

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver by)	
the Roma Independent School District)	Application No. 161044428
of Funding Decisions by the)	
Universal Service Administrative Company)	

**REQUEST FOR REVIEW AND/OR WAIVER
BY THE ROMA INDEPENDENT SCHOOL DISTRICT
OF FUNDING DECISIONS BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission's rules,¹ the Roma Independent School District² (Roma ISD or the District) hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to recover Schools and Libraries Universal Service (E-rate) funding for Funding Year 2016.³ Because Roma ISD's Form 486 was filed only nine days late, USAC is now seeking recovery of \$120,000 in funding disbursed during FY 2016.⁴

As an initial matter, Roma ISD met the standard for relief set forth in the Commission's *Archdiocese of New Orleans* order: (1) Roma ISD filed its Form 486 significantly before the Commission's deadline of 120 days after the last day to receive service and (2) Roma ISD has

¹ 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

² Billed Entity Number 141680.

³ The FCC Form 471 number is 161044428. The FRNs are 1699103907 and 1699107079.

⁴ See Exhibit 1, Recovery of Improperly Disbursed Funds (RIDF) letter dated May 22, 2018.

good cause for filing late because the District employee tasked with filing E-rate forms was suffering from a serious, life-threatening illness at the time of the filing.⁵ The Commission directed USAC to grant appeals of late-filed Forms 486 that meet these two criteria.

Notwithstanding the Commission's directive, USAC's denial of Roma's appeal gave no indication that USAC even considered Roma ISD's evidence meeting the standard in the *Archdiocese of New Orleans* order. USAC did not address Roma ISD's arguments or attempt to analyze them in any way. Instead, USAC merely repeated its finding that Roma ISD failed to submit its FCC Form 486 by USAC's procedural deadline. Using the Commission's standard in the *Archdiocese of New Orleans* order, USAC should have granted Roma ISD's appeal, and Roma ISD would not have had to file this appeal with the Bureau.

Further, the Commission has directed USAC not to recover funds when disbursed due to a procedural error. As such, USAC should not have sought recovery. Roma ISD therefore requests that the Bureau grant this appeal and direct USAC to reverse its decision to seek recovery of funding.

In the alternative, Roma ISD respectfully requests a waiver of the Commission's rules to the extent necessary to grant the requested relief. It is contrary to public policy and does not advance the goals of the E-rate program to recover funding from Roma ISD simply because the District's technology director filed its Form 486 nine days late when she was recovering from a serious illness and surgery.

⁵ *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, para. 10 (WCB 2016) (*Archdiocese of New Orleans*).

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I. BACKGROUND

Established in 1949, Roma ISD is located on the southern section of the Texas-Mexico border in the heart of Starr County, along the Rio Grande River, and is also among the poorest districts in Texas and poorest counties in the United States. With a graduating class of ten its first year, Roma ISD served the students from Roma and the surrounding communities. Seventy years later, with a 2018 graduating class of 415, Roma ISD continues to provide education to 6,381 students to learn and mature into the leaders of tomorrow. Seventy percent of its students are LEP (limited English proficient) and approximately 87 percent are economically disadvantaged. Roma ISD is a Title I district, meaning that all students receive free meals.

The District's students face limitation in terms of access to the acquisition of knowledge in two ways: actual geographic barriers and an economically disadvantaged community. Roma ISD's community is also unable to support important cultural and community resources such as a public library, a historical society, museums, a daily newspaper, movie theaters or public transportation. This cultural isolation limits its students not only educationally, but also in terms of a larger picture of the world. While access to the Internet alone cannot change geographic location, raise the standard of living or physically build libraries and museums, having Internet access can provide opportunities that Roma ISD's students would otherwise never experience.

Roma ISD relies upon E-rate funding to purchase Internet access services for its students. On May 25, 2016, Roma ISD filed its FCC Form 471 #161044428 for Category 1 data transmission and Internet access services for funding year 2016.⁶ On December 16, 2012, USAC issued an funding commitment decision letter (FCDL) for Roma ISD, approving its

⁶ Exhibit 2, Roma FCC Form 471 (May 25, 2016).

funding requests.⁷ Roma ISD's Form 486 was due on April 26, 2017 (120 days after the FCDL was issued would have been April 11, 2017 plus the 15-day grace period). Roma ISD filed its Form 486 on May 5, 2017.⁸

During this time, Leticia Cadena, the District's instructional technology director, was diagnosed with and battling a serious illness. She was initially out of the office for several months, and even after her return to work, she was unable to work for a significant number of days.⁹ She again was out of the office for surgery just after Roma ISD received its FCDL for funding year 2016.

After Ms. Cadena filed the Form 486, invoices for Roma ISD's funding requests were submitted to USAC and the full committed amounts were paid.

On May 22, 2018—completely out of the blue—Roma ISD received a recovery of improperly disbursed funds (RIDF) letter, seeking recovery of more than \$120,000.¹⁰ The letter referenced an appeal, but Roma ISD is unaware of any appeal or any issue with these funding requests until receiving the May 22 letter.¹¹ It appears that, because the Form 486 was nine days late, USAC reset the service start date back 120 days to January 5, 2017, and called that an appeal.¹²

⁷ Exhibit 3, USAC Funding Commitment Decision Letter (Dec. 16, 2016).

⁸ Exhibit 4, Certification of FCC Form 486 (May 5, 2017).

⁹ We are omitting the details of her illness to protect Ms. Cadena's privacy. Ms. Cadena, however, is willing to share further details with the Wireline Competition Bureau as necessary to establish the extent of her illness and its effects. She is available to discuss verbally or in a redacted filing with the Bureau.

¹⁰ Exhibit 1, USAC Recovery of Improperly Disbursed Funds Letter (May 22, 2018).

