contract Expiration Date 20b (mm/dd/yyyy) 06/30/2018																			
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. 5																			
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1530601																	

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y16																												
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																												
Block 5: Discount Funding Request(s)		Block 5, page 6 of 6																												
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2432953 (to be assigned by administrator)																												
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																														
11 Category of Service (only ONE category should be checked) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;"> PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access </td> <td style="width:50%; padding: 2px;"> PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections </td> </tr> </table>		PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	23 Calculations <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="5" style="width:10%; text-align: center; vertical-align: middle;">Recurring Charges</td> <td style="padding: 2px;">A. Monthly charges (total amount per month for service)</td> <td style="text-align: right; padding: 2px;">\$5,245.20</td> </tr> <tr> <td style="padding: 2px;">B. How much of the amount in A is ineligible?</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">C. Eligible monthly pre-discount amount (A minus B)</td> <td style="text-align: right; padding: 2px;">\$5,245.20</td> </tr> <tr> <td style="padding: 2px;">D. Number of months service provided in funding year</td> <td style="text-align: center; padding: 2px;">12</td> </tr> <tr> <td style="padding: 2px;">E. Annual pre-discount amount for eligible recurring charges (C x D)</td> <td style="text-align: right; padding: 2px;">\$62,942.40</td> </tr> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">Non-Recurring Charges</td> <td style="padding: 2px;">F. Annual non-recurring charges</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">G. How much of the amount in F is ineligible?</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">H. Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> <td style="text-align: right; padding: 2px;">\$0.00</td> </tr> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">Total Charges</td> <td style="padding: 2px;">I. Total funding year pre-discount amount (E + H)</td> <td style="text-align: right; padding: 2px;">\$62,942.40</td> </tr> <tr> <td style="padding: 2px;">J. Discount from Block 4 Worksheet</td> <td style="text-align: right; padding: 2px;">90.00</td> </tr> <tr> <td style="padding: 2px;">K. Funding Commitment Request (I x J)</td> <td style="text-align: right; padding: 2px;">\$56,648.16</td> </tr> </table>		Recurring Charges	A. Monthly charges (total amount per month for service)	\$5,245.20	B. How much of the amount in A is ineligible?	\$0.00	C. Eligible monthly pre-discount amount (A minus B)	\$5,245.20	D. Number of months service provided in funding year	12	E. Annual pre-discount amount for eligible recurring charges (C x D)	\$62,942.40	Non-Recurring Charges	F. Annual non-recurring charges	\$0.00	G. How much of the amount in F is ineligible?	\$0.00	H. Annual eligible pre-discount amount for non-recurring charges (F minus G)	\$0.00	Total Charges	I. Total funding year pre-discount amount (E + H)	\$62,942.40	J. Discount from Block 4 Worksheet	90.00	K. Funding Commitment Request (I x J)	\$56,648.16
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12 Form 470 Application Number 41088000935225																														
13 SPIN – Service Provider Identification Number 143018999																														
14 Service Provider Name CoxCom, Inc. dba Cox Communications Oklahoma City																														
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Entity Number: 140211	Applicant's Form Identifier: Lowrey Y16
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 6: Certifications and Signature

- 24 I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
 - b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.
- 25 I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23l on all Block 5 Discount Funding Requests.)	131196
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	118076.4
c Total applicant non-discount share (Subtract Item 25b from Item 25a.)	13119.6
d Total budgeted amount allocated to resources not eligible for E-rate support	28936
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	42055.6
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.	

- 26 I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.
- Or I certify that no technology plan is required by Commission rules.
- 27 I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
- 28 I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
- 29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
- 30 I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140211	Applicant's Form Identifier: Lowrey Y16
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 6: Certification and Signature (Continued)

31 I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32 I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

33 I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

34 I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

35 I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

36 I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

37 I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38 Signature of authorized person <input type="checkbox"/>	39 Date
---	----------------

40 Printed name of authorized person Chris Webber

41 Title or position of authorized person Consultant

Check here if the consultant in Item 6g is the Authorized Person.

42a Street Address, P.O. Box, or Route Number
PO Box 701713

City Tulsa
State OK Zip Code 74170-1713

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y16	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
42b	Telephone Number of authorized Person	(918) 445-0048	Ext.
42c	Fax Number of Authorized Person	(918) 445-0049	
42d	E-mail Address of authorized Person	info@crwconsulting.com	
	Re-enter E-mail Address	info@crwconsulting.com	
42e	Name of Authorized Person's Employer	CRW Consulting	
<p>NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.</p> <p>An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.</p> <p>The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.</p> <p>If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.</p> <p>If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.</p> <p>The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.</p> <p>Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.</p> <p>Please submit this form to: SLD-Form 471 P.O. Box 7026 Lawrence, Kansas 66044-7026</p> <p>For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to: SLD Forms ATTN: SLD Form 471 3833 Greenway Drive Lawrence, Kansas 66046 (888) 203-8100</p>			
FCC Form 471 - October 2010			

Close Print Preview

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Exhibit 4: Notification of Commitment Adjustment Letter



