

FCC Waiver Request

FCC Docket	CC Docket No. 02-6
Applicant	Newark City School District (NCSD)
Billed Entity Number	129096
Form 471#	161047165
Form 472#	2707576
Funding Request Number	1699106449
SPIN	143004474
Contact Name	Eric Spencer
Contact Address	611-G Park Meadow Westerville, Ohio 43081
Telephone Number	614.882.0596
Fax Number	614.882.2556

Form Under Waiver Request

The Newark City School District (BEN – 129096) is requesting a waiver for the FCC program deadline of October 28, 2017, for the denial payment of the Billed Entity Applicant Reimbursement Form:

Form 472#	2707576
Funding Request Number	1699106449
Line ID	8891432

Background

The following information is the chronological detail of the process that resulted in the denial of funding.

October 24, 2017 – NCSD submitted BEAR Form 472# 2707576 for FRN 1699106449 for Funding Year 2016 to USAC for payment (attached document - BEAR Form 2707576.pdf).

November 7, 2017 – The USAC invoice reviewer, Mr. Ankit Majmudar, contacted NCSD via email requesting the vendor invoice for our approved Basic Maintenance FRN (attached document - Invoice Review Email.pdf).

November 7, 2017 – NCSD provided the paid DataServ invoice to Mr. Majmudar on the same day (attached document – Invoice Review Response.pdf).

December 1, 2017 – NCSD received the BEAR Form denial of payment letter specifying the amount requested was not permissible under USAC rules (attached document – USAC BEAR Form Denial Letter.pdf).

November 7, 2017 through December 1, 2017 -- NCSD failed to receive any follow-up requests or communications from USAC requesting additional verification documentation. **USAC simply processed a zero amount payment of the BEAR Form without further inquiry. Of course, since NCSD received the denial of payment letter on December 1, 2017, NCSD could not re-submit a BEAR Form since the deadline was October 28, 2017.**

Without any additional contact with NCSD, Mr. Majmudar apparently determined the DataServ invoice was not sufficient documentation to approve the NCSD BEAR Form. **In this case, the Reimbursement Request Decision Explanation was “Incomplete documents provided for review;”.** In all previous funding years, USAC has always provided applicants with an opportunity to provide additional information where necessary or correct any issues in a timely manner which may cause a denial of payment of a BEAR Form.

The components of our DataServ Basic Maintenance invoice are as follows:

Basic technical support and software upgrades and patches including bug fixes and security patches	\$49,935.00
Repair and upkeep of hardware	\$10,251.00
<u>Non-instructional Facility Basic Maintenance</u>	<u>\$ 7,727.00</u>
Total Basic Maintenance Invoice	\$67,913.00

The FRN 1699106449 only includes a request for the **eligible basic technical support and software upgrades and patches including bug fixes and security patches** from DataServ in the amount of \$49,935.00 pre-discount cost and a funding amount of \$39,948.00. The DataServ E-Rate Basic Maintenance Renewal Summary details the locations and hardware covered under this Basic Maintenance Contract (attached document - DataServ E-Rate Basic Maintenance Renewal Summary.pdf).

Conclusion

Newark City Schools received no follow-up requests by USAC reviewer Ankit Majmudar. Mr. Majmudar simply processed the BEAR Form with a payment of \$0.00 rather than requesting additional clarification that would allow complete payment of the FRN.

The Newark City School District respectfully requests the FCC waive the program deadline of October 28, 2017, for the Billed Entity Applicant Reimbursement Form 472# 2707576 and restore Newark City School District's opportunity to submit the BEAR Form to USAC for payment for FRN 1699106449.

Thank you for your consideration in this matter.

Sincerely,

Eric Spencer

Attachments: BEAR Form 2707576.pdf

Invoice Review Email.pdf

Invoice Review Response.pdf

USAC BEAR Form Denial Letter.pdf

DataServ E-Rate Basic Maintenance Renewal Summary.pdf

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

View BEAR Invoice

 **PRINTABLE PAGE**

Invoice ID: 2707576
Created on 10/17/2017 1:39 PM
Last updated on 11/28/2017 5:02 AM

Applicant Form Identifier NWK-4-DS-16

Block 1: Header Information

[Need Help?](#)

1. Billed Entity Name Newark City Schools	2. Billed Entity Number 129096	3. Service Provider Identification Number (SPIN) 143004474
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Applicant FCC Form 498 ID
443012566

4. Contact Name	Eric Spencer
5. Contact Telephone Phone	(614) 882-0596 ext. 25
Contact Fax	(614) 882-2556
Contact Email	eas@smserate.com

