

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

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Mansfield Independent School District)	Application Nos. 788976,
Request for Review)	794118, 815691, 845493, 871961,
)	902395, 904090 and 906722

APPLICATION FOR REVIEW

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EXECUTIVE SUMMARY

Mansfield Independent School District hereby seeks review of an Order on Reconsideration issued December 20, 2018 by the Wireline Competition Bureau (Bureau) that upheld USAC's decision to deny and rescind nearly \$1.8 million in E-rate funding for Mansfield ISD. The Bureau found Mansfield ISD did not provide enough detail on its Form 470 about the E-rate services it wanted to purchase. Absent review by the full Commission, this order will harm Mansfield ISD and discourage competitive bidding.

Contrary to the Bureau's finding, Mansfield ISD did not do less than the Commission's rules require, it did *more*. The Bureau seems to believe that Mansfield ISD conducted a sham competitive bidding process and was purposefully vague in its description of services in order to discourage other potential vendors from submitting bids so it could select its incumbent provider, Southwestern Bell/AT&T, as the winning bidder. Nothing could be further from the truth.

Mansfield ISD could have selected Southwestern Bell as the winning vendor simply by using the competitively bid state master contract. The State of Texas had followed E-rate rules to competitively bid for telecommunications and Internet access services and selected AT&T as the only winning bidder that could serve Mansfield ISD's geographic territory. Mansfield ISD could have used the state's Form 470 and competitive bidding process and selected AT&T as its service provider—and been completely compliant with E-rate rules *without ever submitting its own Form 470*.

Instead, Mansfield ISD submitted a Form 470 that it thought complied with Commission rules in its description of services—a description similar to that used by hundreds if not thousands of other approved and funded applications during the same time period and consistent with past practice in the program—with the goal of trying to obtain additional bids. When that was unsuccessful, it purchased services from AT&T under the state master contract. Yet Mansfield

ISD is being penalized with the loss of \$1.8 million in funding because it tried to go above and beyond what was required.

It is fundamentally unfair and a violation of federal law for the Bureau to adopt a new standard for what constitutes “sufficient” and apply that new standard retroactively. The standard is also a novel interpretation of the Commission’s rules, and as such, the Commission should adopt the standard, not the Bureau on delegated authority.

Further, even if Mansfield ISD’s Form 470 was not “sufficient” under Commission rules, the Bureau erred in determining that Mansfield ISD had not met the standard for a waiver. To the contrary, Mansfield ISD used eligible services at eligible locations, in accordance with congressional directives. The State of Texas had already determined AT&T was the most cost-effective service provider for the District’s region. As such, there was no harm to the program, and the program in fact got the benefit of the most cost-effective service. There was no waste, fraud or abuse.

Most importantly, the Bureau’s decision not to grant a waiver to Mansfield ISD is inconsistent with its prior decisions to waive a violation of the competitive bidding rules when the applicant selected the lowest-cost bidder, as Mansfield did here. To recover \$1 million and deny another \$800,000 is not in the public interest when the amount of E-rate funding committed would have been exactly the same had the alleged error not occurred.

Upholding the Bureau’s decision would not only harm Mansfield ISD but would discourage competitive bidding. Any applicant that had the ability to take service from a competitively bid state master contract would think twice about issuing its own Form 470 in an attempt to solicit additional bids. If the state master contract cannot serve as a fallback in case the applicant does not receive any bids, applicants will instead take the safer approach and select a bidder from their state master contract. Following that approach, while absolutely allowed under the rules, could

nevertheless mean that applicants and the program will foreclose the possibility of higher-quality services and better pricing.

Finally, the Bureau erred in dismissing the Petitions for Reconsideration on procedural grounds. The Bureau relied on section 1.106(p)(3) to dismiss most of Mansfield ISD's Petition, but section 1.106(p) applies only to petitions for reconsideration by the full Commission. Given that the Bureau did not even explain its reason for denying the appeal initially, it was improper for the Bureau to conclude the petitions for reconsideration "plainly" did not warrant reconsideration. For all of these reasons, Mansfield ISD respectfully asks that the Commission reverse the Bureau's Order on Reconsideration, direct USAC to cease its recovery efforts, and reinstate Mansfield ISD's funding.

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APPLICATION FOR REVIEW

Mansfield Independent School District (Mansfield ISD or the District), pursuant to section 1.115 of the Commission's rules, petitions for Commission review of the Bureau's December 20, 2018, Order on Reconsideration,¹ denying Mansfield ISD's request for a reversal of a decision of the Universal Service Administrative Company (USAC) to seek recovery of more than \$1 million and deny more than \$800,000.