Notification of Commitment Adjustment Letter

Funding Year 2013: July 1, 2013 - June 30, 2014

May 20, 2016

**Karla Hall or Chris Webber
LOWREY SCHOOL DISTRICT 10
PO Box 701713
Tulsa, OK 74170 1713**

**Re: Form 471 Application Number: 895088
Funding Year: 2013
Applicant's Form Identifier: Lowrey Y16
Billed Entity Number: 140211
FCC Registration Number: 0012680179
SPIN: 143035519
Service Provider Name: Meet Point Networks LLC
Service Provider Contact Person: Beverley Fielding**

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Beverley Fielding
Meet Point Networks LLC

Funding Commitment Adjustment Report for
Form 471 Application Number: 895088

Funding Request Number: 2432952
Services Ordered: INTERNET ACCESS
SPIN: 143035519
Service Provider Name: Meet Point Networks LLC
Contract Number: n/a
Billing Account Number:
Site Identifier: 140211
Original Funding Commitment: \$55,290.60
Commitment Adjustment Amount: \$55,290.60
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$50,683.05
Funds to be Recovered from Applicant: \$50,683.05
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2432952 and will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 10 MBPS, considering upgrading to 100MB on FCC Form 470# 953120001048477 and the associated RFP. You received a bid from XO offering these specific services at an amount of \$2,161 per month for 10 MBPS and a bid from Meet Point for \$5,119.50 monthly for 10 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$5,119.50 monthly. The bid chosen is over two times more costly than the bid offering from XO. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Exhibit 5: Invitation for Competitive Bid (AKA: RFP)

**IFCB Posted**

30 September 2013

**Lowrey School District
10****District Address**

21132 E. 640 RD

Tahlequah, OK 74464

IFCB ID: 543770001147790**IFCB Deadline:**

28 October 2013

Questions Due By:

21 October 2013

IFCB Requirements

- All Questions and Bids must be submitted using the on-line IFCB system. If for some reason the system is down before the respective deadline, please email your bid to info@crwconsulting.com or fax it to 918.445.0049. Bids or questions submitted in this fashion will be disqualified if the on-line system is active at the time of submission.
- Bidder must agree to participate in USF Program (AKA "E-rate") for the corresponding funding year.
- Please include the correct Service Provider Identification Number (SPIN) on your bid.
- By submitting a bid, bidder certifies that the bidder does have a valid (non-red light status) SPIN for the E-rate program at the time of submission. Should the Applicant discover that the bidder is on red light status, or if the FCC classifies the bidder as on red-light status before work is performed and invoices are paid, the contract will be null and void and the applicant will have no payment obligations to the bidder.
- Bidder is expected to provide the lowest corresponding price per E-rate rules. See <http://www.usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx> for details.
- Contracts must not prohibit SPIN changes.
- Bidder must agree to provide the Applicant the choice of discount methods (SPI or BEAR).
- Bidder will be automatically disqualified if the District determines that the bidding company has offered any employee of the District any individual gift of more than \$20 or gifts totaling more than \$50 within a 12 month period.

- All contracts awarded will be contingent upon E-rate funding and final board approval. The applicant may choose to do all or part of the project upon funding notification.
- All contracts awarded under this IFCB bidding process may be voluntarily renewed by the applicant, upon written notice to the provider, for five consecutive one year terms.

Services and Equipment Requested

Local and long distance phone service - Approx 5 lines

Cellular phone service - Approx 3 lines including internet access/data plans

Wireless internet access/data plan for tablet device - Approx 1 device

Wireless internet access/data plan for data card - Approx 3 data cards

Internet Access - Minimum 10.5Mb bandwidth; applicant is considering upgrading up to 100Mb bandwidth. Service providers are encouraged to submit bids/contracts with scalable bandwidth pricing. The terminating address for this circuit is 21132 East 640 Road, Tahlequah, OK 74464; (918) 456.

[Upload Bid](#)



Questions Received with District Answers:

[Submit a Question](#)

No Data



Sign up for our new sletter :

[Submit](#)

Exhibit 6: Bids Received

E-Rate Proposal for Managed Internet Service October 10, 2013



To: **Lowrey School District 10**
21132 E 640 Rd,
Tahlequah, OK 74464

From: JAN LUPTON - LEIBOLD, AT&T Sales Mgmt/Support
405 N BROADWAY AVE, RM 1029, OKLAHOMA CITY, OK 73102
Office: (405) 319-6007
Email: jl840a@us.att.com

Introduction

In response to **470 bid #543770001147790**, I'm providing information on an AT&T solution that may meet your requirements and qualify for E-Rate funding. The solution includes the following components:

- Managed Internet Service (MIS) is an Internet access service that combines a high-speed, dedicated connection with consolidated application management. It lets you reliably access information resources and communicate with Internet users worldwide. MIS includes proactive, 24x7 network monitoring, enhanced network security features, and maintenance of the communications link between your locations and the AT&T network. AT&T's Service Provider Identification Number (SPIN) for Managed Internet Service (MIS) is 143001192.