¹¹ *Id.*

¹² *Id.*

USAC's stated reason for recovery of funding is as follows:

FRN 1699103907: During USAC's review, it was determined that funds were improperly disbursed for this funding request. Based on a [sic] appeal the service start date was changed to 1/5/2017 the disbursed amount is more than the committed amount [sic]. As a result, the correct commitment amount for the FRN is \$17,550.00, which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$17,550.00 in improperly disbursed funds from the applicant.¹³

FRN 1699107079: During USAC's review, it was determined that funds were improperly disbursed for this funding request. Based on a [sic] appeal the service start date was changed to 1/5/2017 the disbursed amount is more than the committed amount [sic]. As a result, the correct commitment amount for the FRN is \$103,950.38, which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$103,949.62 in improperly disbursed funds from the applicant.¹⁴

On July 19, 2018, Roma ISD filed a timely appeal of USAC's RIDF letter. On August 15, 2018, USAC denied Roma ISD's appeal, finding that it had not demonstrated that USAC's original decision was incorrect.¹⁵ Instead of addressing Roma ISD's evidence that it had met the Commission's standard for a grant of its appeal as articulated in a Bureau order, USAC simply repeated its initial denial reason: "Your appeal is denied since the FCC Form 486 for [the funding request] was not filed within 120 days calculated from the date of the Funding Commitment Decision Letter (FCDL) or the Service Start Date (SSD) as indicated on your FCC Form 471, whichever date is later."¹⁶

Appeals to the Commission of USAC decisions are due within 60 days.¹⁷ As such, the instant appeal is timely filed.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Exhibit 5, Revised Funding Commitment Decision (USAC decision on appeal) dated August 15, 2018.

¹⁶ *Id.*

¹⁷ See 47 C.F.R. § 54.720(a).

II. USAC SHOULD HAVE GRANTED ROMA ISD’S APPEAL

A. USAC Did Not Conduct an Analysis of Roma ISD’s Appeal as Required by Commission Precedent

All applicants are required to annually file the FCC Form 486 to notify USAC of the date that they began receiving E-rate supported services and to certify compliance with the Children’s Internet Protection Act (CIPA).¹⁸ USAC procedures require applicants to submit their FCC Form 486 no later than 120 days after the date service began or no later than 120 days after the date USAC issued a funding decision commitment letter (FCDL), whichever is later.¹⁹ If an applicant files late, USAC will set the service start date to the date 120 days before receipt of the Form 486, and the applicant will only receive funding for the time period after the established service start date, not the actual service start date.²⁰

In 2016, the Wireline Competition Bureau articulated a new standard for granting appeals of USAC’s denials of late-filed Forms 486.²¹ The Bureau ruled that appeals for late-filed Forms 486 would be granted when (1) the Form 486 was filed no later than 120 days after the last day to receive service for the funding request at issue and (2) the applicant has demonstrated good cause for the late filing.²² The Bureau directed USAC to grant appeals of late-filed Forms 486 if the applicant met the standard.

¹⁸ 47 C.F.R. § 520(c).

¹⁹ *Archdiocese of New Orleans*, 31 FCC Rcd at 11751, para. 2.

²⁰ *Id.*

²¹ *Archdiocese of New Orleans*, 31 FCC Rcd at 11751, paras. 1, 10.

²² *Id.*

The Commission directed USAC to apply the new late-filed standard to appeals filed with USAC on or after January 30, 2017.²³ Thus, USAC had the authority to grant Roma ISD's appeal.

Not only did not USAC not grant Roma ISD's appeal based on these facts, but it appears that USAC did not even consider the District's evidence and arguments in deciding the appeal. It is clear from the *Archdiocese of New Orleans* order that the Commission intended to delegate authority for USAC to resolve appeals of the Forms 486. USAC's denial explanation gave no indication that it followed the Bureau's directive to determine if Roma ISD qualified for the relief set forth in the *Archdiocese of New Orleans* order.

B. Roma ISD Met the Bureau's Standard to Receive a Grant of Its Appeal

As noted above, the Bureau found that USAC should grant appeals for late-filed Forms 486 when (1) the Form 486 was filed no later than 120 days after the last day to receive service for the funding request at issue and (2) where the applicant has demonstrated good cause for the late filing.²⁴

Roma ISD met this standard. First, the Form 486 was filed within 120 days of the last day to receive services for the funding request at issue. The last day to receive service for this application was June 30, 2017, and 120 days after that would be in October 2017. Roma filed its Form 486 in May 2017—well before that deadline.

Second, Roma ISD had good cause for the late filing. As described above, Ms. Cadena, the District's technology director, was battling a serious illness during that year. She underwent a surgery just a few weeks after the District received its FCDL in December 2016. Nevertheless,

²³ *Id.* at 11751, para. 12.

²⁴ *Id.*

she still managed to file the form only a few days late. Those few days are certainly not worth the District losing approximately \$120,000 in funding.

III. USAC SHOULD NOT SEEK RECOVERY OF FUNDING WHEN THE ERROR AT ISSUE IS PROCEDURAL, AS IT WAS HERE

The Commission has directed USAC not to seek recovery of funding when the error at issue is a procedural one.²⁵ Here, not only is the error procedural, in that it was the late filing of a form, but it is not even a violation of Commission rules. The Form 486 procedural deadline was created by USAC, not by the Commission. The Commission has chosen not codify the deadline through a notice and comment rulemaking. Even if USAC's procedures call for a reset of an applicant's service start date when the Form 486 is filed late, if USAC disbursed the funding, it should not now seek recovery of the funding.

Further, in a recent newsletter, USAC itself noted that the rescission of committed funding due to a late-filed Form 486 is a "penalty."²⁶ Congress has authorized specific situations in which the Commission can assess forfeitures on carriers and others who violate Commission rules.²⁷ This authority has not been delegated to USAC. In addition, the Commission has established specific procedures that the Commission must follow in order to assess a forfeiture. As such, it is not appropriate for USAC to assess a penalty for filing a form late, especially when, as here, the Form 486 deadline is not a codified Commission rule.

It is unclear why USAC chose to reset the service start date by 120 days from the date the Form 486 was filed. The result is that applicants that make the exact same mistake are treated very differently depending upon when in the funding year USAC issues the FCDL. If the form is

²⁵ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808, para. 19 (2004) (*Fifth Report and Order*).

²⁶ See Exhibit 6, USAC newsletter dated October 5, 2018.