6. Total Reimbursement Amount
(total from Block 2, Column 14)
\$ 39948

Block 2: Line Item Information Per Funding Request Number

[Need Help?](#)

7. FCC Form 471 Application Number	8. Funding Request Number (FRN)	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
(from Funding Commitment Decision Letter)	(from Funding Commitment Decision Letter)							
1) 161047165	1699106449	ANNUALLY	7/1/2016		\$ 49935.00	80	\$ 39948.00	COMPLETED

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 10/24/2017

17. Name JULIO VALLADARES
18. Title/Position Treasurer
20. Address 1 621 Mount Vernon Rd.
Address 2
City Newark
State OH
Zip Code 43055 -

19. Phone Number (740) 670-7010
19a. Fax Number (740) 670-7009
19b. Email JVALLADARES@LACA.ORG
19c. Name of Authorized Person's Employer Newark City Schools

OMB Number 3060 - 0856 Form 472

[SLD Home](#) | [Contact Us](#)

Client Service Bureau: 1-888-203-8100

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Eric Spencer

From: Majmudar, Ankit <Ankit.MAJMUDAR@sl.universalservice.org>
Sent: Tuesday, November 07, 2017 11:12 AM
To: Eric Spencer
Cc: 'Eric@1-614-882-2556'
Subject: SLC Invoice # 2707576 - see below

Hello Eric Spencer,

SLD Invoice No	SP_App Invoice No	Line ID	Customer Billed Date	471	FRN	SPIN	Se Pr N
2707576	NWK-4-DS-16	8891432	01-Jul-16	161047165	1699106449	143004474	DataS Integr LLC

I am reviewing your request for reimbursement of the invoice line/s noted above.

BILLS:

Please submit:

- I. A copy of the summary page/s for the bill/s received from Service Provider, to show:
 - a) Bill Date / Ship Date,
 - b) Service Provider Name,
 - c) Bill-To Entity,
 - d) Current Charges,
 - e) Description of Products / Services Delivered: _
 Please provide
 1. Description of products / services when not indicated on bill,
 2. List of equipment being maintained,
 3. Hours of work performed.
- II. If the invoice is for deposits or up-front charges for services, please include a copy of the full contract that supports those charges.

Please provide this information to me as soon as possible within the next 7 calendar days, by End of Day Tuesday, 11/14/2017. Failure to do so may result in a reduction or rejection of the invoice, without further request. In this event, please ensure you have all necessary documents collected before resubmitting your request. If you have any questions, please contact me within this 7 day period.

Thank you for your cooperation and continued support of the Universal Service Program.

Ankit Majmudar
Case Management Associate
Invoicing Team, Schools and Libraries Program
 Solix, Inc. | 30 Lanidex Plaza West | Parsippany, NJ 07054
 T: 973.581.5074 | F: 973.599.6539
amajmud@sl.universalservice.org

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Eric Spencer

From: Eric Spencer
Sent: Tuesday, November 07, 2017 11:29 AM
To: 'Majmudar, Ankit'
Subject: RE: SLC Invoice # 2707576 - see below
Attachments: SLD Invoice # 2707576 - DataServ Paid Invoice Documentation.pdf

Ankit,

Attached please find the paid invoice for the service outlined in your request. If you have any questions or require more information, please let me know.

Thanks!

Eric

From: Majmudar, Ankit [mailto:Ankit.MAJMUDAR@sl.universalservice.org]
Sent: Tuesday, November 07, 2017 11:12 AM
To: Eric Spencer <eas@smserate.com>
Cc: 'Eric@1-614-882-2556' <IMCEAFAX-Eric+401-614-882-2556@solixinc.com>
Subject: SLC Invoice # 2707576 - see below

Hello Eric Spencer,

SLD Invoice No	SP_App Invoice No	Line ID	Customer Billed Date	471	FRN	SPIN	Se Pro N
2707576	NWK-4-DS-16	8891432	01-Jul-16	161047165	1699106449	143004474	DataS Integr LLC

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 - a) Bill Date / Ship Date,
 - b) Service Provider Name,
 - c) Bill-To Entity,
 - d) Current Charges,
 - e) Description of Products / Services Delivered: _
 Please provide
 1. Description of products / services when not indicated on bill,
 2. List of equipment being maintained,
 3. Hours of work performed.
- II. If the invoice is for deposits or up-front charges for services, please include a copy of the full contract that supports those charges.