Features and Benefits

The solution gives you the following:

- Redundancy—We provide service availability of 99.999% to ensure that your Internet traffic gets through. The network design and proactive monitoring of our nationwide backbone network make it highly reliable. Because the network architecture features

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Proposal Validity Period—The information and pricing contained in this proposal is valid until 1) the parties enter into a fully executed binding contract, 2) AT&T timely withdraws the proposal, or 3) the E-Rate filing window closes for the then-current E-Rate Funding Year, whichever first occurs. **Terms and Conditions**—Unless otherwise stated herein, this proposal is conditioned upon negotiation of mutually acceptable terms and conditions. **Proposal Pricing**—Pricing proposed herein is based upon the specific product/service mix and locations outlined in this proposal, and is subject to AT&T's standard terms and conditions for those products and services and the AT&T E-Rate Rider unless otherwise stated herein. Any changes or variations in the standard terms and conditions, the products/services, length of term, locations, and/or design described herein may result in different pricing. **Disclaimer**—For purposes of this Proposal, the identification of certain services as "eligible" or "non-eligible" for Universal Service ("E-Rate") funding is not dispositive, nor does it suggest that this or any other services in this Proposal will be deemed eligible for such funding. Any conclusions regarding the eligibility of services for E-Rate funding must be based on several factors, many of which have yet to be determined relative to the proposed services and equipment described herein. Such factors will include, without limitation, the ultimate design configuration of the network, the specific products and services provisioned to operate the network, and the type of customer, and whether the services are used for eligible educational purposes at eligible locations. In its proposal, AT&T will take guidance from the "Eligible Services List" and the specific sections on product and service eligibility on the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") website www.usac.org/sl. This site provides a current listing of eligible products and services, as well as conditionally eligible and ineligible services. This guidance notwithstanding, the final determination of eligibility will be made by the SLD after a review of the customer's E-Rate application for this proposal. If AT&T is awarded the bid for this project, AT&T will provide assistance on the E-Rate application solely on matters relative to the functionality of the services and products which comprise the network. Nevertheless, the responsibility for the E-Rate application is with the customer. AT&T is not responsible for the outcome of the SLD's decision on these matters. **Broadband Internet Access**—For information about AT&T's broadband Internet access services, please visit www.att.com/broadbandinfo.



E-Rate Proposal for Managed Internet Service October 10, 2013



redundant routers, switches, and power supplies, we can reroute traffic around outages and restore service almost instantaneously.

- Customizable Service—MIS provides you with customizable maintenance, service, and support options so you can choose the level of network management you need. You'll be working with a industry-leading network provider that has the flexibility and resources to help you prepare for the future and keep your competitive edge.
- Multiprotocol Label Switching (MPLS) Private Network Transport (PNT)—The MPLS PNT feature, available only at sites with local channel access, lets us add unique Virtual Private Network (VPN) ID labels to your data as it enters the IP network. The MPLS PNT labels let us use separate routing tables to segregate your data traffic from other IP network traffic and provide you with network-based IP VPN.

Take the
pledge to
stop texting
while driving

[Click to learn
more.](#)

Advantages of AT&T

Working with AT&T gives you the following advantages:

- Commitment—We're committed to exploring every alternative to meet your unique communication requirements. We take the time to learn your business and to become an extension of your staff.
- Agility—With our integrated, agile networking platform, you can quickly add or change applications as your business needs dictate.
- Control—AT&T gives you easy access to real-time performance information and online tools so you can be in control of your network.
- E-Rate Experience—AT&T has participated in the E-Rate program for schools and libraries since the program's inception in 1998, and we're one of the program's largest service providers. We're proud to bring our technology, expertise, E-Rate knowledge, and education experience to your school or library, helping expand affordable access to advanced telecommunication services. For more information about AT&T and its participation in the E-Rate program, go to www.att.com/erate and download the E-Rate brochure.





Solution Pricing

Pricing for Managed Internet Service (MIS) is based on a 36-month term. Contract Required.

	<u>Monthly</u>	<u>Install</u>
10 Meg eaMIS Plus	\$824.60	\$00.00
Or		
100 Meg eaMIS Plus	\$1,806.40	\$00.00

This quote assumes that adequate conduit/entrance into your facility exists to permit fiber installation into your equipment room.

If you wish to proceed with this offering please contact me, so I can conduct a check of AT&T's network fiber placement that would serve your location. This check will determine if any special construction charges would apply. This occurs less than 5% of the time; however, it does take 3-4 weeks to get confirmation.

This will be a tele-installation. We will drop ship a router that requires connectivity to the power cable, the cables from the router and plugged into associated LAN port on your switch. A telephone line is required for remote access to the router. If you prefer that AT&T install the router a \$500 charge would apply.



Meet Point Networks, LLC

P.O. Box 339
Bixby, OK 74008
www.meetpointnetworks.com

10/27/2013

Lowrey
21132 East 640 Road
Tahlequah, OK 74464

To whom it may concern,

In the following pages you will find a proposal for services prepared by Meet Point Networks, LLC for Lowrey. The proposal is in response to the district's posted ERate form 470. The proposal is for a Internet Access circuit.