²⁷ See 47 U.S.C. §§ 501, 502, 503.

four days late, for example, any reduction in funding should—at most—be prorated for those four days only instead of four months’ worth of funding. Perversely, USAC’s approach penalizes applicants whose FCDLs are issued later in the funding year more than those whose FCDLs are issued earlier in the funding year. For example, if an applicant receives its FCDL on July 1 of a funding year, its Form 486 is due 120 days later—October 29. Under USAC’s procedures, a Form 486 filed four days late would result in a revised service start date of July 5. In contrast, if an applicant receives its FCDL on February 1, its Form 486 is due June 1 (in a non-leap year). A Form 486 filed four days late would result in a revised service start date of February 5. In these situations, the applicants were both four days late, but one applicant would lose only four days’ worth of funding while the other would lose more than seven months’ worth of funding—simply based on how timely USAC was in issuing an FCDL. This disparate treatment for applicants who have made the exact same mistake is arbitrary and should not be upheld by the Commission.

IV. IN THE ALTERNATIVE, THE COMMISSION SHOULD WAIVE ITS RULES BECAUSE GOOD CAUSE IS SHOWN AND THERE WAS NO HARM TO THE PROGRAM

As explained above, Roma ISD did not violate the Commission’s rules and USAC should have granted relief under Bureau precedent. If the Bureau disagrees, however, Roma respectfully asks the Bureau to waive its rules now to the extent necessary to grant the requested relief.

Any of the Commission’s rules may be waived if good cause is shown.²⁸ The Commission may exercise its discretion to waive a rule where the particular facts make strict

²⁸ 47 C.F.R. § 1.3.

compliance inconsistent with the public interest.²⁹ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³⁰

A waiver in this case would be in the public interest. As explained above, the District's instructional technology director, Leticia Cadena, was battling a serious illness and was out of the office for several months. When she returned, she was again out of the office for many days during the 2016-17 school year. In addition, she had to undergo another surgery shortly after Roma ISD received its FCDL for funding year 2016. Ms. Cadena did the best that she could under the circumstances and only submitted the Form 486 a few days late. Roma ISD and its students shouldn't be penalized for having an ill technology director.

Further, the recovery of \$120,000 – approximately half of the District's funding request for this application – is grossly disproportionate to the error. Roma ISD was only nine days late in submitting its Form 486. Those few days had zero impact on the proper administration of the fund and prejudiced no other party.

For these reasons, it is therefore in the public interest for the Bureau to grant a waiver.

²⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

³⁰ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

V. CONCLUSION

For the foregoing reasons, Roma ISD respectfully requests the Bureau to grant its appeal. Roma ISD meets the standard for relief set in the Commission's *Archdiocese of New Orleans* order: It filed its Form 486 before the Commission's deadline of 120 days after the last day to receive service and Roma ISD has demonstrated good cause for filing late. USAC should have granted Roma ISD's appeal when submitted to USAC.

Further, the Commission has directed USAC not to recover funds when disbursed due to a procedural error. As such, Roma ISD requests that the Bureau grant this appeal and reverse USAC's decision to seek recovery of funding. In the alternative, we ask the Bureau to waive the Commission's rules to the extent necessary to grant the requested relief.

Respectfully submitted,

/s/ Gina Spade

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202-907-6252

Counsel for Roma Independent School District

October 12, 2018

CERTIFICATE OF SERVICE

This is to certify that on this 12th day of October, 2018, a true and correct copy of the foregoing Request for Review was sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.

/s/ Theresa Schrader

Theresa Schrader

List of Attachments

Affidavit of Leticia Cadena

- Exhibit 1 Recovery of Improperly Disbursed Funds (RIDF) letter (May 22, 2018)
- Exhibit 2 Roma FCC Form 471 (May 25, 2016)
- Exhibit 3 USAC Funding Commitment Decision Letter (Dec. 12, 2016)
- Exhibit 4 Certification of Form 486 (May 5, 2017)
- Exhibit 5 Revised Funding Commitment Decision (USAC decision on appeal) (August 15, 2018)
- Exhibit 6 USAC newsletter dated October 5, 2018


Affidavit of Leticia Cadena

STATE OF TEXAS)
) SS
COUNTY OF STARR)

I, Leticia Cadena, swear:

1. That I am the Instructional Technology Director for the Roma Independent School District. I was hired by the district for that position in 08/13/2001.
2. That I have read the foregoing appeal and avow the information stated therein is true and correct to the best of my knowledge and belief.

Further Affiant Sayeth Not.

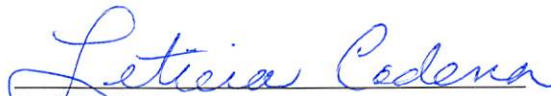


Leticia Cadena
Instructional Technology Director
Roma Independent School District
P.O. Box 187
Roma, Texas 78584

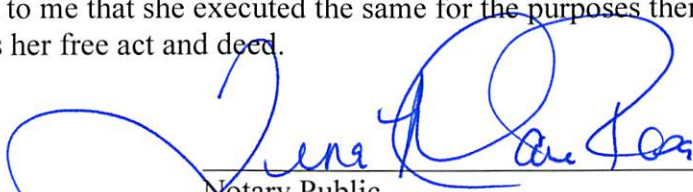
VERIFICATION

STATE OF TEXAS)
) SS
COUNTY OF STARR)

COMES NOW, Leticia Cadena, and being first duly sworn upon my oath, state that I have read the foregoing Affidavit, and that the facts contained therein are true and correct to the best of my knowledge, information and belief, and that I sign the same as my free act and deed.


Leticia Cadena

On this 11 day of October, 2018, before me, a Notary Public in and for said state, personally appeared Leticia Cadena, known to me to be the person who executed the within Affidavit, and acknowledged to me that she executed the same for the purposes therein stated and that she executed the same as her free act and deed.


