

Factual Background

1. On or about June 18, 2018, Paterson received the RIDF letter from USAC. (Exhibit A).
2. The RIDF letter instructs Paterson to return funds to USAC because Paterson purportedly applied for and received disbursements after the invoice deadline corresponding to Funding Request Number (FRN) 2490325.
3. The invoicing deadline for FRN 2490325 was March 18, 2016 (Exhibit B).
4. Paterson submitted a timely FCC Form 472 correlating to that FRN on September 23, 2015. That FCC Form 472 was given invoice number 2249235. (Exhibit C).
5. Despite having been timely filed by Paterson well before the invoice deadline, the service provider for FRN 2490325 did not timely certify FCC Form 472 number 2449235, thus qualifying for relief under the FCC's *Jefferson-Madison* decision.
6. On August 2, 2017 Paterson received a letter from USAC in relation to the FCC's *Jefferson-Madison* decision notifying Paterson that it qualified for relief under *Jefferson-Madison* Order and extending the invoicing deadline to September 1, 2017 (Exhibit B, n.6).
7. Prompted by this correspondence from USAC, Paterson submitted a second FCC Form 472 for FRN 2490325 on August 25, 2017, a week before the new deadline of September 1. It was given Invoice number 2673851 (Exhibit D).
8. USAC sent a Form 472 (BEAR) Notification Letter on September 1, 2017, approving Invoice number 2673851 in the full amount of \$161,638.22 (Exhibit E).
9. Paterson subsequently received the RIDF letter dated June 18, 2018. It states in pertinent part:

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$161,638.22.
10. On August 17, 2018, Paterson filed an appeal with USAC contesting the RIDF letter's directive (Exhibit F).

11. On November 30, 2018, Paterson received an Administrator's Decision on Appeal letter which identified Paterson as having been "erroneously identified" as "an applicant who qualified for the relief." It further stated that USAC had "improperly extended the invoice filing deadline for FRN 2490325 to September 1, 2017" and, consequently, the funding correlating to that FRN "was disbursed in violation of the FCC's rules." (Exhibit G).

Legal Argument

The documents appended hereto clearly demonstrate that Paterson timely submitted FCC Form 472 number 2449235 on September 23, 2015. Through no fault of Paterson, the service provider correlating to that FRN did not timely certify the Form 472. This is precisely the scenario under which applicants qualify for relief under the FCC's *Jefferson-Madison* Order. In light of these facts, Paterson respectfully requests that the FCC overturn the USAC Administrator's Decision on Appeal and rescind the RIDF letter, thus allowing Paterson to retain the funding to which it is entitled.

If, however, the FCC does not agree that Paterson qualifies for relief under the *Jefferson-Madison* Order, Paterson respectfully requests that the FCC grant this appeal pursuant to the Fifth Report and Order, FCC 04-190, paragraph 19, which states in pertinent part, "[i]f, however, the procedural violation is inadvertently overlooked during the application phase and funds are disbursed, the Commission will not require that they be recovered, except to the extent that such rules are essential to the financial integrity of the program, as designated by the agency, or that circumstances suggest the possibility of waste, fraud, or abuse, which will be evaluated on a case-by-case basis."

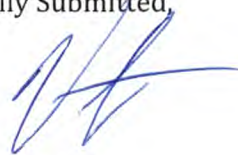
Here, there is no allegation of waste, fraud or abuse by Paterson. To the contrary, Paterson adhered to the process dictated by Program rules. Furthermore, the Paterson School District is an urban district comprised of over 50 schools and over 25,000 students. Ninety-five percent (95%) of its pupil population are minority students. Most importantly, Paterson is an extremely impoverished school district, with approximately 90% of its pupil population eligible for free or reduced-price meals under the National School Lunch Program. To penalize Paterson because of an error by a service provider is fundamentally unfair and runs counter to the spirit of the Program.

Lastly, should the Commission determine that the *Jefferson-Madison* Order does not apply here, Paterson respectfully requests a waiver of the Invoice deadline procedures. Again, there is no suggestion here of waste, fraud or abuse and recovery of these funds under these circumstances does nothing to preserve the financial integrity of the Program or serve the public interest. Rather, it will place an undue hardship upon Paterson School District officials and pupils.

Please direct all inquiries concerning this Appeal and related correspondence to the following individual:

Vincent LaForgia
Phone: 973.200.4815 x101
Fax: 973.338.1673
Email: vince@erateconsulting.com

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'V LaForgia', with a long horizontal flourish extending to the right.

Vincent LaForgia

Exhibit A

Jose Correa
PATERSON PUBLIC SCHOOLS
90 DELAWARE AVE
PATERSON, NJ 07503



Recovery of Improperly Disbursed Funds Letter

Jose Correa
PATERSON PUBLIC SCHOOLS
90 DELAWARE AVE
PATERSON, NJ 07503

6/18/2018

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: \$161,638.22

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
900641	2490325	\$0.00	\$161,638.22	FCC Directive	Applicant

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 rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) 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 or 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

cc: John Waring
XTel Communications, Inc.



Adjustment Report

FCC Form 471 Application Number:	900641
Funding Request Number:	2490325
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$161,638.22
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2013
Billed Entity Number:	122871
Services Ordered:	TELCOMM SERVICES
Service Provider Name:	XTel Communications, Inc.
SPIN:	143010147
Original Funding Commitment:	\$161,638.22
Adjusted Funding Commitment:	\$161,638.22
Funds Disbursed to Date:	\$161,638.22

Funding Commitment Adjustment Explanation

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$161,638.22.

John Waring
XTel Communications, Inc.
401 Rt. 73 North, Bldg 10, Ste 106
Marlton, NJ 08053



Recovery of Improperly Disbursed Funds Letter

Jose Correa
PATERSON PUBLIC SCHOOLS
90 DELAWARE AVE
PATERSON, NJ 07503

6/18/2018

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900641	2490325	\$0.00	\$161,638.22	FCC Directive	Applicant

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- 1) Name, address, telephone number, and email address for the contact person for this appeal.
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- 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 or the decision that you are appealing.

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Schools and Libraries Division

cc: John Waring
XTel Communications, Inc.



Adjustment Report

FCC Form 471 Application Number:	900641
Funding Request Number:	2490325
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$161,638.22
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2013
Billed Entity Number:	122871
Services Ordered:	TELCOMM SERVICES
Service Provider Name:	XTel Communications, Inc.
SPIN:	143010147
Original Funding Commitment:	\$161,638.22
Adjusted Funding Commitment:	\$161,638.22
Funds Disbursed to Date:	\$161,638.22

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You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$161,638.22.

Exhibit B



Administrator's Decision on Appeal – Funding Year 2013

November 30, 2018

Vincent LaForgia
E-Rate Consulting Inc.
130 Valley Rd. Suite B
Montclair, NJ 07042

Re: Applicant Name: Paterson Public Schools
Billed Entity Number: 122871
Form 471 Application Number: 900641
Funding Request Number(s) (FRN): 2490325
Your Correspondence Dated: August 17, 2018

The Universal Service Administrative Company (USAC) has completed its evaluation of the August 17, 2018 letter of appeal (Appeal) submitted Paterson Public Schools (the District).¹ The Appeal requests that USAC cease its recovery action because the District timely submitted its invoices before the extended September 1, 2017 invoicing deadline.²

USAC has reviewed the appeal and the facts related to this matter and determined that it cannot grant the appeal because USAC is not authorized to waive the Federal Communications Commission (FCC) rules.³ USAC is also required to seek recovery for funding that is disbursed in violation of the FCC rules.⁴

On May 30, 2017, the Federal Communications Commission (FCC) issued the *Jefferson-Madison Reconsideration Order* directing USAC to identify and allow all applicants who

¹ Letter from Vincent LaForgia, Consultant, E-Rate Consulting to Schools and Libraries Division, USAC (August 17, 2018) (*Appeal*).

² *Id.* at 2.

³ See generally, 47 C.F.R. § 54.702(c) (2013) (“[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress.”). See 47 C.F.R. § 54.719(c) (“Parties seeking waivers of the Commission’s rules shall seek relief directly from the Commission.”).

⁴ See *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



timely filed their Billed Entity Application for Reimbursement (BEAR) forms to be allowed to resubmit their BEAR forms even if their service provider failed to certify the BEAR form prior to the original invoicing deadline.⁵

The invoicing deadline for Funding Request Number (FRN) 2490325 was March 18, 2016. The District did not submit a BEAR form for that FRN by that deadline, and therefore was ineligible for relief under the *Jefferson-Madison Reconsideration Order*. However, USAC erroneously identified the District as an applicant who qualified for the relief and improperly extended the invoice filing deadline for FRN 2490325 to September 1, 2017.⁶ Because USAC is not authorized to waive the FCC's invoicing deadline rules,⁷ USAC must recover funding that was disbursed in violation of the FCC's rules.⁸ For these reasons, your appeal is denied.

If you want to seek a waiver of FCC rules, or if you wish to appeal this decision, you must submit your request for waiver or appeal to the FCC within 60 days of the date of this decision letter. On all communications with the FCC, be sure to reference CC Docket No. 02-6. The FCC recommends filing with the Electronic Comment Filing System (ECFS) to ensure timely filing. You can find instructions for using ECFS on the ECFS Online Manual page of the FCC's website. The FCC will consider electronic filings as filed on a business day if they are received before midnight ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via email. For additional information about submitting appeals or waiver requests to the FCC, including options to submit via U.S. mail or hand delivery, visit the FCC's website at: <https://www.fcc.gov/reports-research/guides/how-file-paper-documents-fcc>.