Page 1 : Proposal of Services
Pages 2 - 4 : Pre-signed Service Agreement

We hope that you will take the time to consider our proposal. If the district finds the quote acceptable please sign and return (fax or email).

Please do not hesitate to contact us with any and all questions.

Mike Pennell
President
mpennell@meetpointnetworks.com
Phone : 918-633-6896
Fax : 918-512-4400



Meet Point Networks, LLC
P.O. Box 339
Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

SPIN# 143035519

Customer Service Proposal

Proposal Date : October 27, 2013

Proposal # 83

Customer Information

Lowrey

21132 East 640 Road
Tahlequah OK 74464

Meet Point Networks Rep

Mike Pennell (918)633-6896

Summary of Proposed Services : 10.5, 20, 30, 50, 70, 100Mb Internet Access Circuit Quotes- Including Internet maintenance provided by NewNet 66.

***Any estimates, in this proposal, based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.*

Proposed Services and Terms

***Taxes and Fees not Included*

	Service Description	Type	Qty	Term	Monthly	Annual	One Time
1	10.5 Mb Internet Bandwidth	New	1	60	\$4,678.10	\$56,137.20	
2	20 Mb Internet Bandwidth	New	1	60	\$5,498.50	\$65,982.00	\$11,538.00
3	30 Mb Internet Bandwidth	New	1	60	\$6,193.50	\$74,322.00	\$11,538.00
4	50 Mb Internet Bandwidth	New	1	60	\$6,593.50	\$79,122.00	\$11,538.00
5	70 Mb Internet Bandwidth	New	1	60	\$7,280.50	\$87,366.00	\$11,538.00
6	100 Mb Internet Bandwidth	New	1	60	\$7,450.50	\$89,406.00	\$11,538.00

Internet Maintenance is provided by NewNet 66 and is included in the pricing above.

Internet Maintenance includes:

- 24 x 7 Internet Access Troubleshooting & Repair
- On site visits to restore Internet Access, if necessary
- Unlimited Email / 5Gb Web Hosting

For more information please visit NewNet 66's description of services overview at www.newnet66.org



Meet Point Networks, LLC
P.O. Box 339
Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

Meet Point Networks Service Agreement

10/7/2013

SPIN# 143035519

Lowrey
21132 East 640 Road
Tahlequah OK 74464

Proposed Services : Please select desired service by checking a box below.

Service Description	Type	Qty	Term	Monthly	Annual	One Time
<input type="checkbox"/> 10.5 Mb Internet Bandwidth	New	1	60	\$4,678.10	\$56,137.20	
<input type="checkbox"/> 20 Mb Internet Bandwidth	New	1	60	\$5,498.50	\$65,982.00	\$11,538.00
<input type="checkbox"/> 30 Mb Internet Bandwidth	New	1	60	\$6,193.50	\$74,322.00	\$11,538.00
<input type="checkbox"/> 50 Mb Internet Bandwidth	New	1	60	\$6,593.50	\$79,122.00	\$11,538.00
<input type="checkbox"/> 70 Mb Internet Bandwidth	New	1	60	\$7,280.50	\$87,366.00	\$11,538.00
<input type="checkbox"/> 100 Mb Internet Bandwidth	New	1	60	\$7,450.50	\$89,406.00	\$11,538.00

By signing this Service Agreement, you represent that you are the authorized Customer representative and the above information is true and correct and you accept this Agreement. Both parties agree that each party may use electronic signatures to sign this Service Agreement.

Meet Point Networks may withdraw the proposal at any time prior to Customer signature. If within (30) days after Customer signature, Meet Point Networks determines that customer location is not serviceable under Meet Point Networks normal installation guidelines, Meet Point Networks may withdraw this Service Agreement without liability.

Customer Authorized Signature

Meet Point Networks Authorized Signature

Mike Pennell

Signature

Signature

Print

Mike Pennell

Print

Title or Position

Date

President

Title or Position

10/27/2013

Date



Meet Point Networks, LLC
P.O. Box 339
Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

Terms and Conditions

OUSF - Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

E-Rate Customers - During the term of this contract, the applicant may choose any of the above service levels and upgrade to those levels upon written notice to Meet Point Networks. Meet Point Networks will determine the turn up time after the customer initiates the process.

The pricing is based upon a 60 month term. This contract represents a 12 month term with the option to renew four consecutive 12 month terms.

1. Tariffs/Service Guide If Customer is purchasing any Services that are regulated by the FCC or any state regulatory body ("Regulated Services"), then Customer's use of such Regulated Services is subject to the regulations of the FCC and the regulatory body of the state in which the Customer location receiving these Regulated Services is located (which regulations are subject to change), as well as the rates, terms, and conditions contained in tariffs on file with state and federal regulatory authorities. Termination fees include, but are not limited to, nonrecurring charges, charges paid to third parties on behalf of Customer, and the monthly recurring charges for the balance of the Term.