Notary Public

My Commission Expires:

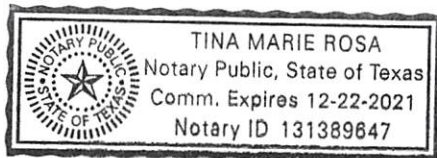


Exhibit 1



Recovery of Improperly Disbursed Funds Letter

Leticia Cadena
ROMA INDEP SCHOOL DISTRICT
608 NORTH GARCIA STREET, PO
BOX 187
ROMA, TX 78584

05/22/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

Total amount to be recovered: \$121,499.62

FCC Form 471	FRN	Commitment adjustment	Total amount to be recovered	Explanation(s)	Party to recover from
161044428	1699103907	\$0.00	\$17,550.00	Funds disbursed are greater than the commitment amount	BEN
161044428	1699107079	\$0.00	\$103,949.62	Funds disbursed are greater than the commitment amount	BEN

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

Recovery of Improperly Disbursed Funds

Our review of your Universal Service Schools and Libraries Support Program (or E-rate) funding request(s) referenced in the Adjustment Report has determined funds were improperly disbursed in violation of Federal Communications Commission (FCC) rules. A copy of that Adjustment Report is also attached to this letter.

FCC rules require the Universal Service Administrative Company (USAC) to recover funding when it is determined that funding was disbursed in violation of the rules. This letter notifies you that USAC will be recovering funding that was improperly disbursed and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>.

To Appeal This Decision



If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Recovery of Improperly Disbursed Funds) and the decision you are appealing:
 - a. Appellant name;
 - b. Applicant name and service provider name, if different from appellant;
 - c. Applicant BEN and Service Provider Identification Number (SPIN);
 - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
 - e. "Recovery of Improperly Disbursed Funds," AND the exact text of the decision that you are appealing.
- 3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division



Adjustment Report

FCC Form 471 Application Number:	161044428
Funding Request Number:	1699103907
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$17,550.00
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	141680
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Education Service Center - Region One
SPIN:	143020020
Original Funding Commitment:	\$17,550.00
Adjusted Funding Commitment:	\$17,550.00
Funds Disbursed to Date:	\$35,100.00

Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for this funding request. Based on a appeal the service start date was changed to 1/5/2017 the disbursed amount is more than the committed amount. As a result, the correct commitment amount for the FRN is \$17,550.00, which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$17,550.00 in improperly disbursed funds from the applicant.



Adjustment Report

FCC Form 471 Application Number:	161044428
Funding Request Number:	1699107079
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$103,949.62
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	141680
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Time Warner Cable Business LLC
SPIN:	143048275
Original Funding Commitment:	\$103,950.38
Adjusted Funding Commitment:	\$103,950.38
Funds Disbursed to Date:	\$207,900.00

Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for this funding request. Based on a appeal the service start date was changed to 1/5/2017 the disbursed amount is more than the committed amount. As a result, the correct commitment amount for the FRN is \$103,950.38 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$103,949.62 improperly disbursed funds from the applicant.

Exhibit 2



Description of Services Ordered and Certification Form 471

FCC Form 471

Application Information

Nickname	2016-RISD-IA	Application Number	161044428
Funding Year	2016	Category of Service	Category 1

Billed Entity

ROMA INDEP SCHOOL DISTRICT
608 NORTH GARCIA STREET, PO BOX 187 ROM
A TX 78584
956-849-1377

Contact Information

Leticia Cadena
956-849-1377
lcadena@romaisd.com

Billed Entity Number	141680
FCC Registration Number	0013775085
Applicant Type	School District

Holiday/Summer Contact Information	Carlos Guzman, Superintendent cguzman@romaisd.com
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Entity Information

School District Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	School District Attributes	Endowment
141680	ROMA INDEP SCHOOL DISTRICT	Rural	214903			Public School District	None

Related Entity Information

Related Child School Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
91563	R.T.BARRERA ELEMENTARY	Rural	214903	105	48 - 37740- 5782		Public School	None
91568	Y. B. ESCOBAR ELEMENTARY	Rural	214903	101	48 - 37740- 7428		Pre-K; Public School	None
196724	ALAS AND I & G CENTER	Urban	214903	003	48 - 37740- 7108		Public School	None
212482	VETERANS MEMORIAL ELEM SCHOOL	Rural	214903	109	48 - 37740- 12938		Public School	None
16039338	RAMIRO BARRERA MIDDLE SCHOOL	Rural	214903	042	48 - 37740- 11381		Public School	None

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
16039798	ROEL AND CELIA R SAENZ ELEMENTARY	Urban	214903	108	48 - 37740- 11414		Public School	None
91564	ROMA HIGH SCHOOL	Rural	214903	001	48 - 37740- 4228		Public School	None
91566	ROMA MIDDLE SCHOOL	Rural	214903	041	48 - 37740- 4230		Public School	None
91567	F.J. SCOTT ELEMENTARY SCHOOL	Urban	214903	103	48 - 37740- 4231		Public School	None
91561	EMMA VERA ELEMENTARY	Urban	214903	106	48 - 37740- 5788		Public School	None

Related Child School Entity - Discount Rate Calculation Details

BEN	Name	Urban/ Rural	Number of Students	Students Count Based on Estimate	CEP Percentage
91563	R.T.BARRERA ELEMENTARY	Rural	510	N/A	99.9999 9999%
91568	Y. B. ESCOBAR ELEMENTARY	Rural	460	N/A	99.9999 9999%
196724	ALAS AND I & G CENTER	Urban	31	N/A	99.9999 9999%
212482	VETERANS MEMORIAL ELEM SCHOOL	Rural	732	N/A	80.00%
16039338	RAMIRO BARRERA MIDDLE SCHOOL	Rural	614	N/A	99.9999 9999%
16039798	ROEL AND CELIA R SAENZ ELEMENTARY	Urban	619	N/A	99.9999 9999%
91564	ROMA HIGH SCHOOL	Rural	1781	N/A	99.9999 9999%
91566	ROMA MIDDLE SCHOOL	Rural	699	N/A	99.9999 9999%
91567	F.J. SCOTT ELEMENTARY SCHOOL	Urban	628	N/A	99.9999 9999%
91561	EMMA VERA ELEMENTARY	Urban	442	N/A	99.9999 9999%

Related School District NIFs

School District BEN	School District Name	NIF BEN	NIF Name
141680	ROMA INDEP SCHOOL DISTRICT	17006742	Roma Independent School District Admin Office