⁵ *Petition for Reconsideration by Jefferson-Madison Regional Library*, CC Docket No. 02-6, Order on Reconsideration, 32 FCC Rcd 4626, 4632, para. 15 (2017).

⁶ See Letter from Schools and Libraries Division, USAC to Jose Correa, Paterson Public Schools (Aug. 2, 2017) (notifying the District that it qualified for relief pursuant to the *Jefferson-Madison Order* and extending the invoicing deadline to September 1, 2017).

⁷ See generally, 47 C.F.R. § 54.702(c) (2013) (“[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress.”). See 47 C.F.R. § 54.719(c) (“Parties seeking waivers of the Commission’s rules shall seek relief directly from the Commission.”). *Request for Review of the Decision of the Universal Service Administrator by Merced Union High School*, CC Docket No. 96-45, Order, 15 FCC Rcd 18803, 18805 (2000) (“We note that rules and policies are enforced even where a party received erroneous advice from a government employee, and the Commission is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when the relief requested would be contrary to an applicable statute or rule.”).

⁸ See *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



Schools and Libraries Division
Universal Service Administrative Company

CC: Jose Correa
Paterson Public Schools
90 Delaware Avenue
Paterson, NJ 07503

Vincent LaForgia
E-Rate Consulting Inc.
130 Valley Rd. Suite B
Montclair, NJ 07042

Billed Entity Number: 122871
Form 471 Application Number: 900641
Form 486 Application Number: 1075656

Exhibit C

Universal Service for Schools and Libraries

Please read instructions before completing.

(To be completed by schools, libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.
Only one Service Provider Identification Number (SPIN) per form.
Must be completed and signed by the Billed Entity Applicant.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier for your own reference) Xtel	FCC Form 472 Invoice # (To be inserted by administrator) 2249235
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BLOCK 1: HEADER INFORMATION	
1. Billed Entity Name	PATERSON PUBLIC SCHOOLS
2. Billed Entity Number	122871
3. Service Provider Identification Number (SPIN)	143010147
Applicant FCC Form 498 ID	
4. Contact Name	BERT GAROFANO
5. Contact Telephone Number	888- 5357771 ext 106
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$161,638.22

Billed Entity Applicant Reimbursement Form

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name PATERSON PUBLIC SCHOOLS Billed Entity Number 122871Contact Name BERT GAROFANO Contact Telephone Number 888-5357771106Applicant Form Identifier Xtel**BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER**

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	900641	2490325		7/1/2013		\$183,679.80	88.00	\$161,638.22
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)								\$161,638.22

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name PATERSON PUBLIC SCHOOLS

Billed Entity Number 122871

Contact Name BERT GAROFANO

Applicant Form Identifier Xtel

Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in this Billed Entity Applicant Reimbursement Form represent charges for eligible services and/or equipment delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated FCC Form 486.
- B. The discount amounts listed in this Billed Entity Applicant Reimbursement Form were already billed by the Service Provider and paid for by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in this Billed Entity Applicant Reimbursement Form are for eligible services and/or equipment approved by the Fund Administrator pursuant to a Funding Commitment Decision Letter (FCDL).
- D. I acknowledge that I may be audited pursuant to this application and will retain for at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records that I rely upon to complete this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person **Signed electronically by BERT GAROFANO**

16. Date **9/23/2015**

17. Printed name of authorized person **BERT GAROFANO**

18. Title or position of authorized person **CONSULTANT**

19. Telephone number of authorized person **888- 5357771 ext 106**

20. Address of authorized person **322 ROUTE 46 WEST, SUITE 280 W, PARSIPPANY NJ 07054**

[Home](#)
[New BEAR Form](#)
[Track Form](#)
[Bulk Download](#)
[Terms and Conditions](#)
[Deadline Extension](#)
[Logout](#)

View BEAR Invoice

 **PRINTABLE PAGE**

Invoice ID: 2249235
Created on 9/23/2015 10:57 AM
Last updated on 9/23/2015 10:57 AM

Applicant Form Identifier Xtel

Block 1: Header Information

Need Help?

1. Billed Entity Name PATERSON PUBLIC SCHOOLS	2. Billed Entity Number 122871	3. Service Provider Identification Number (SPIN) 143010147
--	--	--

Applicant FCC Form 498 ID

4. Contact Name	BERT GAROFANO
5. Contact Telephone Phone	(888) 535-7771 ext. 106
Contact Fax	(866) 569-3019
Contact Email	ugarofano@erate360.com

6. Total Reimbursement Amount
(total from Block 2, Column 14)
 \$ 161638.22

Block 2: Line Item Information Per Funding Request Number

Need Help?

7. FCC Form 471 Application Number (from Funding Commitment Decision Letter)	8. Funding Request Number (FRN) (from Funding Commitment Decision Letter)	9. Bill Frequency	10. Customer Billed Date	11. Shipping date to Customer or Last Day of Work Performed (mm/dd/yyyy)	12. Total (Undiscounted) Amount for Service	13. Discount Rate	14. Discount Amount Billed to USAC (Column 12 multiplied by Column 13)	Approval Status
1) 900641	2490325		7/1/2013		\$ 183679.80	88	\$ 161638.22	AWAITING CERTIFICATION

Block 3: Billed Entity Certification

Need Help?

Contact Information for Billed Entity Authorized Person:

By logging into your account using your PIN, checking this box, and clicking the "certify" button at the end of the form, you have electronically signed the form. You are reminded that an electronic signature is the same as a handwritten signature on the form. To see a copy of the Terms and Conditions to which you previously agreed, please click on the "Terms and Conditions" menu above.

Submission Date 9/23/2015

17. Name BERT GAROFANO
18. Title/Position CONSULTANT
20. Address 1 322 ROUTE 46 WEST
Address 2 SUITE 280 W
City PARSIPPANY
State NJ
Zip Code 07054 -

19. Phone Number (888) 535-7771 ext. 106
19a. Fax Number (866) 569-3019
19b. Email ugarofano@erate360.com
19c. Name of Authorized Person's Employer Erate 360 Solutions, LLC

OMB Number 3060 - 0856 Form 472

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Client Service Bureau: 1-888-203-8100

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Track BEAR Forms

Please choose from one or more of the following search options:

Created Date Range:	From:	<input type="text"/>	To:	<input type="text"/>
Dollar Amount:	Min:	<input type="text"/>	Max:	<input type="text"/>
SPIN:	<input type="text"/>			
Invoice Id:	<input type="text"/>			
Applicant Form Identifier:	<input type="text"/>			

Display Results As:

☒ BEAR
☐ FRN

Search Results:

Invoice Id	Applicant Form Identifier	SPIN	Status	Reimbursement Amount	Contact Name	Authorized By	Date Created
315770	PPS-2001	143001362	COMPLETED	\$170,015.64	RALPH BARCA		8/6/2002 1:14:41 PM
89524	Y2-B001	143001362	COMPLETED	\$329,826.60	STEPHEN COHEN		2/17/2000 10:35:43 PM
19642	98-002	143011519	COMPLETED	\$1,149,130.80	Stephen Cohen		3/16/1999 10:24:32 AM
236905	F-3-2000-2001	143001362	COMPLETED	\$43,560.00	RALPH BARCA		8/17/2001 9:13:17 AM
166191	1999-2000	143007014	COMPLETED	\$29,977.20	RALPH BARCA		12/20/2000 12:47:36 PM
89407	Y2-B002	143001192	COMPLETED	\$17,102.56	STEPHEN COHEN		2/17/2000 5:13:13 PM
188740	F-3-2000-2001	143001362	COMPLETED	\$203,085.00	RALPH BARCA		3/5/2001 9:31:48 AM
82215	3/1/98	143001362	COMPLETED	\$486,558.42	STEPHEN COHEN		1/24/2000 10:30:28 AM
44082	98-003	143001362	COMPLETED	\$224,565.43	STEPHEN COHEN		7/7/1999 3:03:33 PM
188745	F-3-2000-2001	143001123	COMPLETED	\$189,361.34	RALPH BARCA		3/5/2001 9:35:52 AM
130931	Y2-BA1	143001362	COMPLETED	\$329,826.60	RALPH BARCA		8/18/2000 10:52:04 AM
315769	PPS-2001	143001123	COMPLETED	\$184,753.75	RALPH BARCA		8/6/2002 1:12:21 PM