Mansfield ISD is seeking review from the full Commission because the Bureau (1) ignored the significant fact that Mansfield ISD was not required to issue a Form 470 at all because it purchased services off a competitively bid multi-year master contract; (2) incorrectly found that no party could have determined that Mansfield ISD selected the most cost-effective services, when in fact the state of Texas had made that exact determination; (3) exceeded its authority by adopting a standard for "sufficient information" on an FCC Form 470 that was not previously defined by the Commission; (4) retroactively applied a standard for "sufficient information" that Mansfield ISD and other program participants had no notice of; (5) arbitrarily penalized Mansfield ISD when hundreds of other applications have used and continue to use the same terms to describe the scope of services requested; (6) mischaracterized Commission precedent and its standard for granting waivers, thereby arbitrarily denying Mansfield ISD's request for waiver; and (7) erred in finding that Mansfield ISD's Petitions for Reconsideration were procedurally deficient.

¹ *Petitions for Reconsideration by Mansfield Independent School District*, CC Docket No. 02-6, Order on Reconsideration, DA 18-1282 (WCB rel. Dec. 20, 2018) (*Bureau Order*).

BACKGROUND

Mansfield Independent School District is a public school district, southeast of Fort Worth, Texas, that serves more than 32,000 students. Over the last 15 years, the District has become one of the fastest growing school districts in Texas. It currently has five high schools, a Career Tech Academy, six middle schools, six intermediate schools, and 22 elementary campuses. Nearly 40 percent of the District's students receive free or reduced lunches.

The District is committed to using its technology resources to give students practical, "real world" training and prepare them for productive jobs after high school. For example, its high school engineering students created a prosthetic hand for a young father whose hand had been amputated.² Students from all five high schools may participate in this program, and others like it, at the Career Tech Academy where they gain valuable skills to go directly into the workforce or higher education. These programs and skills prepare students for jobs at manufacturing plants near Mansfield, including General Motors, Lockheed Martin, Bell-Textron, and Klein Tools.

Despite its accomplishments, over the last five years the District has had to do more with less funding. Since 2010, the Texas Legislature has cut funding significantly to public schools and required that schools accomplish more through unfunded mandates. In the 2011-2013 biennium alone (which corresponds with funding years 2011 and 2012), state funding was reduced to the District by \$26 million.

E-rate funds, therefore, have been an extremely important source of funding for Mansfield ISD. In December 2010, Mansfield ISD posted an FCC Form 470 seeking bids for telecommunications services, Internet access, internal connections, and basic maintenance of

² Robert Cadwallader, *Mansfield students design, manufacture prosthetic hand*, FORT WORTH STAR-TELEGRAM, June 20, 2014, available at <http://www.startelegram.com/news/local/community/mansfield-news-mirror/mnm-news/article3862580.html>.

internal connections (BMIC) services for funding year 2011.³ More specifically, the services it sought bids for were: Internet access; data transmission, including WAN circuits; local and long distance services; email, cell phone service; video conferencing; and web hosting—the typical E-rate eligible services sought by most school districts.⁴ Because USAC and the Commission’s rule strictly requires applicants to include every service on their Forms 470, and because of the Eligible Services List was much more detailed prior to FY 2015,⁵ Mansfield ISD listed the same basic service in multiple ways to account for the different regulatory structure (telecommunications or Internet access) and the different methods of delivery or technology (i.e., local voice services and VoIP services, for example, are two ways to ask for the same service; similarly, high speed end-to-end transport, wireless WAN, cellular air cards, and point-to-point T1 lines all can provide data transmission services).⁶ In its FY 2011 FCC Form 470, Mansfield used the term “District Wide” to describe the “Quantity and/or Capacity” of several types of Priority 1 services (now

³ FCC Form 470 No. 970210000876801, Mansfield ISD (posted Dec. 17, 2010) (Mansfield FY2011 FCC Form 470).

⁴ Mansfield FY2012 FCC Form 470 at Block 2; Mansfield FY2013 FCC Form 470 at Block 2.