Discount Rate

School District Enrollment	School District NSLP Count	School District NSLP Percentage	School District Urban/ Rural Status	Category One Discount Rate	Category Two Discount Rate	Voice Discount Rate
6516	6516	100.0%	Rural	90%	85%	50%

Funding Request for FRN #1699103907

Funding Request Nickname: 2016 RISD-IA Region One

Service Type: Data Transmission and/or Internet Access

Agreement Information - Contract

Contract Number

Establishing FCC Form 470 160033843

Was an FCC Form 470 posted for the product and/or services you are requesting? Yes

Award Date May 12, 2016

How many bids were received for this contract? 2

What is the service start date? July 01, 2016

Account Number

Service Provider Education Service Center - Region One (SPN: 143020020)

Based on State Master Contract? No

Based on a multiple award schedule? No

Includes Voluntary Extensions? No

Remaining Voluntary Extensions

Total Remaining Contract Length

What is the date your contract expires for the current term of the contract? June 30, 2017

Document Name	Document Description
Region One.pdf	2016 IA Region One

Pricing Confidentiality

Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract? No

Narrative 1G Internet access

Line Item # 1699103907.001

Product and Service Details

Purpose Internet access service that includes a connection from any applicant site directly to the Internet Service Provider

Function Fiber

Type of Connection Ethernet

Bandwidth Speed

Upload Speed 1.0 Gbps Download Speed 1.0 Gbps

Connection Information

Does this include firewall services? No Is this a connection between eligible schools, libraries and NIFs (i.e., a connection that provides a "Wide area network")? Yes

Is this a direct connection to a single school, library or a NIF for Internet access? No Connection Used by Multiple buildings/sites listed

Cost Calculation for FRN Line Item # 1699103907.001

Monthly Cost	
Monthly Recurring Unit Cost	\$4,875.00
Monthly Recurring Unit Ineligible Costs	- \$1,625.00
Monthly Recurring Unit Eligible Costs	= \$3,250.00
Monthly Quantity	x 1
Total Monthly Eligible Recurring Costs	= \$3,250.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$39,000.00

One-Time Cost	
One-time Unit Cost	\$0.00
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$0.00
One-time Quantity	x 0
Total Eligible One-time Costs	= \$0.00
Summary	
Total Eligible Recurring Costs	\$39,000.00
Total Eligible One-time Costs	+ \$0.00
Pre-Discount Extended Eligible Line Item Cost	= \$39,000.00

Recipients of Services

BEN	Name
91564	ROMA HIGH SCHOOL
91566	ROMA MIDDLE SCHOOL

FRN Calculation for FRN #1699103907

Monthly Charges	
Total Monthly Recurring Charges	\$4,875.00
Total Monthly Ineligible Charges	- \$1,625.00
Total Monthly Eligible Charges	= \$3,250.00
Total Number of Months of Service	x 12
Total Eligible Pre-Discount Recurring Charges	= \$39,000.00

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$39,000.00
Total Eligible Pre-Discount One-Time Charges	+ \$0.00
Total Pre-Discount Charges	= \$39,000.00
Discount Rate	90%
Funding Commitment Request	= \$35,100.00

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

Funding Request for FRN #1699107079

Funding Request Nickname: 2016 Roma ISD-IA-Time Warner

Service Type: Data Transmission and/or Internet Access

Agreement Information - Contract

Contract Number 7472916 Account Number 8262860910136905

Establishing FCC Form 470 160033843

Was an FCC Form 470 posted for the product and/or services you are requesting?	Yes	Service Provider	Time Warner Cable Information Services (Texas), LLC (SPN: 143028428)
Award Date	May 12, 2016	Based on State Master Contract?	No
How many bids were received for this contract?	2	Based on a multiple award schedule?	No
What is the service start date?	July 01, 2016	Includes Voluntary Extensions?	No
		Remaining Voluntary Extensions	
		Total Remaining Contract Length	
		What is the date your contract expires for the current term of the contract?	June 30, 2017

Document Name	Document Description
7472916-IA- Roma ISD- ERATE 2016 DIA 5G - signed Agreement (1).pdf	Dedicated Internet Access

Pricing Confidentiality

Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract? No

Narrative Dedicated Internet Access for the entire district.

Line Item # 1699107079.001

Product and Service Details

Purpose Internet access service that includes a connection from any applicant site directly to the Internet Service Provider

Function Fiber

Type of Connection Ethernet

Bandwidth Speed

Upload Speed 5.0 Gbps Download Speed 5.0 Gbps

Connection Information

Does this include firewall services?	No	Is this a connection between eligible schools, libraries and NIFs (i.e., a connection that provides a “Wide area network”)?	No
Is this a direct connection to a single school, library or a NIF for Internet access?	Yes	Connection Used by	One building/ site listed

Cost Calculation for FRN Line Item # 1699107079.001

Monthly Cost	One-Time Cost
--------------	---------------

Monthly Recurring Unit Cost	\$12,500.00
Monthly Recurring Unit Ineligible Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$12,500.00
Monthly Quantity	x 1
Total Monthly Eligible Recurring Costs	= \$12,500.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$150,000.00

One-time Unit Cost	\$0.00
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$0.00
One-time Quantity	x 0
Total Eligible One-time Costs	= \$0.00
Summary	
Total Eligible Recurring Costs	\$150,000.00
Total Eligible One-time Costs	+ \$0.00
Pre-Discount Extended Eligible Line Item Cost	= \$150,000.00

Recipients of Services

BEN	Name
91563	R.T.BARRERA ELEMENTARY
91568	Y. B. ESCOBAR ELEMENTARY
196724	ALAS AND I & G CENTER
212482	VETERANS MEMORIAL ELEM SCHOOL
16039338	RAMIRO BARRERA MIDDLE SCHOOL
16039798	ROEL AND CELIA R SAENZ ELEMENTARY
91564	ROMA HIGH SCHOOL
91566	ROMA MIDDLE SCHOOL
91567	F.J. SCOTT ELEMENTARY SCHOOL
91561	EMMA VERA ELEMENTARY
17006742	Roma Independent School District Admin Office

Line Item # 1699107079.002

Product and Service Details

Purpose Data Connection between two or more sites entirely within the applicant's network