20036	98-003	143001362	COMPLETED	\$261,993.00	Stephen Cohen		3/16/1999 5:59:05 PM
171950	Y2-ATT1	143001192	COMPLETED	\$17,102.55	RALPH BARCA		1/11/2001 10:47:42 AM
130913	Y2-ATT1	143001192	COMPLETED	\$17,102.56	RALPH BARCA		8/18/2000 10:28:23 AM
19671	98-001	143011826	COMPLETED	\$782,718.30	Stephen Cohen		3/16/1999 10:48:18 AM
1881243	122871	143004851	COMPLETED	\$167,383.04	BERT GAROFANO	BERT GAROFANO	9/4/2013 10:04:37 AM
2262679	122871_Cablevision	143013604	COMPLETED	\$53,845.44	BERT GAROFANO	BERT GAROFANO	10/12/2015 1:32:37 PM
2262681	122871DNS	143009866	COMPLETED	\$59,491.19	BERT GAROFANO	BERT GAROFANO	10/12/2015 1:35:23 PM
2262686	122871DNS	143009866	COMPLETED	\$54,805.70	BERT GAROFANO	BERT GAROFANO	10/12/2015 1:38:05 PM
2249262	Xtel	143010147	COMPLETED	\$161,638.22	BERT GAROFANO	BERT GAROFANO	9/23/2015 11:17:30 AM
2249243	Verizon New Jersey	143001362	COMPLETED	\$60,955.14	BERT GAROFANO	BERT GAROFANO	9/23/2015 11:10:30 AM
2249235	Xtel	143010147	PENDING VALIDATION	\$161,638.22	BERT GAROFANO	BERT GAROFANO	9/23/2015 10:57:24 AM
2249242	Verizon Business Global	143001197	COMPLETED	\$191,451.94	BERT GAROFANO	BERT GAROFANO	9/23/2015 11:06:23 AM
2249249	Verizon Wireless	143000677	COMPLETED	\$90,440.02	BERT GAROFANO	BERT GAROFANO	9/23/2015 11:14:33 AM
2303349	VWireless	143000677	COMPLETED	\$97,826.40	BERT GAROFANO	BERT GAROFANO	12/9/2015 1:30:50 PM
2302276	DNS-122871	143009866	COMPLETED	\$62,647.42	BERT GAROFANO	BERT GAROFANO	12/8/2015 11:24:09 AM
2302278	Cablevision Lightpath	143013604	COMPLETED	\$41,331.60	BERT GAROFANO	BERT GAROFANO	12/8/2015 11:26:19 AM
2302283	XTEL 122871	143010147	COMPLETED	\$163,475.02	BERT GAROFANO	BERT GAROFANO	12/8/2015 11:30:06 AM
2302288	VWireless	143000677	COMPLETED	\$97,900.51	BERT GAROFANO	BERT GAROFANO	12/8/2015 11:32:44 AM
2302294	Verizon	143001197	COMPLETED	\$196,590.82	BERT GAROFANO	BERT GAROFANO	12/8/2015 11:34:49 AM
2302296	VerizonNJ	143001362	COMPLETED	\$51,123.74	BERT GAROFANO	BERT GAROFANO	12/8/2015 11:37:03 AM
2273714	122871_VWireless	143000677	COMPLETED	\$85,559.68	BERT GAROFANO	BERT GAROFANO	10/23/2015 2:13:45 PM
2273732	122871_VerizonNJ	143001362	COMPLETED	\$50,246.44	BERT GAROFANO	BERT GAROFANO	10/23/2015 2:17:16 PM
2273753	122871_Verizon Business	143001197	COMPLETED	\$171,090.66	BERT GAROFANO	BERT GAROFANO	10/23/2015 2:20:15 PM
2491529	Verizon Wireless	143000677	COMPLETED	\$77,896.41	BERT GAROFANO	BERT GAROFANO	12/27/2016 10:01:05 AM
2491530	Cablevision	143013604	COMPLETED	\$38,944.80	BERT GAROFANO	BERT GAROFANO	12/27/2016 10:05:27 AM
2491531	Business Automated DNS	143009866	COMPLETED	\$67,536.00	BERT GAROFANO	BERT GAROFANO	12/27/2016 10:07:13 AM
2491532	Xtel	143010147	COMPLETED	\$142,800.00	BERT GAROFANO	BERT GAROFANO	12/27/2016 10:08:32 AM
2673848	Paterson 2012 Verizon	143001197	COMPLETED	\$196,590.82	Bert Garofano	BERT GAROFANO	8/25/2017 1:11:55 PM
2673851	Paterson Bear XTEL	143010147	COMPLETED	\$161,638.22	Bert Garofano	BERT GAROFANO	8/25/2017 1:15:04 PM
1834454	122871_BUSAUTO	143009866	COMPLETED	\$53,507.94	BERT GAROFANO	BERT GAROFANO	5/9/2013 11:01:21 AM
1834434	122871_VerizonNJ	143001362	COMPLETED	\$48,543.78	BERT GAROFANO	BERT GAROFANO	5/9/2013 10:57:39 AM

1834455	122871_VerWireless	143000677	COMPLETED	\$91,047.69	BERT GAROFANO	BERT GAROFANO	5/9/2013 11:03:13 AM
1834452	122871_Xtel	143010147	COMPLETED	\$31,680.00	BERT GAROFANO	BERT GAROFANO	5/9/2013 10:55:10 AM
1834427	122871_Cable	143013604	COMPLETED	\$18,675.87	BERT GAROFANO	BERT GAROFANO	5/9/2013 10:48:21 AM
1834449	122871_VerizonB	143001197	COMPLETED	\$192,201.29	BERT GAROFANO	BERT GAROFANO	5/9/2013 10:52:02 AM
937357	PATR-VW-07-01	143000677	COMPLETED	\$87,850.52	DAN RIORDAN	DANIEL E. RIORDAN	8/25/2008 10:58:15 AM
776453	PATR-DNS05-01	143009866	COMPLETED	\$37,883.58	DAN RIORDAN	DANIEL E. RIORDAN	6/14/2007 6:41:26 PM
766306	PATR-CRS04-01	143026279	COMPLETED	\$2,218,660.61	DAN RIORDAN	DANIEL E. RIORDAN	5/9/2007 3:25:51 PM
832117	PATR-VER06-01	143001362	COMPLETED	\$47,961.62	DAN RIORDAN	DANIEL E. RIORDAN	10/26/2007 10:51:16 PM
1461108	PATR-AVAYA-08-01a	143005214	COMPLETED	\$437,316.41	DAN RIORDAN	DANIEL E. RIORDAN	3/18/2011 1:07:36 PM
841729	PATR-VZW06-01	143000677	COMPLETED	\$84,840.00	DAN RIORDAN	DANIEL E. RIORDAN	11/12/2007 9:14:16 PM
1398073	PATR-VZNI-09-01	143004468	COMPLETED	\$255,824.38	DAN RIORDAN	DANIEL E. RIORDAN	10/15/2010 12:35:14 PM
1398051	PATR-BAT-09-01	143009866	COMPLETED	\$52,978.20	DAN RIORDAN	DANIEL E. RIORDAN	10/15/2010 12:22:39 PM
941441	PATR-CRS04-01E	143026279	COMPLETED	\$2,218,660.61	DAN RIORDAN	DANIEL E. RIORDAN	9/2/2008 5:25:48 PM
1139696	PATR-VZNJ-08-01	143001362	COMPLETED	\$87,304.50	DAN RIORDAN	DANIEL E. RIORDAN	10/5/2009 1:31:10 PM
832116	PATR-MCI06-01	143001197	COMPLETED	\$315,348.02	DAN RIORDAN	DANIEL E. RIORDAN	10/26/2007 10:48:20 PM
937267	PATR-AVA-07-01	143005214	COMPLETED	\$381,436.24	DAN RIORDAN	DANIEL E. RIORDAN	8/25/2008 10:06:57 AM
937247	PATR-DNS-07-01	143009866	COMPLETED	\$32,963.43	DAN RIORDAN	DANIEL E. RIORDAN	8/25/2008 9:48:41 AM
1398041	PATR-VZW-09-01	143000677	COMPLETED	\$82,770.41	DAN RIORDAN	DANIEL E. RIORDAN	10/15/2010 12:13:16 PM
898773	PATR-CRS04-01A	143026279	COMPLETED	\$2,218,660.61	DAN RIORDAN	DANIEL E. RIORDAN	6/4/2008 12:20:42 PM
1439982	PATR-CABLP-09-01	143013604	COMPLETED	\$2,920.73	DAN RIORDAN	DANIEL E. RIORDAN	1/20/2011 12:43:35 PM
832118	PATR-VER06-02	143001362	COMPLETED	\$165,765.88	DAN RIORDAN	DANIEL E. RIORDAN	10/26/2007 10:53:12 PM
1139730	PATR-VZBG-08-01	143001197	COMPLETED	\$157,240.73	DAN RIORDAN	DANIEL E. RIORDAN	10/5/2009 1:41:46 PM
1573597	PATR-VNI-10-01	143004468	COMPLETED	\$257,976.22	DAN RIORDAN	DANIEL E. RIORDAN	10/28/2011 7:24:27 PM
937268	PATR-VBG-07-01	143001197	COMPLETED	\$328,588.26	DAN RIORDAN	DANIEL E. RIORDAN	8/25/2008 10:14:47 AM
776456	PATR-MCI05-01	143001197	COMPLETED	\$280,248.99	DAN RIORDAN	DANIEL E. RIORDAN	6/14/2007 12:00:00 AM
938872	PATR-VER07-01	143001362	COMPLETED	\$225,335.25	DAN RIORDAN	DANIEL E. RIORDAN	8/27/2008 2:49:40 PM
916502	PATR-VZW07-01	143000677	COMPLETED	\$85,944.64	DAN RIORDAN	DANIEL E. RIORDAN	7/16/2008 10:56:53 PM
776455	PATR-NXT05-01	143000890	COMPLETED	\$41,137.53	DAN RIORDAN	DANIEL E. RIORDAN	6/14/2007 6:46:01 PM
1461105	PATR-XTEL-09-01	143010147	COMPLETED	\$26,876.28	DAN RIORDAN	DANIEL E. RIORDAN	3/18/2011 12:55:33 PM
1396536	PATR-VZBG-09-01	143001197	COMPLETED	\$184,800.00	DAN RIORDAN	DANIEL E. RIORDAN	10/13/2010 3:46:50 PM
782932	PATR-NXT05-01a	143000890	COMPLETED	\$31,831.69	DAN RIORDAN	DANIEL E. RIORDAN	7/9/2007 7:34:36 PM