⁵ *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Sixth Report and Order, 25 FCC Rcd 18762, Appendix B (2010) (*Sixth Report and Order*); Request for Review of the Decision of the Universal Service Administrator by Albert Lea Area Schools, File Nos. SLD-517274, et al., CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4539-40, ¶¶ 14-15 (Wireline Comp. Bur. 2009) (*Albert Lea Order*) (“Similarly, we find that petitioners that filed FCC Forms 470 that did not include the types of services for which the petitioners later requested E-rate funding did not seek competitive bids for those services.”)

⁶ Mansfield ISD FY2011 FCC Form 470 at Block 2, Line 8(c).

called Category 1).⁷ The Form 470 also indicated the number of schools that it expected to be served by potential vendors.⁸ Mansfield ISD did not receive any bids.⁹

Before selecting the only service provider that was available to provide Internet access and telecommunications for its area, Southwestern Bell, Mansfield ISD checked with TW Telecom of Texas, LLC—another vendor on the state master contract—to see if it could possibly provide the district with services.¹⁰ Unfortunately, TW Telecom told Mansfield ISD that its service area did not cover the District’s geographic area and it was not able to provide services at that time.¹¹ For its regional WAN Internet access services, Mansfield ISD selected services from a Region XI state master contract.¹² As such, Mansfield ISD selected service from the master contracts bid by state entities.

As the Bureau noted, Mansfield ISD followed the same process in funding years 2012 and 2013, posting FCC Forms 470 on behalf of the school district using the term “District Wide” to describe its Category 1 (then Priority 1) services.¹³ In both of those funding years, Mansfield ISD

⁷ *Id.* at Lines 8(c), 9(c).

⁸ *Id.* at Line 16(c); *see also* Letter of Appeal from Jane Kellogg, on behalf of Mansfield ISD, to Office of the Secretary, Federal Communications Commission, CC Docket No. 02-6 at 8, 15-16 (filed Oct. 29, 2014) (Request for Review).

⁹ Letter from Christie Hobbs, on behalf of Mansfield ISD, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-6, at 4 (Mar. 11, 2016) (Supplemental Brief); FCC Form 471 No. 788976, Mansfield Independent School District (filed Mar. 10, 2011); FCC Form 471 No. 794118, Mansfield Independent School District (filed Mar. 10, 2011).

¹⁰ Request for Review at 17-18; *id.* at Attachment C, Selective Review Responses at 70, 87-88; Attachment G, Texas DIR TEX-AN Agreement, at 2-5.

¹¹ *Id.*

¹² Most of the discussion in this application for review is concerning the services provided by Southwestern Bell, as they represent most of the dollars at issue. However, Mansfield ISD also took service from a state master contract issued by the Region XI educational services agency for Internet Access from Cogent. *Id.* at Attachment C, Selective Review Responses, at 9-10, 18.

¹³ FCC Form 470 No. 595840000980192, Mansfield ISD (posted Dec. 16, 2011) (Mansfield FY2012 FCC Form 470); FCC Form 470 No. 764940001074497, Mansfield ISD (posted Dec. 17, 2012) (Mansfield FY2013 FCC Form 470).

again received no bids. It instead selected service providers from the state master contracts as it did in FY 2011 and filed its FCC Form 471 applications requesting E-Rate support.¹⁴ USAC approved and disbursed funding to Mansfield for its applications for FYs 2011 and 2012.¹⁵

In May 2014, however, USAC denied funding for Mansfield ISD's FY 2013 funding request.¹⁶ USAC also issued Commitment Adjustment Letters rescinding Mansfield ISD's funding commitments for funding years 2011 and 2012 and seeking to recover disbursed funds.¹⁷

In July 2014, Mansfield appealed these decisions to USAC. In its appeal, Mansfield ISD argued that the services requested in its establishing FCC Forms 470 were not an encyclopedic list of eligible services because they were based on the school district's technology plans.¹⁸

In September 2014, USAC denied Mansfield ISD's appeal, changing its denial reason to state that Mansfield ISD's establishing FCC Forms 470 for funding years 2011, 2012, and 2013 "did not define the specific services or functions, including quantity and/or capacity, for which funding would be sought when the FCC Form[s] 471 [were] filed."¹⁹

¹⁴ FCC Form 471 No. 815691, Mansfield ISD (filed Mar. 23, 2011); FCC Form 471 No. 845493, Mansfield ISD (filed Mar. 8, 2012); FCC Form 471 No. 871961, Mansfield ISD (filed Mar. 20, 2012); FCC Form 471 No. 902395, Mansfield ISD (filed Mar. 7, 2013); FCC Form 471 No. 906722, Mansfield ISD (filed Mar. 7, 2013).