Function Fiber

Type of Connection Ethernet

Bandwidth Speed

Upload Speed 1.0 Gbps **Download Speed** 1.0 Gbps

Connection Information

Does this include firewall services?	No	Is this a connection between eligible schools, libraries and NIFs (i.e., a connection that provides a "Wide area network")?	Yes
Is this a direct connection to a single school, library or a NIF for Internet access?	No	Connection Used by	Multiple buildings/sites listed

Cost Calculation for FRN Line Item # 1699107079.002

Monthly Cost	
Monthly Recurring Unit Cost	\$750.00
Monthly Recurring Unit Ineligible Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$750.00
Monthly Quantity	x 9
Total Monthly Eligible Recurring Costs	= \$6,750.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$81,000.00

One-Time Cost	
One-time Unit Cost	\$0.00
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$0.00
One-time Quantity	x 0
Total Eligible One-time Costs	= \$0.00
Summary	
Total Eligible Recurring Costs	\$81,000.00
Total Eligible One-time Costs	+ \$0.00
Pre-Discount Extended Eligible Line Item Cost	= \$81,000.00

Recipients of Services

BEN	Name
91563	R.T.BARRERA ELEMENTARY
91568	Y. B. ESCOBAR ELEMENTARY
212482	VETERANS MEMORIAL ELEM SCHOOL
16039338	RAMIRO BARRERA MIDDLE SCHOOL
16039798	ROEL AND CELIA R SAENZ ELEMENTARY
91564	ROMA HIGH SCHOOL
91566	ROMA MIDDLE SCHOOL
91561	EMMA VERA ELEMENTARY
17006742	Roma Independent School District Admin Office

FRN Calculation for FRN #1699107079

Monthly Charges	
Total Monthly Recurring Charges	\$19,250.00
Total Monthly Ineligible Charges	- \$0.00
Total Monthly Eligible Charges	= \$19,250.00
Total Number of Months of Service	x 12
Total Eligible Pre-Discount Recurring Charges	= \$231,000.00

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$231,000.00
Total Eligible Pre-Discount One-Time Charges	+ \$0.00
Total Pre-Discount Charges	= \$231,000.00
Discount Rate	90%
Funding Commitment Request	= \$207,900.00

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

Connectivity Questions

District/System-wide Internet Access Questions

Does your school district currently aggregate Internet access for the entire district(as opposed to buying Yes Internet access on a building-by-building basis)?

Download Speed 5.00 Download Speed Units Gbps
Upload Speed 5.00 Upload Speed Units Gbps

Per Entity Basis Questions

Entity Name ROMA INDEP SCHOOL DISTRICT Entity Number 141680

BEN	Entity Name	Download	Units	Upload	Units	Connection	Wifi Sufficient	Barriers to Robust Network
91561	EMMA VERA ELEMENTARY	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
91563	R.T.BARRERA ELEMENTARY	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
91564	ROMA HIGH SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
91566	ROMA MIDDLE SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
91567	F.J. SCOTT ELEMENTARY SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
91568	Y. B. ESCOBAR ELEMENTARY	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
196724	ALAS AND I & G CENTER	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
212482	VETERANS MEMORIAL ELEM SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
16039338	RAMIRO BARRERA MIDDLE SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly
16039798	ROEL AND CELIA R SAENZ ELEMENTARY	1.00	Gbps	1.00	Gbps	Fiber	Mostly	Equipment too costly

Certifications

I certify that the entities listed in this application are eligible for support because they are 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.

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).

Total Funding Summary

Below is a summary of the total line item costs on this FCC Form 471:

Summary	
Total funding year pre-discount eligible amount on this FCC Form 471	\$270,000.00
Total funding commitment request amount on this FCC Form 471	\$243,000.00
Total applicant non-discount share of the eligible amount	\$27,000.00
Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts	\$27,000.00
Are you receiving any of the funds directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year?	No

Has a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds needed to pay your non-discounted share?	No
---	----

I certify an FCC Form 470 was posted and that any related RFP was made 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 goals.

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.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 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. § 54.513. 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, as prohibited by the Commission's rules at 47 C.F.R. § 54.503(d), 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.

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 or other legally binding agreements covering all of the services listed on this FCC 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.

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.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. 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 USAC.

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.

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.

I certify that if any of the Funding Requests on this FCC 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.

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 submit an application for such discounts by filing this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. 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 application requirements for universal service discounts contained in 47 C.F.R. § 54.504. Schools and libraries 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 your application for universal service discounts 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 for universal service discounts 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 or the Universal Service Administrator may delay processing of your application for universal service discounts 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 4.5 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. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

Authorized Person

Title:	Instructional Technology Director	Name:	Leticia Cadena
Phone:	956-849-1377	Email:	lcadena@romaisd.com

Address:

608 NORTH GARCIA STREET, **Employer:**
PO BOX 187 P.O., BOX 187
ROMA TX 78584

Leticia Cadena

Certified Timestamp

25-May-2016 13:13:32 EDT

Exhibit 3

FRN	FRN Status	471 Application Number	BEN	Billed Entity Name	Applicant City	Applicant State	Service Provider Name	Fund Year	Orig Funding Request	Cmt'd Funding Request	Orig FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN
1699107079	Funded	161044428	141680	ROMA INDEP SCHOOL DISTRICT	ROMA	TX	Time Warner Cable Business LLC	2016	\$207,900.00	\$103,950.38	Data Transmission and/or Internet Access	25	12/12/2016	MR1:The applicant did not submit any RAL corrections.	MR1: Approved as submitted.
1699103907	Funded	161044428	141680	ROMA INDEP SCHOOL DISTRICT	ROMA	TX	Education Service Center - Region One	2016	\$35,100.00	\$17,550.00	Data Transmission and/or Internet Access	25	12/12/2016	MR1:The applicant did not submit any RAL corrections.	MR1:Approved as submitted.

EXHIBIT 4

Documents - kadema@roma... X

E-rate Productivity Center X

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← → ↺ ↻

https://portal.usac.org/suite/tempo/news/entry/v-653024

NewsTasks (12)RecordsReportsActions

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E-rate Productivity Center

ROMA INDEP SCHOOL DISTRICT's FCC Form 486 - 42774 for Funding Year 2016 was successfully certified on 5/5/2017.