1396508	PATR-AVAYA-08-01	143005214	COMPLETED	\$361,167.93	DAN RIORDAN	DANIEL E. RIORDAN	10/13/2010 3:24:57 PM
776460	PATR-VER05-01	143001362	COMPLETED	\$168,799.73	DAN RIORDAN	DANIEL E. RIORDAN	6/14/2007 7:44:22 PM
1576052	PATR-VNI-10-01a	143004468	COMPLETED	\$257,976.22	Dan Riordan	DANIEL E. RIORDAN	11/2/2011 10:49:28 AM
1139710	PATR-DNS-08-01	143009866	COMPLETED	\$37,584.00	DAN RIORDAN	DANIEL E. RIORDAN	10/5/2009 1:36:36 PM
1396554	PATR-VZNJ-09-01	143001362	COMPLETED	\$283,327.42	DAN RIORDAN	DANIEL E. RIORDAN	10/13/2010 3:56:18 PM
779830	PATR-CRS04-01	143026279	COMPLETED	\$2,218,660.61	DAN RIORDAN	DANIEL E. RIORDAN	6/28/2007 10:33:50 AM
1139736	PATR-VZW-08-01	143000677	COMPLETED	\$84,449.89	DAN RIORDAN	DANIEL E. RIORDAN	10/5/2009 1:45:27 PM
494436	2003-VERIZON-01	143001362	COMPLETED	\$141,293.86	RALPH BARCA	DENNIS CLANCY	9/14/2004 10:50:11 AM
581384	2004-VERIZON-02	143001362	COMPLETED	\$19,350.00	RALPH BARCA	DENNIS CLANCY	8/23/2005 2:34:46 PM
587129	2004-VERIZON-01	143001362	COMPLETED	\$193,500.00	RALPH BARCA	DENNIS CLANCY	9/13/2005 10:29:40 AM
581387	2004-NEXTEL-01	143000890	COMPLETED	\$30,960.00	RALPH BARCA	DENNIS CLANCY	8/23/2005 2:37:30 PM
487696	2003-INTAC-01	143007014	COMPLETED	\$34,330.00	RALPH BARCA	DENNIS CLANCY	8/20/2004 2:59:05 PM
494437	2003-VERIZON-02	143001362	COMPLETED	\$9,216.00	RALPH BARCA	DENNIS CLANCY	9/14/2004 10:51:36 AM
581389	2004-WORLDCOM-01	143001123	COMPLETED	\$193,500.00	RALPH BARCA	DENNIS CLANCY	8/23/2005 2:39:34 PM
494441	2003-VERIZON-03	143001362	COMPLETED	\$13,608.00	RALPH BARCA	DENNIS CLANCY	9/14/2004 10:53:35 AM
488983	2003-MCI-01	143001123	COMPLETED	\$215,455.68	RALPH BARCA	DENNIS CLANCY	8/25/2004 3:37:13 PM
1481392	PATR-VZNI-09-01a	143004468	COMPLETED	\$240,379.00	DAN RIORDAN	MARIA MULVANEY	5/9/2011 9:45:05 AM
1555729	PATR-VZBG-10-01	143001197	COMPLETED	\$184,800.00	DAN RIORDAN	MARIA MULVANEY	10/10/2011 12:06:26 PM
1555736	PATR-VZW-10-01	143000677	COMPLETED	\$101,739.13	DAN RIORDAN	MARIA MULVANEY	10/10/2011 12:14:07 PM
1555715	PATR-VZNJ-10-01	143001362	COMPLETED	\$97,089.58	DAN RIORDAN	MARIA MULVANEY	10/10/2011 11:55:48 AM
1576360	PATR-XTEL-10-02	143010147	COMPLETED	\$105,278.32	DAN RIORDAN	MARIA MULVANEY	11/2/2011 12:53:20 PM
1474955	PATR-XTEL-09-01a	143010147	COMPLETED	\$26,743.70	DAN RIORDAN	MARIA MULVANEY	4/25/2011 11:48:41 AM
1555734	PATR-BAT-10-01	143009866	COMPLETED	\$67,003.20	DAN RIORDAN	MARIA MULVANEY	10/10/2011 12:09:41 PM
1521174	PATR-XTEL-10-01	143010147	COMPLETED	\$146,943.81	DAN RIORDAN	MARIA MULVANEY	8/4/2011 12:42:02 PM
2776739	Paterson_VzW_FY16	143000677	COMPLETED	\$22,866.48	Vince LaForgia	Vincent LaForgia	2/19/2018 4:16:17 PM
2775842	Paterson_LP_FY16	143013604	COMPLETED	\$37,776.46	Vince LaForgia	Vincent LaForgia	2/16/2018 1:30:10 PM
2778400	Paterson_DNS_FY16	143009866	COMPLETED	\$42,829.16	Vince LaForgia	Vincent LaForgia	2/23/2018 11:36:10 AM
2775925	Paterson_Spectrotel_FY16	143019593	COMPLETED	\$33,923.32	Vince LaForgia	Vincent LaForgia	2/16/2018 1:46:09 PM
2846797	Paterson_FY16_Sunesys	143019764	COMPLETED	\$544,909.14	Vince LaForgia	Vincent LaForgia	8/9/2018 2:13:31 PM
2895527	Paterson_FY17_LP	143013604	COMPLETED	\$37,776.46	Vince LaForgia	Vincent LaForgia	12/18/2018 3:42:04 PM
2895532	Paterson_FY17_Spectrotel	143019593	COMPLETED	\$35,659.00	Vince LaForgia	Vincent LaForgia	12/18/2018 3:50:46 PM

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Client Service Bureau: 1-888-203-8100

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Exhibit D

Universal Service for Schools and Libraries

Please read instructions before completing.

(To be completed by schools, libraries, or consortia.)

BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.
Only one Service Provider Identification Number (SPIN) per form.
Must be completed and signed by the Billed Entity Applicant.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Applicant Form Identifier (Create an identifier for your own reference) Paterson Bear XTEL	FCC Form 472 Invoice # (To be inserted by administrator) 2673851
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BLOCK 1: HEADER INFORMATION	
1. Billed Entity Name	PATERSON PUBLIC SCHOOLS
2. Billed Entity Number	122871
3. Service Provider Identification Number (SPIN)	143010147
Applicant FCC Form 498 ID	443017014
4. Contact Name	Bert Garofano
5. Contact Telephone Number	888- 5357771 ext 106
6. Total Reimbursement Amount (total from Block 2, Column 14)	\$161,638.22

Billed Entity Applicant Reimbursement Form

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Billed Entity Name PATERSON PUBLIC SCHOOLS Billed Entity Number 122871Contact Name Bert Garofano Contact Telephone Number 888-5357771106Applicant Form Identifier Paterson Bear XTEL**BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER**

	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	FCC Form 471 Application Number (from Funding Commitment Decision Letter)	Funding Request Number (FRN) (from Funding Commitment Decision Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service	Discount Rate	Amount Billed to USAC (Column 12 multiplied by Column 13)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (10) or Column (11), but not both Columns				
1	900641	2490325		7/1/2013		\$183,679.80	88.00	\$161,638.22
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (6)								\$161,638.22

BILLED ENTITY APPLICANT Reimbursement Form

Billed Entity Name PATERSON PUBLIC SCHOOLS

Billed Entity Number 122871

Contact Name Bert Garofano

Applicant Form Identifier Paterson Bear XTEL

Block 3: Billed Entity Certification

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and I certify to the best of my knowledge, information and belief, as follows:

- A. The discount amounts listed in this Billed Entity Applicant Reimbursement Form represent charges for eligible services and/or equipment delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the service start date reported on the associated FCC Form 486.
- B. The discount amounts listed in this Billed Entity Applicant Reimbursement Form were already billed by the Service Provider and paid for by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C. The discount amounts listed in this Billed Entity Applicant Reimbursement Form are for eligible services and/or equipment approved by the Fund Administrator pursuant to a Funding Commitment Decision Letter (FCDL).
- D. I acknowledge that I may be audited pursuant to this application and will retain for at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records that I rely upon to complete this form.
- E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

15. Signature of authorized person **Signed electronically by BERT GAROFANO**

16. Date **8/25/2017**

17. Printed name of authorized person **BERT GAROFANO**

18. Title or position of authorized person **CONSULTANT**

19. Telephone number of authorized person **888- 5357771 ext 106**

20. Address of authorized person **322, Suite 280 W, Parsippany NJ 07054**

Exhibit E



Universal Service Administrative Company

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

September 1, 2017

John Waring
XTel Communications, Inc.
401 Rt. 73 North
Bldg 10, Ste 106
Marlton, NJ 08053

Re: Invoice Number - as assigned by USAC: 2673851
Service Provider Identification Number: 143010147
Reimbursement Form Number: Paterson Bear XTEL
Billed Entity Number: 122871

Bert Garofano
PATERSON PUBLIC SCHOOLS
322 Route 46 West
Suite 280 W
Parsippany, NJ 07054

Preferred Mode of Contact: E-mail at ugarofano@erate360.com
Total Amount of Reimbursement Approved for Payment: \$161638.22

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR using the BEAR Online tool from the Apply Online area or Required Forms section of our website to request reimbursement for any unpaid lines.