2. Service Start Date and Term This Agreement shall be effective upon execution by the parties. The "Initial Term" shall begin upon installation of Service and shall continue for the applicable Term commitment set forth on the Cover Page; provided that if Customer delays installation or is not ready to receive Services on the agreed-upon installation date, Meet Point Networks may begin billing for Services on the date Services would have been installed. Meet Point Networks shall use reasonable efforts to make the Services available by the requested service date. Meet Point Networks shall not be liable for damages resulting from delays in meeting service dates due to construction delays or reasons beyond its control. If Customer delays installation for a period of three (3) months or longer after the parties' execution of this Agreement, Meet Point Networks reserves the right to terminate this Agreement immediately at any time thereafter and Customer shall be responsible for the full amount of construction costs and any other related costs incurred by Meet Point Networks as of the date of termination. AFTER THE INITIAL TERM, THIS AGREEMENT SHALL AUTOMATICALLY RENEW FOR ONE (1) YEAR TERMS (EACH AN "EXTENDED TERM") UNLESS A PARTY GIVES THE OTHER PARTY WRITTEN TERMINATION NOTICE AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OR THEN CURRENT EXTENDED TERM. "Term" shall mean the Initial Term and Extended Term (s), if any. Meet Point Networks reserves the right to increase rates for all Services by no more than ten percent (10%) during any Extended Term by providing Customer with at least sixty (60) days written notice of such rate increase. For the avoidance of doubt, promotional rates and promotional discounts provided to Customer will expire at the end of the Initial Term or earlier as set forth in the promotion language. Customer's payment for Service after notice of a rate increase will be deemed to be Customer's acceptance of the new rate.

3. Termination Customer may terminate any Service before the end of the Term selected by Customer on the Cover Page; provided, however, if Customer terminates any such Service before the end of the Term (except for breach by Meet Point Networks), unless otherwise expressly stated in the General Terms, Customer will be obligated to pay a termination fee equal to the nonrecurring charges (if unpaid) and 100% of the monthly recurring charges for the terminated Service(s) multiplied by the number of full months remaining in the Term. This provision survives termination of the Agreement. If Meet Point Networks is delivering Services via wireless network facilities and there is signal interference with any such Service(s), Meet Point Networks may terminate this Agreement without liability if Meet Point Networks cannot resolve the interference by using commercially reasonable efforts.

4. Payment Customer shall pay for all monthly Service charges, plus one-time activation and set up, and/or construction charges. Unless stated otherwise herein, monthly charges for Services shall begin upon installation of Service, and installation charges, if any, shall be due upon completion of installation. Any amount not received by the due date shown on the applicable invoice will be subject to interest or a late charge no greater than the maximum rate allowed by law. Customer acknowledges and agrees that if Customer fails to pay any amounts when due and fails to cure



Meet Point Networks, LLC
P.O. Box 339
Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

such non-payment upon receipt of written notice of non-payment from Meet Point Networks, Customer will be deemed to have terminated this Agreement and will be obligated to pay the termination fee described in Section 5, above. If applicable to the Service, Customer shall pay sales, use, gross receipts, and excise taxes, access fees and all other fees, universal service fund assessments, bypass or other local, state and Federal taxes or charges, and deposits, imposed on the use of the Services. Taxes will be separately stated on Customer's invoice. No interest will be paid on deposits unless required by law.

5. Service and Installation Meet Point Networks shall provide Customer with the Services identified on the Cover Page and may provide related facilities and equipment, the ownership of which shall be retained by Meet Point Networks (the "Meet Point Networks Equipment"), or for certain Services, Customer, may purchase equipment from Meet Point Networks ("Customer Purchased Equipment"). Customer is responsible for damage to any facilities or equipment installed or provided by Meet Point Networks (the "Meet Point Networks Equipment"). Customer may use the Services for any lawful purpose, provided that such purpose (a) does not interfere or impair the Meet Point Networks network or Meet Point Networks Equipment and (b) complies with the AUP. Customer shall use the Meet Point Networks Equipment only for the purpose of receiving the Services. Customer shall use Customer Purchased Equipment in accordance with the terms of the related equipment purchase agreement. Unless provided otherwise herein, Meet Point Networks shall use commercially reasonable efforts to maintain the Services in accordance with applicable performance standards.

Contract is subject to availability of facilities and construction charges.

6. General Terms The General Terms are hereby incorporated into this Agreement by reference. Meet Point Networks, in its sole discretion, may modify, supplement or remove any of the General Terms from time to time, without additional notice to Customer, and any such changes will be effective upon Meet Point Networks publishing such changes on the Meet Point Networks web site. BY EXECUTING THIS AGREEMENT AND/OR USING OR PAYING FOR THE SERVICES, CUSTOMER ACKNOWLEDGES THAT IT HAS READ, UNDERSTOOD, AND AGREED TO BE BOUND BY THE GENERAL TERMS.