486-2016-RPSD-3A - #42...

#141680 - ROMA INDE...

May 5, 2017

Comment

Hide Info

FCC Form 486 # 42774

Billed Entity ROMA INDEP SCHOOL DISTRICT (BEN: 141680)

Certification Date May 5, 2017

EXHIBIT 5

FRN	FRN Status	471 Application Number	BEN	Billed Entity Name	Applicant City	Applicant State	Service Provider Name	Fund Year	Orig Funding Request	Cmt'd Funding Request	Orig FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN	PC Wave Number	Revised FCDL Date	Post Commitment Rationale
1699107079	Funded	161044428	141680	ROMA INDEP SCHOOL DISTRICT	ROMA	TX	Time Warner Cable Business LLC	2016	\$207,900.00	\$103,950.38	Data Transmission and/or Internet Access	25	12/12/2016	MR1:The applicant did not submit any RAL corrections.	MR1: Approved as submitted.	5 37 56	05/02/2017 02/22/2018 08/16/2018	5-Your SPIN change is approved. The service provider has been changed to 143048275, Time Warner Cable Business LLC. 37-Due to a late filing of this FCC Form 486, Service Start Date on your FRN was adjusted to 1/5/2017. Additionally, recurring charges that will occur before your adjusted service start date were removed and FRN was reduced to: \$115,500. 56-Your appeal is denied since the FCC Form 486 for FRN 1699107079 was not filed within 120 days calculated from the date of the Funding Commitment Decision Letter (FCDL) or the Service Start Date (SSD) as indicated on your FCC Form 471, whichever date is later. The instructions for the FCC Form 486 are in USAC's website at: http://www.usac.org/sl/applicants/step05/form-486.aspx .
1699103907	Funded	161044428	141680	ROMA INDEP SCHOOL DISTRICT	ROMA	TX	Education Service Center - Region One	2016	\$35,100.00	\$17,550.00	Data Transmission and/or Internet Access	25	12/12/2016	MR1:The applicant did not submit any RAL corrections.	MR1:Approved as submitted.	37 56	02/22/2018 08/16/2018	37-Due to a late filing of this FCC Form 486, Service Start Date on your FRN was adjusted to 1/5/2017. Additionally, recurring charges that will occur before your adjusted service start date were removed and FRN was reduced to: \$19,500. 56-Your appeal is denied since the FCC Form 486 for FRN 1699103907 was not filed within 120 days calculated from the date of the Funding Commitment Decision Letter (FCDL) or the Service Start Date (SSD) as indicated on your FCC Form 471, whichever date is later. The instructions for the FCC Form 486 are in USAC's website at: http://www.usac.org/sl/applicants/step05/form-486.aspx .

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Jose Flores
Education Service Center - Region One
1900 West Schunior
Edinburg, TX 78541
aflores@esc1.net

SPIN: 143020020**Post Commitment Wave:** 56

Totals

Original Commitment Amount	\$35,100.00
Revised Commitment Amount	\$17,550.00

What is in this letter?

Thank you for submitting your post-commitment request for **Funding Year 2016 Schools and Libraries Program (E-rate) funding**. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **FCC Form 486.** If your applicant(s) has not already filed the **FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, please make sure they review CIPA requirements and file the form(s).



Service Provider: Education Service Center - Region One

SPIN: 143020020

Post Commitment Wave: 56

2. **Make sure your applicant(s) file the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if they have not already done so. Please make sure they review the CIPA requirements and file the form(s).
 - **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
3. **Invoice USAC**, if you or your applicant(s) have not already done so. Work with your applicant(s) to determine if you will bill them at a discounted rate or if they will request reimbursement from USAC after paying their bills in full.
 - **If the applicant is invoicing USAC:** They must pay you (the service provider) the full cost for the services they receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If you (the service provider) are invoicing USAC:** You must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, you must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.



Service Provider: Education Service Center - Region One

SPIN: 143020020

Post Commitment Wave: 56

- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request, identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



Service Provider: Education Service Center - Region One

SPIN: 143020020

Post Commitment Wave: 56

Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	BEN Name	Request Type	Revised Committed	Review Status
1699103907	ROMA INDEP SCHOOL DISTRICT	Appeals	\$17,550.00	Denied



Service Provider: Education Service Center - Region One

SPIN: 143020020

Post Commitment Wave: 56

Post Commitment Request Number: 115960	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699103907	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
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Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	6		
Total Eligible Recurring Charges	\$19,500.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$19,500.00	
Discount Rate		90.00%	
Revised Committed Amount		\$17,550.00	

Dates	
Service Start Date	1/5/2017
Contract Expiration Date	6/30/2017
Contract Award Date	5/12/2016
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Education Service Center - Region One
SPIN (498ID)	143020020
Contract Number	
Account Number	
Establishing FCC Form 470	160033843

Billed Entity Information	
BEN Name	ROMA INDEP SCHOOL DISTRICT
BEN	141680
FCC Form 471	161044428

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:

Post Commitment Rationale:

Your appeal is denied since the FCC Form 486 for FRN 1699103907 was not filed within 120 days calculated from the date of the Funding Commitment Decision Letter (FCDL) or the Service Start Date (SSD) as indicated on your FCC Form 471, whichever date is later. The instructions for the FCC Form 486 are in USAC's website at: <http://www.usac.org/sl/applicants/step05/form-486.aspx>.

EXHIBIT 6



Universal Service
Administrative Co.

Schools and Libraries Program News Brief

October 5, 2018

TIP OF THE WEEK: Review your E-rate Productivity (EPC) profile(s) and update them as needed for the FY2019 application filing window. The [administrative window is now open](#) for you to make changes, and it will remain open until early January 2019.

Commitments for Funding Year 2018

Funding Year 2018. USAC released Funding Year (FY) 2018 Wave 26 Funding Commitment Decision Letters (FCDLs) on October 5. As of October 5, FY2018 commitments total over \$1.81 billion.

On the date that FCDLs are issued, you can access your FCDL notification from the **Notifications** section of your landing page in the E-rate Productivity Center (EPC).