DataServ

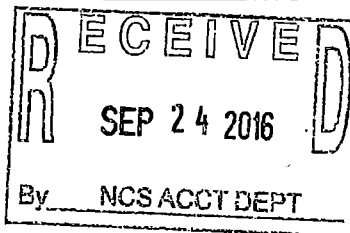
A SKODA MINOTTI TECHNOLOGY FIRM

Remit To: DataServ Integrations LLC
29260 Clemens Rd
Westlake, OH 44145
440-892-2555

Invoice #	8398
Date	09/20/2016
Customer ID	NEW003
Contract No.	100053

Bill To:

Newark City School District
621 Mount Vernon Rd
Newark, OH 43055



P.O. NUMBER	BILLING INTERVAL	FROM	TO	BLOCK INFO	TERMS
26966	Annually	07/01/2016	06/30/2017		Net 30

ITEM	DESCRIPTION	QTY	UNIT PRICE	EXT. PRICE
DSI-MAINT	Maintenance Renewal	1.00	\$67,913.00	\$67,913.00
<p>APPROVED FOR PAYMENT PO # <u>26966</u> Rec'd Date <u>10/4/16</u> Rec'd By <u>Amorman</u> PO Complete <input checked="" type="checkbox"/> PO Incomplete <input type="checkbox"/></p>				
			SUBTOTAL	\$67,913.00
			Invoice Total	\$67,913.00

Paying by check authorizes us to convert your check to electronic data to make a one-time fund transfer from your account for that payment. Funds may be withdrawn from your account as soon as the same day we receive payment and your check will not be returned from your financial institution. An interest charge will be invoiced for late payments as per the Ohio's Revised Code 5703.47.



Universal Service Administrative Company

Schools and Libraries Division



Form 472 (BEAR) Notification Letter

December 1, 2017

Karen Knaack
DataServ Integrations, LLC
31280 Viking Parkway
Westlake, OH 44145

Re: Invoice Number - as assigned by USAC: 2707576
Service Provider Identification Number: 143004474
Reimbursement Form Number: NWK-4-DS-16
Billed Entity Number: 129096

Spencer Eric
NEWARK CITY SCHOOL DISTRICT
611-G Park Meadow Rd
Westerville, OH 43081

Preferred Mode of Contact: E-mail at eas@smserate.com~~Total Amount of Reimbursement Approved for Payment: \$0.00~~

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: NEWARK CITY SCHOOL DISTRICT

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 161047165
Funding Request Number: 1699106449
Funding Year 2016: 07/01/2016 - 06/30/2017
Contract Number: NWRK1507-CCG-A5YR
Funding Commitment Decision: \$39948.00
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
Incomplete documents provided for review;



**Newark City School District
Estimated E-Rate Basic Maintenance 2016/17 Renewal Summary
Dates 07/01/2016 - 06/30/2017
Basic Maintenance of Eligible Internal Connections**

Building	E-Rate Eligible	Estimated E-Rate Reimbursement
Ben Franklin ES	\$ 2,322.00	\$ 1,857.60
Carson ES	\$ 3,172.00	\$ 2,537.60
Cherry Valley ES	\$ 2,378.00	\$ 1,902.40
Heritage ES	\$ 6,945.00	\$ 5,556.00
Hillview ES	\$ 3,023.00	\$ 2,418.40
John Clem ES	\$ 3,751.00	\$ 3,000.80
Legend ES	\$ 2,682.00	\$ 2,145.60
Liberty MS	\$ 3,238.00	\$ 2,590.40
Newark HS	\$ 12,612.00	\$ 10,089.60
William McGuffey ES	\$ 3,275.00	\$ 2,620.00
Wilson MS	\$ 6,537.00	\$ 5,229.60
Estimated Totals	\$ 49,935.00	\$ 39,948.00

Coverage Includes

- Basic technical support including online and telephone based technical support
- Software upgrades and patches including bug fixes and security patches

E-Rate Eligible Part Number	Qty
PWR-C45-2800ACV	1
PWR-C45-2800ACV/2	1
WS-C2950SX-48-SI	9
WS-C2960-48TC-L	37
WS-C2960S-24PD-L	6
WS-C2960S-48FPD-L	13
WS-C2960S-48FPS-L	2
WS-C2960S-48TD-L	36
WS-C2960S-48TS-L	10
WS-C2960X-24PS-L	32
WS-C2960X-48FPS-L	1
WS-C3560-24PS-S	15
WS-C3560-48TS-S	6
WS-C3560G-24PS-S	25
WS-C3560G-48PS-S	1
WS-C3560G-48TS-S	32
WS-C3560X-48PF-L	1
WS-C3750G-12S-S	9
WS-C3750G-24TS-S	2
WS-C4506-E	2
WS-C4507RE+96V+	1
WS-C4510R-E	3
WS-X45-SUP7L-E	1
WS-X45-SUP7L-E/2	1
WS-X4648-RJ45V+E	2