7. LIMITATION OF LIABILITY MEET POINT NETWORKS AND/OR ITS AGENTS SHALL NOT BE LIABLE FOR DAMAGES FOR FAILURE TO FURNISH OR INTERRUPTION OF ANY SERVICES, NOR SHALL MEET POINT NETWORKS OR ITS AGENTS BE RESPONSIBLE FOR FAILURE OR ERRORS IN SIGNAL TRANSMISSION, LOST DATA, FILES OR SOFTWARE DAMAGE REGARDLESS OF THE CAUSE. MEET POINT NETWORKS SHALL NOT BE LIABLE FOR DAMAGE TO PROPERTY OR FOR INJURY TO ANY PERSON ARISING FROM THE INSTALLATION OR REMOVAL OF EQUIPMENT UNLESS CAUSED BY THE NEGLIGENCE OF MEET POINT NETWORKS. UNDER NO CIRCUMSTANCES WILL MEET POINT NETWORKS BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, ARISING FROM THIS AGREEMENT OR ITS PROVISION OF THE SERVICES.

8. WARRANTIES EXCEPT AS PROVIDED HEREIN, THERE ARE NO OTHER AGREEMENTS, WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE SERVICES. SERVICES PROVIDED ARE A BEST EFFORTS SERVICE AND MEET POINT NETWORKS DOES NOT WARRANT THAT THE SERVICES, EQUIPMENT OR SOFTWARE SHALL BE ERROR-FREE OR WITHOUT INTERRUPTION. INTERNET SPEEDS WILL VARY. MEET POINT NETWORKS MAKES NO WARRANTY AS TO TRANSMISSION OR UPSTREAM OR DOWNSTREAM SPEEDS OF THE NETWORK.

9. Public Performance. If Customer engages in a public performance of any copyrighted material contained in any of the Services, Customer, and not Meet Point Networks, shall be responsible for obtaining any public performing licenses at Customer's expense.

Exhibit 7: 471 Application

FCC Form 471

Approval by OMB
3060-0806

**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471**

Estimated Average Burden Hours per Response: 4 hours

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) Lowrey Y17	Form 471 Application #: 951371 (To be assigned by administrator)
---	--

Block 1: Billed Entity Address and Identifications
<p>1 Name of Billed Entity LOWREY SCHOOL DISTRICT 10</p> <p>2 Funding Year 2014</p> <p>3a Entity Number 140211</p> <p>3b FCC Registration Number 0012680179</p> <p>4a Street Address, P.O. Box, or Route Number 21132 E 640 RD</p> <p>City TAHLEQUAH State OK Zip Code 74464-8937</p> <p>4b Telephone Number (918) 456-4053</p> <p>4c Fax Number (918) 458-0647</p> <p>5a Type of Application (check only one)</p> <p><input type="radio"/> Individual School (individual public or non-public school)</p> <p><input checked="" type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)</p> <p><input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA)</p> <p><input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)</p> <p><input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply)</p> <p><input type="checkbox"/> All public schools/districts in the state</p> <p><input type="checkbox"/> All non-public schools in the state</p> <p><input type="checkbox"/> All libraries in the state</p> <p>5b Recipient(s) of Services:</p> <p><input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter</p> <p><input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency</p>

Entity Number: 140211	Applicant's Form Identifier: Lowrey Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 1: Billed Entity Address and Identifications (continued)
<p>6a Contact Person's Name Karla Hall or Chris Webber</p> <p>If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.</p> <p>6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. PO Box 701713</p> <p>City Tulsa State OK Zip Code 74170-1713</p> <p>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</p> <p><input type="checkbox"/> 6c Telephone Number (918) 445 - 0048</p> <p><input type="checkbox"/> 6d Fax Number (918) 445 - 0049</p> <p><input checked="" type="checkbox"/> 6e E-Mail Address INFO@CRWCONSULTING.COM Re-enter E-mail Address INFO@CRWCONSULTING.COM</p> <p>6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address</p> <p>If a consultant is assisting you with your application process, please complete Item 6g below:</p> <p>6g Consultant Name Karla Hall Name of Consultant's Employer CRW Consulting Consultant's Street Address CRW Consulting PO Box 701713 City Tulsa State OK Zip Code 74170 Consultant's Telephone Number (918) 445-0048 Ext. Consultant's Fax Number (918) 445-0049 Consultant's E-mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com Consultant Registration Number 16024800</p>

Blocks 2 and 3 [Reserved]

Entity Number: 140211					Applicant's Form Identifier: Lowrey Y17									
Contact Person: Karla Hall or Chris Webber					Contact Phone Number: (918) 445-0048									
Block 4: Discount Calculation Worksheet										Worksheet - 1643611				
										Page 1 of 1				
<p>The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.</p> <p><input type="checkbox"/> Check here if this worksheet contains all eligible entities in the school district or library system.</p>														
9a List entities and calculate discount(s):										(For Administrator's Use)				
School District or Library System Name:										School District or Library System Entity Number:				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
BUS GARAGE	16025220	R	0	0	0.000%	90	N	N	N	0				
LOWREY ELEMENTARY SCHOOL	84949 40 18480 880	R	150	117	78.000%	90	N	N	N	13500	P			
9b Shared Services														
SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.			150							13500				90%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y17																																									
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																																									
Block 5: Discount Funding Request(s)		Block 5, page 1 of 5																																									
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2587083 (to be assigned by administrator)																																									
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																																											
11 Category of Service (only ONE category should be checked)		23 Calculations																																									
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Entity Number: 140211	Applicant's Form Identifier: Lowrey Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1.	If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? ___%
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Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Cellular Wireless	3	1