USAC Seeks IT Enhancement Feedback

The USAC web page – [Share Your E-rate Technical System Ideas](#) – continues to be available for program participants to submit their ideas and feedback for improving and/or enhancing Schools and Libraries information systems. Information submitted to USAC through the feedback form on this webpage should only pertain to proposed changes to the E-rate related information technology (IT) systems.

To share your thoughts and ideas, go to the web page, enter your name and email address, identify your role in the E-rate program, and describe your idea. When you are finished, click the **SUBMIT** button at the bottom of the page.

If we have questions or would like more information about your submission, we may send you a request to the email address you provided. If you do not wish to be contacted by USAC, please notify us by email at privacy@usac.org.

Note that we cannot respond to specific inquiries or requests for assistance through this form. For these issues, submit a customer service case in EPC or call CSB at 888-203-8100.

Reminder of Three October 29 Deadlines

October 29, 2018 is the deadline for most program participants to:

1. Certify an invoice for FY2017 recurring services.
2. Request a one-time, 120-day extension of the deadline to file invoices for FY2017 recurring services.
3. Certify an FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act Certification Form for FY2018.

Each of these actions is discussed in more detail below.

1. Certifying an invoice for FY2017 recurring services

For most applicants and service providers, October 29 is the deadline to invoice USAC for FY2017 recurring services.

The invoice deadline is calculated as follows:

- 120 days after the last day to receive service (June 30, 2018) or
- 120 days after the date of the FCC Form 486 Notification Letter

whichever is later.

Applicants and service providers whose FCC Form 486 Notification Letters are dated after June 30, 2018 will have an invoice deadline later than October 29. However, USAC issued most of these letters well before that date (remember we are talking about FY2017 recurring services).

Applicants who intend to file FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, must have a Personal Identification Number (PIN) and an approved FCC Form 498, Service Provider and Billed Entity Identification Number and General Contact Information Form.

- To request a PIN, follow the instructions on the [Personal Identification Number page](#) on the USAC website. USAC will email your PIN to the email address you provide on the [PIN Request Template](#) that you complete in order to request your PIN. Note that you do not need a new PIN if you already have one.
- To start an FCC Form 498, click the [File Online \(EPC\) \(Applicants\)](#) link under the **FCC Form 498** header on the [Forms page](#) to log in to EPC. We suggest that you review the guidance on the [Obtain an Applicant 498 ID page](#) before you start the form. After USAC has reviewed and approved your form, we will issue you an applicant 498 ID, which will then appear on the first page of the online BEAR Form.

To start a BEAR Form, click the [File Online](#) link under the **FCC Form 472** header on the [Forms page](#) and provide your Billed Entity Number (BEN), your PIN, your email address and your last name.

Service providers who intend to file FCC Form 474, Service Provider Invoice (SPI) Form, can access the online SPI Form directly by clicking the [File Online](#) link under the **FCC Form 474** header on the [Forms page](#). You can also submit a request to set up electronic invoicing by following the instructions on the [Electronic Invoicing page](#), but keep in mind that it takes time to set up the process and the invoice deadline is only a few weeks away.

2. Requesting an extension of the invoice deadline for FY2017 recurring services

Applicants and service providers can request a one-time, 120-day extension of the invoice deadline for FY2017 recurring services. The deadline to submit such a request is October 29, 2018.

To request an invoice deadline extension for FY2017, applicants and service providers can log in to their EPC account, access the **Invoice Deadline Date Extension Request** tool, and follow the instructions. For more information on how to access and use this tool, review the description in the [September 21 SL News Brief](#).

You must file an extension request for each Funding Request Number (FRN) that you want to extend. You can file for multiple FRNs in a single session, but you must enter all your FRNs – you cannot request extensions by BEN or by FCC Form 471 application number.

TIP: For applicants and service providers who meet the following criteria, we suggest that you request an invoice deadline extension if:

- Your FRN is for FY2017 recurring services.
- You have not yet certified your final invoice for your FRN, or you have not yet certified any invoices for the FRN.
- You have an appeal, SPIN change, or service substitution in process for the FRN.

Requesting this deadline now will give you more time to invoice if it takes longer than expected for USAC to issue its decision on your post-commitment change. (Remember that service delivery deadlines – and therefore invoice deadlines – are automatically extended only for non-recurring services.)

3. Certifying an FCC Form 486 for FY2018

For many applicants, October 29 is the deadline for certifying an FCC Form 486 for FY2018.

The FCC Form 486 filing deadline is calculated as follows:

- 120 days after the date of the FCDL or
- 120 days after the service start date reported on the FCC Form 486

whichever is later.

Applicants whose services start after July 1, 2018 or whose FCDLs are dated after July 1, 2018 will have an FCC Form 486 deadline later than October 29. However, we encourage you to certify your FCC Form 486 as soon as possible after services start for FY2018 and you can accurately make all of the certifications on the form.

To start an FCC Form 486, click the [File Online](#) link under the **FCC Form 486** header on the [Forms page](#) to log in to EPC. You can then click the **FCC Form 486** link at the top of your landing page.

FCC Form 486 Urgent Reminder Letter

If we believe your FCC Form 486 is late based on the deadline calculation described above, we will send you an FCC Form 486 Urgent Reminder Letter to remind you of the upcoming deadline. (Note that we use the service start date you reported on your FCC Form 471 to determine when to send the letter, so if your service start date has changed, your deadline may have changed as well.) This letter is posted to your **News** feed in EPC, and we also send an email to the contact person on the FCC Form 471.

You have 15 days after the date of this letter to certify your FCC Form 486 without penalty. Again, if your service start date has changed, the service start date you enter on your certified FCC Form 486 will determine whether we must apply a penalty for late filing.

Penalty for certifying an FCC Form 486 late

If you wait more than 15 days to certify your form – or if the service start date you report on your FCC Form 486 is more than 120 days before the date you certify your form – we will adjust your service start date to the date 120 days before the date you certify your form. This adjusted service start date will appear on your FCC Form 486 Notification Letter in EPC, and we will not pay discounts for services received before that adjusted date.

Please plan to get these three program activities completed before the above deadline if you have not already done so.

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