¹⁵ Request for Review at 2-3; *Bureau Order*, DA 18-1282, at ¶ 7.

¹⁶ Request for Review at 2-3; *Bureau Order* at ¶ 8. The Bureau stated that Mansfield's denial followed a special compliance review conducted after USAC received notice of a possible competitive bidding violation. *Bureau Order* at ¶¶8, 30. Mansfield ISD had no knowledge of any allegations prior to USAC's denials until it reviewed the *Bureau Order*.

¹⁷ Request for Review at 2-3; *Bureau Order* at ¶ 8. In both sets of letters, USAC explained that it was denying the funding requests "because the FCC Form[s] 470 [did] not comply with the statutory mandate that applicants submit 'bona fide requests for services,'" in that they were "encyclopedic and [did] not list only those services for which funding was actually sought." *Id.*; FY2013 Funding Commitment Decision Letters. Although applicants are not required to issue a Request for Proposal (RFP), USAC also noted that "a Request for Proposal was not issued to narrow the scope of the desired services to only those that [Mansfield] actually applied for." *Id.*

¹⁸ *See* Request for Review at 19.

¹⁹ USAC's Decision on Appeal, to Jane Kellogg, on behalf of Mansfield ISD (Sept. 5, 2014).

Mansfield ISD then appealed USAC’s decision on appeal to the Commission.²⁰ On June 30, 2015, the Bureau denied the District’s appeal in a Public Notice. The denial had the heading “FCC Form 470 Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought.”²¹ The Public Notice provided no explanation as to the Bureau’s findings of facts or law; it simply cited to three prior Commission orders.²²

In its Petition for Reconsideration filed in July 2015, Mansfield asked the Bureau to reconsider its decision, arguing among other things that the use of “district wide” on its Form 470 was accurate and appropriate.²³ In August 2016, Mansfield ISD filed an additional Petition for Reconsideration in response to a denial in the *July 2016 Streamlined Request Resolution Public Notice*.²⁴ This Petition incorporated by reference the arguments made in the first Petition, and further argued that the orders cited by the Bureau in its denials was inapposite.²⁵ On December 20, 2018, the Bureau issued an order denying both petitions for reconsideration.²⁶ Applications for

²⁰ See Request for Review.

²¹ *Streamlined Resolution of Requests Related to Actions by the Universal Service Administration Company*, CC Docket Nos. 02-6, 96-45, Public Notice, 30 FCC Rcd 7056, 7060, n.11 (WCB 2015) (*June 2015 Streamlined Request Resolution Public Notice*).

²² As described further below, these cases only stated the general rule and were not otherwise relevant to the instant appeal’s facts. *Id.*

²³ Petition for Reconsideration, *In the Matter of Schools and Libraries Universal Service Support Mechanism, Mansfield Independent School District FCC Form 471 Application Nos. 788976, 794118, 815691, 845493, 871961, 902395, 906722*, CC Docket No. 02-6 (filed July 30, 2015) (*July 2015 Petition for Reconsideration*).

²⁴ Petition for Reconsideration, *In the Matter of Schools and Libraries Universal Service Support Mechanism, Mansfield Independent School District FCC Form 471 Application No. 904090*, CC Docket No. 02-6, at 4 (filed Aug. 25, 2016) (*August 2016 Petition for Reconsideration*). Two petitions for reconsideration were filed because one of the funding requests was denied separately. *Streamlined Resolution of Requests Related to Actions by the Universal Service Administration Company*, CC Docket Nos. 02-6, 96-45, Public Notice, 31 FCC Rcd 8603, 8609, n.19 (WCB 2016) (*July 2016 Streamlined Request Resolution Public Notice*).

²⁵ *August 2016 Petition for Reconsideration* at 7-8.

²⁶ *Bureau Order*, DA 18-1282, at ¶ 32.

Review are due within 30 days of the relevant Bureau decision.²⁷ As such, this Application for Review is timely filed.

QUESTIONS PRESENTED

The Bureau's Order on Reconsideration conflicts with Commission regulation and precedent; involves novel questions of law and policy; contains erroneous findings as to material facts; and constitutes prejudicial procedural error. *See* 47 C.F.R. § 1.115(b)(2)(i), (ii), (iv), (v).