If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC 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 for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

- Applicant BEN and Service Provider Identification Number (SPIN), - FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC,
- "Funding Commitment Decision Letter for Funding Year 2015," AND
- The exact text or the decision that you are appealing.

3. 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 the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the 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 USAC by fax, fax your appeal to (973) 599-6542. To submit your appeal to USAC on paper, send your appeal to:

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

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

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
 Universal Service Administrative Company

CC: PATERSON PUBLIC SCHOOLS

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT



Form 471 Application Number: 900641
Funding Request Number: 2490325
Funding Year 2013: 07/01/2013 - 06/30/2014
Contract Number: MTM
Funding Commitment Decision: \$161638.22
Reimbursement Amount for this FRN: \$161638.22



USAC

Universal Service Administrative Company
Schools and Libraries Division
Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685



TIME SENSITIVE MATERIAL

00451
Bert Garofano
PATERSON PUBLIC SCHOOLS
322 Route 46 West
Suite 280 W
Parsippany, NJ 07054

Exhibit F



August 17, 2018

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

Re: Paterson Public Schools – BEN 122871
Recovery of Improperly Distributed Funds; Funding Year 2013

To Whom it May Concern:

Kindly accept this Appeal submitted by the Appellant, the Paterson Public Schools (hereinafter referred to as “Paterson” and the “District”).

This Appeal relates to the following:

Appellant Name: Paterson Public Schools
Billed Entity Number: 122871
FCC Form 471 Application Number: 900641
FRN: 2490325

Paterson hereby submits this Appeal in connection with the Recovery of Improperly Distributed Funds Letter dated June 18, 2018 (attached hereto as Exhibit A). Specifically, Paterson disputes that it must return the funds in question because the District reasonably relied on the FCC’s *Jefferson-Madison Regional Library* decision and USAC has failed to adequately explain why that decision does not apply to these specific facts and circumstances.

Facts

- Pursuant to the FCC’s *Jefferson-Madison Regional Library* decision issued on May 30, 2017, Paterson submitted a BEAR form seeking an E-rate discount in connection with FRN 2490325 on August 25, 2017. (Exhibit A).
- The BEAR form was therefore submitted within 90 days of the decision, as instructed by the FCC.
- On September 1, 2017, USAC issued a BEAR Notification Letter, which approved for payment the discount sought by Paterson. (Exhibit B).



- On or about June 18, 2018, Paterson received the RIDF letter from USAC. (Exhibit C).
- The letter states that the funds must be returned to USAC because Paterson applied for and received disbursements after its invoice deadline.
- A DRT pulled from the Tools section of the USAC SLD website on July 13, 2018, shows the last date to invoice for this FRN as September 1, 2017. (Exhibit D).
- Paterson submitted the BEAR form in question a week prior to the invoice deadline.

Request

Based on these facts, Paterson respectfully requests that USAC rescind its request to recover \$161,638.22 in connection with FRN 2490325. Alternatively, in the event USAC determines to deny this appeal, Paterson requests that USAC provide sufficient detailed facts and specific legal reasoning to support its RIDF decision so that Paterson has a thorough record when appealing to the FCC.

Please direct all inquiries concerning this Appeal and related correspondence to the following individual:

Vincent LaForgia
Phone: 973.200.4815 x101
Email: vince@erateconsulting.com

Respectfully Submitted,

/s/ Vincent LaForgia

Vincent LaForgia

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

In the Matter of)	
)	
Petition for Reconsideration by)	
)	
Jefferson-Madison Regional Library)	File Nos. SLD-976590 et al.
Charlottesville, VA et al.)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER ON RECONSIDERATION

Adopted: May 30, 2017

Released: May 30, 2017

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this Order, we grant two petitions for reconsideration. First, we grant the petition for reconsideration filed by Jefferson-Madison Regional Library,¹ reversing the Universal Service Administrative Company's (USAC) decision rejecting a timely-filed request for reimbursement for services based on a lack of timely service provider certification before the invoice filing deadline.² We simultaneously direct USAC to allow all similarly-situated applicants, including but not limited to those listed in Appendix A, to resubmit invoice filings.³ As described in greater detail below, we find that these applicants were in compliance with section 54.514(a) of the E-rate program rules,⁴ and we direct USAC to process these requests for reimbursement in the next 90 days. Second, we grant the petition for reconsideration filed by White Lake School District, finding that there are extraordinary circumstances that warrant a waiver of the program's rules.⁵

2. *Background.* E-rate applicants may seek reimbursement for E-rate supported services in one of two ways.⁶ An applicant may either pay upfront for the full cost of services and then seek reimbursement of the discounted share from USAC, or the applicant may pay the non-discounted share of the services and require the service provider to invoice USAC for reimbursement of the discounted share.

¹ Petition for Reconsideration by Jefferson-Madison Regional Library, CC Docket No. 02-6 (filed June 28, 2016) (Jefferson-Madison Petition for Reconsideration).

² The Bureau has the authority to act on petitions requesting reconsideration of final actions taken pursuant to delegated authority. 47 CFR § 1.106(a)(1).

³ We find good cause to waive the rules governing payment for discounted services on our own motion; based on the record before us, we are persuaded that in the instant and limited circumstance, our reading of the rule is contrary to the public interest. Moreover, we find that the public interest will be served by treating all similarly situated applicants that were denied reimbursement for services on this basis in a similar manner. *See* 47 CFR § 1.108 (permitting reconsideration of a Commission action on its own motion).

⁴ 47 CFR § 54.514(a) (specifying the deadline for invoice submissions). The E-rate program is more formally known as the schools and libraries universal service support mechanism.

⁵ Petition for Reconsideration by White Lake School District, CC Docket No. 02-6 (filed Feb. 14, 2017) (White Lake Petition for Reconsideration).

⁶ 47 CFR § 54.514(c).

If an applicant pays upfront, it must submit an FCC Form 472, known as the Billed Entity Application for Reimbursement (BEAR) form, to request reimbursement from USAC.⁷ The *E-rate Modernization Order* also modified the procedure for applicants to receive reimbursement, resulting in changes to how service providers certify compliance with program rules. Prior to July 1, 2016, service providers had to approve and certify each of the applicants' BEAR forms.⁸ As of July 1, 2016, however, service providers no longer certify each of the applicants' BEAR forms, but instead must file a single FCC Form 473, the Service Provider Annual Certification (SPAC) form, for the funding year at issue before USAC may reimburse the applicant.⁹

3. The deadline for filing these BEAR forms is described in section 54.514(a) of the Commission's rules, which states that invoices must be submitted 120 days after the last day of service or 120 days after the date of the FCC Form 486 Notification Letter,¹⁰ whichever is later, in order to provide certainty to allow USAC to more efficiently deobligate committed funds.¹¹ Applicants may seek a one-time automatic 120-day extension of the invoice filing deadline, but such a request must be filed prior to the invoice filing deadline.¹² In codifying these rules in 2014, the Commission determined that waivers of the invoicing rules were generally not in the public interest and that the Wireline Competition Bureau (Bureau) should grant waivers of the invoicing rules only in extraordinary circumstances.¹³

4. USAC accordingly has denied requests for an extension of the invoice filing deadline that are received after the deadline itself, and the Bureau has denied similar requests for waiver of the rule. In the *Hancock County Library Order* in 2015, we denied several appeals seeking extensions to file BEAR forms more than 12 months after the filing deadline from petitioners claiming employee confusion, lack of understanding of the rules, or staff turnover.¹⁴ In 2016, in the *Ada Order*, the Bureau also denied 124 requests for waiver of the section 54.514(b) rule from a group of applicants that had failed to timely request extensions.¹⁵ Among those, the *Ada Order* denied a number of waiver requests where applicants filed the applicant portion of the BEAR form before the deadline, but the service provider failed to certify the BEAR form until after the invoice filing deadline.¹⁶ The Bureau found no extraordinary

⁷ USAC, Invoice Changes, <http://www.usac.org/sl/invoicing-changes.aspx> (last visited Mar. 10, 2017).

⁸ OMB Approval No. 3060-0856 (July 2013) (requiring the service provider acknowledgment in Block 4).

⁹ OMB Approval No. 3060-0856 (June 21, 2016); *see also* USAC, Invoice Changes, <http://www.usac.org/sl/invoicing-changes.aspx> (last visited Mar. 10, 2017).

¹⁰ The Form 486 Notification Letter notifies an applicant that USAC has received and accepted an FCC Form 486, the Receipt of Service Confirmation Form, which informs USAC that services have started for the recipients of service.

¹¹ 47 CFR § 54.514(a); *see also* *See Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8965-66, paras. 238-40 (2014) (*E-rate Modernization Order*). The FCC Form 472, the BEAR form, is the form for applicants to submit reimbursement requests to USAC. USAC may request copies of vendor invoices if necessary to verify the information on the BEAR form.

¹² 47 CFR § 54.514(b).

¹³ *See E-rate Modernization Order*, 29 FCC Rcd at 8965, para. 238-40.