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1.	If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? <u>100</u> %
2.	If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? <u>100</u> %

c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? Yes No
 If **no** above, are these connections only for backbone connections? Yes No

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y17											
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048											
Block 5: Discount Funding Request(s)		Block 5, page 4 of 5											
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2587104 (to be assigned by administrator)											
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15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:													
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18 Contract Award Date (mm/dd/yyyy) 02/06/2014													
19 Service Start Date (mm/dd/yyyy) 07/01/2014													
20a Service End Date (mm/dd/yyyy)													
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21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.													
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service:											
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Entity Number: 140211	Applicant's Form Identifier: Lowrey Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Fiber optic/OC-x	1	20

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Cellular Wireless	2	1

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Entity Number: 140211	Applicant's Form Identifier: Lowrey Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 6: Certifications and Signature

25 I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

a schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

26 I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23l on all Block 5 Discount Funding Requests.)	87228
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	78505.2
c Total applicant non-discount share (Subtract Item 26b from Item 26a.)	8722.8
d Total budgeted amount allocated to resources not eligible for E-rate support	21500
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 26c and 26d.)	30222.8

f Check this box if you are receiving any of the funds in Item 26e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 26e.

27 I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or I certify that no technology plan is required by Commission rules.

28 I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

29 I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

30 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

31 I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y17	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
Block 6: Certification and Signature (Continued)			
<p>32 <input checked="" type="checkbox"/> I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.</p> <p>33 <input checked="" type="checkbox"/> I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.</p> <p>34 <input checked="" type="checkbox"/> I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.</p> <p>35 <input checked="" type="checkbox"/> I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.</p> <p>36 <input checked="" type="checkbox"/> I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).</p> <p>37 <input checked="" type="checkbox"/> I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).</p> <p>38 <input checked="" type="checkbox"/> I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.</p>			
39 Signature of authorized person <input checked="" type="checkbox"/>		40 Date 03/17/2014	
<p>41 Printed name of authorized person Chris Webber</p> <p>42 Title or position of authorized person Consultant</p> <p><input type="checkbox"/> Check here if the consultant in Item 6g is the Authorized Person.</p> <p>43a Street Address, P.O. Box, or Route Number PO Box 701713</p> <p>City Tulsa State OK Zip Code 74170-1713</p>			

Entity Number: 140211		Applicant's Form Identifier: Lowrey Y17	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
43b	Telephone Number of authorized Person	(918) 445-0048	Ext.
43c	Fax Number of Authorized Person	(918) 445-0049	
43d	E-mail Address of authorized Person	info@crwconsulting.com	
	Re-enter E-mail Address	info@crwconsulting.com	
43e	Name of Authorized Person's Employer	CRW Consulting	

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:
SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

FCC Form 471 - December 2013

Close Print Preview

Previous

Exhibit 8: Commitment Adjustment Letter

Notification of Commitment Adjustment Letter

Funding Year 2014: July 1, 2014 - June 30, 2015

May 20, 2016

**Karla Hall or Chris Webber
LOWREY SCHOOL DISTRICT 10
PO Box 701713
Tulsa, OK 74170 1713**

**Re: Form 471 Application Number: 951371
Funding Year: 2014
Applicant's Form Identifier: Lowrey Y17
Billed Entity Number: 140211
FCC Registration Number: 0012680179
SPIN: 143035519
Service Provider Name: Meet Point Networks LLC
Service Provider Contact Person: Beverley Fielding**

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Beverley Fielding
Meet Point Networks LLC

Funding Commitment Adjustment Report for
Form 471 Application Number: 951371

Funding Request Number: 2587104
Services Ordered: INTERNET ACCESS
SPIN: 143035519
Service Provider Name: Meet Point Networks LLC
Contract Number: N/A
Billing Account Number:
Site Identifier: 140211
Original Funding Commitment: \$69,768.00
Commitment Adjustment Amount: \$69,768.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$0.00
Funds to be Recovered from Applicant: \$0.00
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2587104 and will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that In evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 10 MBPS, considering upgrading to 100MB on FCC Form 470# 543770001147790 and the associated RFP. You received a bid from ATT offering these specific services at an amount of \$1,806 per month for 100 MBPS and a bid from Meet Point for \$5,498.50 monthly for 20 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$5,498.50 monthly. The bid chosen is over two times more costly than the bid offering from ATT. Although ATT did not provide a bid for 20 MBPS, they did provide a circuit that was higher in speed and cheaper in price. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Exhibit 9: Administrator Decision Letters