¹⁴ *Request for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4723 (WCB 2015) (*Hancock County Library Order*).

¹⁵ *Requests for Waiver of Decision of the Universal Service Administrator by Ada School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834 (WCB 2016) (*Ada Order*).

¹⁶ *Id.* at 3837, para. 9 n.24.

circumstances to merit a waiver of the invoice deadline extension request rule,¹⁷ stating that “if a billed entity was uncertain about its ability to timely submit a BEAR form because of trouble coordinating the certification requirement with the service provider,” the applicant or service provider could have filed for an extension.¹⁸ In subsequent decisions in the Wireline Competition Bureau’s Streamlined Request Resolution Public Notices, the Bureau denied similar requests for waiver of the invoice filing deadline, including the request for waiver from the Jefferson-Madison Regional Library, citing to the *Ada Order* for precedent.¹⁹

5. *Discussion.* In its petition for reconsideration, Jefferson-Madison Regional Library argues that its situation is distinguishable from many of the appeals decided in the *Ada Order* and the *Hancock County Library Order*²⁰ because its BEAR form was timely submitted to USAC in advance of the deadline imposed by section 54.514(a).²¹ In contrast, the petitioners in the *Hancock County Library Order* had sought permission to file BEAR forms more than 12 months after the deadline.²² In the *Ada Order*, the majority of the petitioners had failed to file their BEAR forms on time and sought a waiver of the extension-request deadline to allow for the filing of the BEAR form for the first time.²³ Here, the Jefferson-Madison Regional Library filed its BEAR form on August 11, 2015, well in advance of the filing deadline.²⁴ Its service provider had represented to the Library that it would certify the BEAR form.²⁵ The online system, however, did not permit applicants to see when or if that occurred. As a result, the Jefferson-Madison Regional Library was unaware that its service provider had not certified the BEAR form until after the deadline to request an extension had passed and it received the BEAR notification letter from USAC rejecting the reimbursement request.

6. Upon consideration of the record, we have determined that our finding in the *Ada Order* misconstrued the invoice filing deadline rule.²⁶ Section 54.514(a) provides the deadline for when BEAR forms must be submitted to USAC.²⁷ Unlike other sections of the E-rate program rules that require the certification of a form with submission,²⁸ section 54.514(a) does not expressly state that the submitted BEAR forms shall include the certification from the service provider. One possible reading of this rule might be that it assumes the BEAR forms will be certified prior to the deadline. We believe the better reading, however, and the one more consistent with both the plain language of the specific rule and the E-

¹⁷ See 47 CFR § 54.514(b).

¹⁸ *Ada Order*, 31 FCC Rcd at 3827-38, para. 10.

¹⁹ See, e.g., *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, 31 FCC Rcd 5420, 5423-28 (WCB 2016) (denying the request for waiver of the deadline for seeking an invoicing extension for Jefferson-Madison Regional Library).

²⁰ See *Ada Order*, 31 FCC Rcd 3834; *Hancock County Library Order*, 30 FCC Rcd 4723.

²¹ See Jefferson-Madison Petition for Reconsideration at 2; 47 CFR § 54.514(a) (stating that invoices must be submitted to USAC by the deadline).

²² *Hancock County Library Order*, 30 FCC Rcd at 4726, para. 9.

²³ *Ada Order*, 31 FCC Rcd at 3836, para. 8.

²⁴ Jefferson-Madison Petition for Reconsideration at 2-3.

²⁵ Jefferson-Madison Petition for Reconsideration at 2-3.

²⁶ *Ada Order*, 31 FCC Rcd at 3837-38, para. 10.

²⁷ 47 CFR § 54.514(a) (“Invoices must be submitted to the Administrator: (1) 120 days after the last day to receive service, or (2) 120 days after the date of the FCC Form 486 Notification Letter, whichever is later.”).

²⁸ See, e.g., 47 CFR § 54.503(a) (requiring submission of the FCC Form 470 with certification); 47 CFR § 54.504(a)(1), (f) (requiring the FCC Form 471 to “include that person’s certification under oath” and the FCC Form 473 to be signed and “shall include that person’s certification under oath”).

rate program rules more broadly, is that BEAR forms may be considered timely submitted even if the service provider did not certify them before the deadline.

7. Our interpretation here is supported by the fact that this was a problem that occurred for a limited time only. Prior to the effective date of section 54.514 in August 2014, applicants whose timely-submitted BEAR forms were rejected for lacking a service provider certification were permitted to resubmit the BEAR forms after seeking and being granted an extension of the deadline. And as of July 1, 2016, the service provider certification was separated from the applicant's BEAR forms.²⁹ USAC will not reimburse funds to an applicant until the service provider has filed its SPAC form, but the applicant's BEAR form is considered timely based on the original submission date.³⁰ Between August 2014 and July 2016, however, service providers had to certify an applicant's BEAR form on or before the invoice filing deadline, yet the applicant had no way to confirm in the system when, or if, this occurred. Reading section 54.514(a) of the Commission rules to allow USAC to process BEAR forms that were timely filed, even when the service provider did not timely certify them, is therefore more consistent with both the past and current treatment of these certifications and impacts only a limited number of applicants. In making this determination, we also note that it was the combination of the 2014 codification of the deadline to request an extension, as established by the Commission in the *E-rate Modernization Order*, and the inability of applicants to verify from USAC that the service provider had not certified the form until *after* that deadline had already passed that created this time-limited problem for certain applicants.

8. Given these facts, we find that it is in the public interest for us to consider the arguments in Jefferson-Madison Regional Library's petition and allow applicants who timely filed their BEAR forms to be reimbursed appropriately.³¹ We now find that under section 54.514(a) of the Commission's rules, USAC should have considered a BEAR form timely if it was submitted before the invoice filing deadline even if the service provider had not certified it before the invoice filing deadline. We therefore grant Jefferson-Madison Regional Library's Petition for Reconsideration and direct USAC to identify any BEAR forms that were rejected for lacking a service provider certification after the timely submission by the applicant, and allow for their resubmission and processing within the next 90 days.³²

9. Relatedly, we also grant the requests from petitioners listed in Appendix B, who filed their BEAR forms online in June 2016, but because of the change to the service provider certification process on July 1, 2016, have been unable to receive reimbursement.³³ These petitioners each filed a BEAR form online in June 2016, but the service providers did not immediately certify the forms.³⁴ After July 1, 2016, the online system did not allow service providers to certify these forms and could not process them as complete without the certification. The online system did not instruct petitioners that they would need to file a new BEAR form for the funding requests that could not be processed. We now

²⁹ OMB Approval No. 3060-0856 (June 21, 2016).

³⁰ We note that USAC may still reject a BEAR form because a service provider has not filed its SPAC form, but the applicant does not need an extension in order to refile the invoice. Instead, the applicant has 60 days to work with the service provider to file the SPAC form and appeal the decision to USAC. *See* USAC, Schools and Libraries Program News Brief (Dec. 9, 2016), <https://usac.org/sl/tools/news-briefs/preview.aspx?id=734>.

³¹ *See* 47 CFR § 1.106(c) (allowing consideration of new facts and arguments when it is in the public interest to do so).

³² We waive section 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. 47 CFR § 54.514(a).

³³ Again, to the extent that these petitioners need to file a new BEAR form to complete the invoicing process, we waive section 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. 47 CFR § 54.514(a).

³⁴ *See, e.g.*, Request for Waiver from Sharon Community School (filed Mar. 17, 2017) (explaining that because the BEAR form was made before July 1, the school did not think that it needed an invoice extension).

find that those BEAR forms were timely-filed and should be processed by USAC, consistent with our interpretation explained above.³⁵

10. *Waiver.* Next, we grant a petition for reconsideration filed by White Lake School District (White Lake)³⁶ which seeks review of the Bureau's *January Streamlined Resolution Public Notice* which denied White Lake an extension of the invoice filing deadline.³⁷ On reconsideration, White Lake demonstrates in its petition that a unique combination of exigent medical circumstances arising in close proximity to the filing deadline at a small school district with limited personnel made it impossible to timely file its BEAR forms or know to seek an extension of the filing deadline.³⁸ The staff member in the school district responsible for making these invoice filings suffered from progressive debilitating headaches, but doctors were unable to identify a cause.³⁹ On October 4, 2016, the staff member collapsed at a work function, and was hospitalized.⁴⁰ The staff member was diagnosed with a brain tumor on October 10, and underwent surgery a week later, only two weeks before the deadline.⁴¹ The staff member did not return to work after October 10, and remained hospitalized in another city recovering from brain surgery from October 17 until mid-November.⁴² White Lake is a small school district with just two schools and 171 students. It has few support staff, each of whom fulfill multiple responsibilities. The district's system administrator position, which would have been the likely backup to the staff member, had been vacant since the mid-summer.⁴³ As a result, no additional staff resources existed to assist with these filings and the BEAR form deadline was missed.⁴⁴ The school district acted quickly to fill the position while the staff member was on medical leave, but was unable to hire a replacement until early November, only a few weeks after the staff member's diagnosis but after the filing deadline. White Lake quickly filed the request for waiver as soon as it was aware of the missed deadline.⁴⁵

11. Generally, waiver of the Commission's rules is appropriate if (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.⁴⁶ However, as noted above, in codifying the invoicing rules in 2014, the Commission determined that waivers of the invoicing rules were generally not in the public interest and that the Bureau should grant

³⁵ We also clarify, consistent with paragraph seven, that this was a time-limited issue beginning with the adoption of section 54.514(a) of the Commission's rules in August 2014. Prior to the codification of the invoice filing deadline, applicants were permitted to resubmit the BEAR forms after seeking and being granted an extension of the deadline.

³⁶ White Lake Petition for Reconsideration (seeking a waiver).

³⁷ *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket 02-6, Public Notice, 31 FCC Rcd 549, 554-55 (WCB 2017) (denying the request for a waiver of section 54.514(b) of our rules for funding year 2015 FCC Form 471 Application Numbers 1039370 and 1039490) (*January Streamlined Resolution Public Notice*).

³⁸ White Lake Petition for Reconsideration at 1-2. *See also* 47 CFR § 1.106(c)(2) (allowing consideration of facts not previously presented if consideration is required in the public interest).

³⁹ White Lake Petition for Reconsideration at 2.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* at 3.

⁴⁵ *Id.* at 2-3.

⁴⁶ Generally, the Commission's rules may be waived if good cause is shown. 47 CFR § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

waivers of the invoicing rules only in extraordinary circumstances.⁴⁷ We now find that White Lake has demonstrated that its extraordinary circumstances warrant a waiver of our invoice rules.

12. We have held that the obligation to comply with all relevant rules and procedures applies even when employees are away from the office on medical leave or otherwise incapacitated and that applicants are responsible for the action or inaction of employees and consultants.⁴⁸ In the *Ada Order* and in subsequent Streamlined Resolution Public Notices, we have denied petitioners' requests for waiver.⁴⁹ At the same time, we have recently granted waivers to applicants that were unable to file their BEAR forms or an extension request before the filing deadline due to circumstances outside of their control.⁵⁰ The facts presented to us in the petition demonstrate that White Lake was unable to file timely invoices due to circumstances outside of its control and is distinguishable from past waiver requests that we have denied. In this instance, because they were unaware that the staff member had a brain tumor, White Lake and the ill employee did not know there was a reason to delegate the E-rate work to another employee. Neither White Lake nor the employee had notice until October 10, when the diagnosis was made, and, in light of the severity of the issue, the employee had to immediately go on medical leave and was in another city recovering from major surgery until after the invoice filing deadline.⁵¹ In other situations, the school or employee had notice that the invoice filing responsibilities needed to be passed on to another party. Even though the scenarios involved tragic situations, petitioners who were taking care of a significant family medical issues,⁵² dealing with months-long medical complications,⁵³ or in the midst of cancer treatment,⁵⁴ had knowledge that the invoicing responsibilities needed to be covered by others. White Lake also made a quick effort to seek a waiver of the invoice filing deadline, which distinguishes it from other requests where petitioners sought a waiver of the invoice filing deadline months late, including in one case, more than twelve months late.⁵⁵

13. The combination of the diagnosis and immediate medical leave, the close proximity to the invoice filing deadline, the size of the district, the district's quick effort to fill the employee's position, and its rapid attempt thereafter to seek a waiver demonstrate extraordinary circumstances that are distinguishable from past denials. The Commission has a strong interest in ensuring efficient program administration,⁵⁶ but we find that it does not serve the public interest to withhold these funds from a small,

⁴⁷ See *supra* para. 3.

⁴⁸ *Ada Order*, 31 FCC Rcd at 3837, para. 10. See *Requests for Review of the Decision of the Universal Service Administrator by St. Lucy School; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 1792, 1793, para. 5 (WCB 2003).

⁴⁹ See *Ada Order*, 31 FCC Rcd at 3837, para. 10.

⁵⁰ See *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 17-256 (WCB Mar. 16, 2017) (granting a waiver for applicants that were unable to file the BEAR form while waiting for USAC to provide an FCC Form 498 ID or personal identification number (PIN) at the time of the invoice filing deadline due to the one-time influx in requests in the fall of 2016).

⁵¹ White Lake Petition for Reconsideration at 2.

⁵² See, e.g., Request for Review of Edenton Chowan Schools (filed Nov. 25, 2015).

⁵³ See, e.g., Request for Review of Central Catholic High School (filed Jan. 20, 2016).

⁵⁴ See, e.g., Request for Waiver of RISE Academy School of Science and Technology (filed Jan. 31, 2017).

⁵⁵ See, e.g., Request for Review of Carr Telephone Company (filed Mar. 14, 2016); Request for Review of Stanly County School District (filed Jan. 20, 2016).

⁵⁶ See *E-rate Modernization Order*, 29 FCC Rcd at 8965-66, para. 238-40.

rural school district under these circumstances. We therefore waive section 54.514(b) of our rules for White Lake School District.⁵⁷

14. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, 1.106, 1.108, and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, 1.106, 1.108 and 54.722(a), the Petition for Reconsideration filed by Jefferson-Madison Regional Library is GRANTED.

15. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, 1.106, 1.108, and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, 1.106, 1.108, and 54.722(a), that USAC SHALL IDENTIFY all similarly-situated BEAR forms that were rejected for lacking a service provider certification after the timely submission by the applicant, including those listed in Appendix A, SHALL ALLOW for resubmission of the BEAR forms, and SHALL COMPLETE its review of the BEAR forms in the next 90 days.

16. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, 1.106, 1.108, and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, 1.106, 1.108, and 54.722(a), that USAC SHALL PROCESS the pending BEAR forms of the applicants listed in Appendix B in the next 90 days.

17. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, that the requirement under section 54.514(a) and (b) that applicants timely file invoices and request an invoice deadline extension is WAIVED and USAC SHALL GRANT an extension for White Lake School District as described herein.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁵⁷ 47 CFR § 54.514(b). We also waive section 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. 47 CFR § 54.514(a).

APPENDIX A

Requests for Review and/or Waiver and Petitions for Reconsideration

Petitioner	Application Number(s)	Date Request for Review/Request for Waiver/Petition for Reconsideration Filed
Andalusia School, Yonkers, NY	973979	July 11, 2016
Baxter Springs Unified School District, Baxter Springs, KS	968076	Mar. 9, 2016
Bethel School District, Bethel, VT	985888	Mar. 21, 2016
Bulloch County Rural Telephone Cooperative (Bulloch County School District), Statesboro, GA	953960, 953298	May 25, 2016
Chibardun Telephone Cooperative (Barron Area School District), Cameron, WI	987674	May 17, 2016
Columbia-Brazoria School District, West Columbia, TX	959367	June 17, 2016
Cornerstone Schools of Alabama, Birmingham, AL	990177	July 18, 2016
Eclectic Public Library, Eclectic, AL	987184	Jan. 14, 2016
Falls Church City Public Schools, Falls Church, VA	982457	June 30, 2016
Fredericksburg ISD, Fredericksburg, TX	980593	Oct. 26, 2016
Geneva School District 304, Geneva, IL	955710	June 13, 2016
Green Bay Area Public School District, Green Bay, WI	977857	May 25, 2016
Harlem Academy, New York, NY	978461	July 25, 2016
Homewood City School District, Homewood, AL	973332	May 25, 2016
Jefferson Madison Regional Library, Charlottesville, VA	976590	June 28, 2016
Kennedy Charter Public School, Inc., Charlotte, NC	986576	Feb. 25, 2016
Ludlow Public Schools, Ludlow, MA	989932	May 24, 2016
New Albany-Floyd Consol. School District, New Albany, IN	954560	May 31, 2016
North Border School District #100, Walhalla, ND	954629	May 29, 2016
Passaic Arts and Science Charter School, Passaic, NJ	980707	June 29, 2016
Paterson Arts and Science Charter School, Paterson, NJ	980715	June 29, 2016
Port Chester Public Library, Tarrytown, NY	954231	May 18, 2016
Public Prep Network, New York, NY	966560	June 30, 2016
Rutland South Supervisory Union, North Clarendon, VT	982928	June 29, 2016
Salisbury-Elk Lick School District, Salisbury, PA	942295	Mar. 18, 2016
Somerset Area School District, Somerset, PA	971961	Mar. 18, 2016
St. Charles CU School District 303, Saint Charles, IL	955868	June 23, 2016
St. Pius X School, Montville, NJ	981333	June 29, 2016
Stonebridge Community School, Minneapolis, MN	956714	Feb. 11, 2016
The Town of Eclectic Public Library	987184	Jan. 19, 2016

Petitioner	Application Number(s)	Date Request for Review/Request for Waiver/Petition for Reconsideration Filed
Treutlen County School District, Soperton, GA	900358	June 27, 2016
USD 505 Chetopa-St. Paul, Chetopa, KS	974445	June 23, 2016

APPENDIX B**Requests for Review and/or Waiver**

Petitioner	Application Number(s)	Date Request for Review/Request for Waiver/Petition for Reconsideration Filed
Community of Peace Academy, MN	999842	Apr. 13, 2017
Lee Academy, Lee, ME	1029622	Nov. 14, 2016
Sharon Community School, Sharon, WI	1019536	Mar. 13, 2017
Spartanburg County School District, Chesnee, SC	1029907	Mar. 23, 2017



Universal Service Administrative Company

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

September 1, 2017

John Waring
XTel Communications, Inc.
401 Rt. 73 North
Bldg 10, Ste 106
Marlton, NJ 08053

Re: Invoice Number - as assigned by USAC: 2673851
Service Provider Identification Number: 143010147
Reimbursement Form Number: Paterson Bear XTEL
Billed Entity Number: 122871

Bert Garofano
PATERSON PUBLIC SCHOOLS
322 Route 46 West
Suite 280 W
Parsippany, NJ 07054

Preferred Mode of Contact: E-mail at ugarofano@erate360.com
Total Amount of Reimbursement Approved for Payment: \$161638.22

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR using the BEAR Online tool from the Apply Online area or Required Forms section of our website to request reimbursement for any unpaid lines.