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

August 05, 2016

Chris Webber
Lowrey School District 10
CRW Consulting, LLC
PO Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: LOWREY SCHOOL DISTRICT 10
Billed Entity Number: 140211
Form 471 Application Number: 895088
Funding Request Number(s): 2432952
Your Correspondence Dated: July 15, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2432952
Decision on Appeal: **Denied**
Explanation:

- After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2432952 and will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids

received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 10 MBPS, considering upgrading to 100MB on FCC Form 470# 953120001048477 and the associated RFP. You received a bid from XO offering these specific services at an amount of \$2,161 per month for 10 MBPS and a bid from Meet Point for \$5,119.50 monthly for 10 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$5,119.50 monthly. The bid chosen is over two times more costly than the bid offering from XO. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference

Area/ Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options:

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

August 05, 2016

Chris Webber
Lowrey School District 10
CRW Consulting, LLC
PO Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: LOWREY SCHOOL DISTRICT 10
Billed Entity Number: 140211
Form 471 Application Number: 951371
Funding Request Number(s): 2587104
Your Correspondence Dated: July 15, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2587104
Decision on Appeal: **Denied**
Explanation:

- After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2587104 and will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that In evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids

received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 10 MBPS, considering upgrading to 100MB on FCC Form 470# 543770001147790 and the associated RFP. You received a bid from ATT offering these specific services at an amount of \$1,806 per month for 100 MBPS and a bid from Meet Point for \$5,498.50 monthly for 20 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$5,498.50 monthly. The bid chosen is over two times more costly than the bid offering from ATT. Although ATT did not provide a bid for 20 MBPS, they did provide a circuit that was higher in speed and cheaper in price. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference

Area/"Appeals" of the SLD ~~section of the~~ USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit 10: 2013 Bid Evaluations

BID EVALUATION SHEET - Short

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access 10Mb

COMPANY SUBMITTING BID: Meet Point Networks

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	40	38
SERVICE HISTORY	20	20
TOTAL POINTS	60	58

Bid Evaluated by: Jeff Lawrence

Date: Nov. 8th, 2012

Signature:  Lawrence

BID EVALUATION SHEET - Short

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: Internet Access 10 mb

COMPANY SUBMITTING BID: XO

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	40	40
SERVICE HISTORY	20	16
TOTAL POINTS	60	56

Bid Evaluated by: Jeff Lawrence

Date: Nov. 8th, 2012

Signature: Jeff Lawrence

Exhibit 11: 2014 Bid Evaluations

**BID EVALUATION SHEET – Short
Erate Year 2014**

1. Service that is being evaluated: Internet Access
Examples include: Internet access, local phone service, long distance service, cell phone service, wireless data plan service, WAN connectivity
 2. Company that has submitted bid: Meat Point Networks, LLC
 3. Service level from the bid that is being evaluated: 20 mb Internet Access
Examples include: Internet access – 200 mb, local phone – 50 lines, cell phones – unlimited pooled minutes, wireless data plans – 500 Mb, WAN Connectivity – (5) 1 Gb circuits. You may have to determine per-unit pricing (cost per Mb, for example) to compare bids submitted from different companies at different service levels.
 4. Price that is being evaluated: \$ 5,498.⁵⁰ / month 11,538.⁰⁰ one-time charge!
- POINTS MUST BE AWARDED IN ALL CATEGORIES. DO NOT WRITE "N/A" IN ANY CATEGORY.
 - DO NOT GIVE EQUAL POINTS FOR PRICE TO TWO VENDORS UNLESS THEY BID THE EXACT SAME SERVICE FOR THE EXACT SAME PRICE

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	40	30
SERVICE HISTORY	20	20
* TOTAL POINTS	60	50

Bid Evaluated by (one person per sheet): Jeff Lawrence

Date: 11/21/13

Signature: Jeff Lawrence

BID EVALUATION SHEET – Short

Erate Year 2014

Managed Internet Service

1. Service that is being evaluated: Internet Access (MIS)
 Examples include: Internet access, local phone service, long distance service, cell phone service, wireless data plan service, WAN connectivity

2. Company that has submitted bid: AT&T

3. Service level from the bid that is being evaluated: 20 mb Internet Access
 Examples include: Internet access – 200 mb, local phone – 50 lines, cell phones – unlimited pooled minutes, wireless data plans – 500 Mb, WAN Connectivity – (5) 1 Gb circuits. You may have to determine per-unit pricing (cost per Mb, for example) to compare bids submitted from different companies at different service levels.

4. Price that is being evaluated: \$ 1,806.40 / mos

- POINTS MUST BE AWARDED IN ALL CATEGORIES. DO NOT WRITE "N/A" IN ANY CATEGORY.
- DO NOT GIVE EQUAL POINTS FOR PRICE TO TWO VENDORS UNLESS THEY BID THE EXACT SAME SERVICE FOR THE EXACT SAME PRICE

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	40	40
SERVICE HISTORY	20	5
TOTAL POINTS	60	45

Bid Evaluated by (one person per sheet): Jeff Lawrence

Date: 11/21/13

Signature: Jeff Lawrence