If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC 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 for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

- Applicant BEN and Service Provider Identification Number (SPIN), - FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC,
- "Funding Commitment Decision Letter for Funding Year 2015," AND
- The exact text or the decision that you are appealing.

3. 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 the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the 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 USAC by fax, fax your appeal to (973) 599-6542. To submit your appeal to USAC on paper, send your appeal to:

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

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

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
 Universal Service Administrative Company

CC: PATERSON PUBLIC SCHOOLS

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT



Form 471 Application Number: 900641
Funding Request Number: 2490325
Funding Year 2013: 07/01/2013 - 06/30/2014
Contract Number: MTM
Funding Commitment Decision: \$161638.22
Reimbursement Amount for this FRN: \$161638.22



USAC

Universal Service Administrative Company
Schools and Libraries Division
Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685



TIME SENSITIVE MATERIAL

00451
Bert Garofano
PATERSON PUBLIC SCHOOLS
322 Route 46 West
Suite 280 W
Parsippany, NJ 07054

Jose Correa
PATERSON PUBLIC SCHOOLS
90 DELAWARE AVE
PATERSON, NJ 07503



Recovery of Improperly Disbursed Funds Letter

Jose Correa
PATERSON PUBLIC SCHOOLS
90 DELAWARE AVE
PATERSON, NJ 07503

6/18/2018

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: \$161,638.22

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
900641	2490325	\$0.00	\$161,638.22	FCC Directive	Applicant

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 rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) 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 or 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

cc: John Waring
XTel Communications, Inc.



Adjustment Report

FCC Form 471 Application Number:	900641
Funding Request Number:	2490325
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$161,638.22
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2013
Billed Entity Number:	122871
Services Ordered:	TELCOMM SERVICES
Service Provider Name:	XTel Communications, Inc.
SPIN:	143010147
Original Funding Commitment:	\$161,638.22
Adjusted Funding Commitment:	\$161,638.22
Funds Disbursed to Date:	\$161,638.22

Funding Commitment Adjustment Explanation

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$161,638.22.

John Waring
XTel Communications, Inc.
401 Rt. 73 North, Bldg 10, Ste 106
Marlton, NJ 08053



Recovery of Improperly Disbursed Funds Letter

Jose Correa
PATERSON PUBLIC SCHOOLS
90 DELAWARE AVE
PATERSON, NJ 07503

6/18/2018

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: \$161,638.22

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
900641	2490325	\$0.00	\$161,638.22	FCC Directive	Applicant

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 rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) 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

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<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.

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- 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 or 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.

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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

cc: John Waring
XTel Communications, Inc.



Adjustment Report

FCC Form 471 Application Number:	900641
Funding Request Number:	2490325
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$161,638.22
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2013
Billed Entity Number:	122871
Services Ordered:	TELCOMM SERVICES
Service Provider Name:	XTel Communications, Inc.
SPIN:	143010147
Original Funding Commitment:	\$161,638.22
Adjusted Funding Commitment:	\$161,638.22
Funds Disbursed to Date:	\$161,638.22

Funding Commitment Adjustment Explanation

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$161,638.22.

471 Applic: FRN	Applicant N BEN	SPIN	Service Provider Name	486 SSD	Funding Ye:	Contract Exp	Last Date to Ir
900641	2490345	PATERSON	122871 143000677 Verizon Wireless (Cellco Partnership)	7/1/13	2013		3/18/16
900641	2490350	PATERSON	122871 143013604 Cablevision Lightpath of New Jersey	7/1/13	2013		11/26/15
900641	2490329	PATERSON	122871 143001362 Verizon New Jersey Inc	7/1/13	2013		11/26/15
900645	2490609	PATERSON	122871 143004393 Extreme Networks		2013	6/30/14	10/28/14
900641	2490312	PATERSON	122871 143001197 Verizon Business Global LLC	7/1/13	2013		11/26/15
900641	2490313	PATERSON	122871 143009866 Business Automation Technologies, Inc.	7/1/13	2013		11/26/15
900641	2490325	PATERSON	122871 143010147 XTel Communications, Inc.	7/1/13	2013		9/1/17

Cmtd Total Cos	Cmtd Discc	Cmtd Commitn	Invoicing M	Total Authorize
\$127,173.96	88	\$111,913.08	BEAR	\$85,559.68
\$61,188.00	88	\$53,845.44	BEAR	\$53,845.44
\$207,600.00	88	\$182,688.00	BEAR	\$50,246.44
\$0.00	88	\$0.00	NOT SET	
\$246,010.56	88	\$216,489.29	BEAR	\$171,090.66
\$88,488.00	88	\$77,869.44	BEAR	\$59,491.19
\$183,679.80	88	\$161,638.22	BEAR	\$161,638.22

Exhibit G



Administrator's Decision on Appeal – Funding Year 2013

November 30, 2018

Vincent LaForgia
E-Rate Consulting Inc.
130 Valley Rd. Suite B
Montclair, NJ 07042

Re: Applicant Name: Paterson Public Schools
Billed Entity Number: 122871
Form 471 Application Number: 900641
Funding Request Number(s) (FRN): 2490325
Your Correspondence Dated: August 17, 2018

The Universal Service Administrative Company (USAC) has completed its evaluation of the August 17, 2018 letter of appeal (Appeal) submitted Paterson Public Schools (the District).¹ The Appeal requests that USAC cease its recovery action because the District timely submitted its invoices before the extended September 1, 2017 invoicing deadline.²

USAC has reviewed the appeal and the facts related to this matter and determined that it cannot grant the appeal because USAC is not authorized to waive the Federal Communications Commission (FCC) rules.³ USAC is also required to seek recovery for funding that is disbursed in violation of the FCC rules.⁴

On May 30, 2017, the Federal Communications Commission (FCC) issued the *Jefferson-Madison Reconsideration Order* directing USAC to identify and allow all applicants who

¹ Letter from Vincent LaForgia, Consultant, E-Rate Consulting to Schools and Libraries Division, USAC (August 17, 2018) (*Appeal*).

² *Id.* at 2.

³ See generally, 47 C.F.R. § 54.702(c) (2013) (“[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress.”). See 47 C.F.R. § 54.719(c) (“Parties seeking waivers of the Commission’s rules shall seek relief directly from the Commission.”).

⁴ See *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



timely filed their Billed Entity Application for Reimbursement (BEAR) forms to be allowed to resubmit their BEAR forms even if their service provider failed to certify the BEAR form prior to the original invoicing deadline.⁵

The invoicing deadline for Funding Request Number (FRN) 2490325 was March 18, 2016. The District did not submit a BEAR form for that FRN by that deadline, and therefore was ineligible for relief under the *Jefferson-Madison Reconsideration Order*. However, USAC erroneously identified the District as an applicant who qualified for the relief and improperly extended the invoice filing deadline for FRN 2490325 to September 1, 2017.⁶ Because USAC is not authorized to waive the FCC's invoicing deadline rules,⁷ USAC must recover funding that was disbursed in violation of the FCC's rules.⁸ For these reasons, your appeal is denied.

If you want to seek a waiver of FCC rules, or if you wish to appeal this decision, you must submit your request for waiver or appeal to the FCC within 60 days of the date of this decision letter. On all communications with the FCC, be sure to reference CC Docket No. 02-6. The FCC recommends filing with the Electronic Comment Filing System (ECFS) to ensure timely filing. You can find instructions for using ECFS on the ECFS Online Manual page of the FCC's website. The FCC will consider electronic filings as filed on a business day if they are received before midnight ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via email. For additional information about submitting appeals or waiver requests to the FCC, including options to submit via U.S. mail or hand delivery, visit the FCC's website at: <https://www.fcc.gov/reports-research/guides/how-file-paper-documents-fcc>.

⁵ *Petition for Reconsideration by Jefferson-Madison Regional Library*, CC Docket No. 02-6, Order on Reconsideration, 32 FCC Rcd 4626, 4632, para. 15 (2017).

⁶ See Letter from Schools and Libraries Division, USAC to Jose Correa, Paterson Public Schools (Aug. 2, 2017) (notifying the District that it qualified for relief pursuant to the *Jefferson-Madison Order* and extending the invoicing deadline to September 1, 2017).

⁷ See generally, 47 C.F.R. § 54.702(c) (2013) ("[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress."). See 47 C.F.R. § 54.719(c) ("Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission."). *Request for Review of the Decision of the Universal Service Administrator by Merced Union High School*, CC Docket No. 96-45, Order, 15 FCC Rcd 18803, 18805 (2000) ("We note that rules and policies are enforced even where a party received erroneous advice from a government employee, and the Commission is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when the relief requested would be contrary to an applicable statute or rule.").

⁸ See *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, et al., Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



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Billed Entity Number: 122871
Form 471 Application Number: 900641
Form 486 Application Number: 1075656