These factors "warrant Commission consideration" of the following questions presented:

1. Whether the Bureau's finding that the services provided were not cost-effective is consistent with Commission rules allowing applicants to purchase services from a state master contract without an additional competitive bidding process;
2. Whether the Bureau's Order violated the law by announcing a new interpretation of 47 C.F.R. § 54.503 and then applying that interpretation retroactively without fair notice;
3. Whether the Bureau incorrectly and unlawfully decided novel questions of law amenable to determination only by the full Commission, including the Bureau's interpretation of what constitutes "sufficient information" on the Form 470;
4. Whether USAC's past practice of accepting from hundreds of program participants Forms 470 that used the term "district-wide" to describe the scope of services sought caused Mansfield ISD to rely to its detriment on USAC's approvals;
5. Whether USAC's determination to apply a more strict standard for what constituted "sufficient information" than hundreds of other applicants was arbitrary;

²⁷ Pursuant to Commission instructions regarding filings due during the U.S. Government shutdown, this application for review is being filed upon reopening of the agency. *See Impact of Potential Lapse in Funding on Commission Operations*, Public Notice, DA 19-10 (rel. Jan 2, 2019); *Revisions to Filing and Other Deadlines Following Resumption of Normal Commission Operations*, Public Notice, DA 19-26 (rel. Jan 29, 2019).

6. Whether the Bureau erred by erroneously stating a material fact regarding the information contained in Mansfield ISD's Form 470;
7. Whether the Bureau incorrectly applied the Commission's past standard waiving its competitive bidding rules when the applicant selected the lowest cost bidder;
8. Whether the Bureau's Order is inconsistent with Commission policy to encourage applicants to seek competitive bids.
9. Whether the Bureau committed prejudicial procedural error by using section 1.106(p)(3) to dismiss Mansfield ISD's petition for reconsideration and by failing to acknowledge Mansfield ISD's arguments that that the Bureau erred.

ARGUMENT

I. Contrary to the Bureau's Finding, Mansfield ISD Selected the Most Cost-Effective Services

The Bureau erred in concluding that, as a matter of law, Mansfield ISD could not have selected the most cost-effective services as required by Commission rules.²⁸ The Commission's rules state that an applicant can purchase services from a vendor on a master contract that has been competitively bid according to E-rate requirements without conducting any other competitive bidding process.²⁹ The Bureau acknowledged this rule in the *Bureau Order*.³⁰ Given that the state

²⁸ The Bureau twice stated that neither Mansfield ISD, USAC, nor the Commission could determine whether Mansfield ISD selected cost-effective services. *Bureau Order*, DA 18-1282, at ¶¶ 20, 28.

²⁹ See Federal-State Joint Board on Universal Service, Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, and 95-72, Report and Order and Fourth Order on Reconsideration, 13 FCC Rcd 5318, 5452-53, ¶¶ 232-233 (1997) (*Fourth Order on Reconsideration*); see also 47 C.F.R. § 54.500 (defining "master contract").

³⁰ *Bureau Order*, DA 18-1282, at ¶ 5.

of Texas and Region XI followed the E-rate competitive bidding requirements, the vendors selected in those competitive bidding processes were the most cost-effective for those services.³¹

The *Bureau Order* found that the mere issuance of Mansfield ISD's Form 470 somehow made the state's cost-effectiveness determination null and void.³² That is not correct. Commission rules require applicants to seek competitive bids for E-rate eligible services, using price as the primary factor.³³ If there is a master contract, applicants may purchase services off that contract without conducting their own competitive bidding process.³⁴ While the Bureau accurately states that when an applicant issues a Form 470 and receives additional bids, the applicant must "carefully consider" those additional bids it receives, those cases simply are not relevant here.³⁵ None of those cases indicate there is a requirement that an applicant consider bids it did not receive.³⁶ If Mansfield's choice of AT&T from the state master contract was compliant with the rules before it issued an FCC Form 470—and it would have been—then its selection of AT&T from the state master contract after it received no additional bids was, at most, harmless error.³⁷

Underlying the Bureau's findings is an implication that Mansfield ISD was trying to evade program competitive bidding requirements by being purposefully vague about the services it

³¹ It is unclear from the Bureau Order whether it considered Mansfield ISD's selection of Cogent Communications from the Region XI master contract for its regional WAN services as part of its analysis as neither is mentioned. As is noted in the Request for Review, Region XI selected Cogent as the most cost-effective bidder after considering four bid proposals. Request for Review, Attachment C at 9.

³² *Id.* at ¶¶ 22-23.

³³ See 47 C.F.R. §§ 54.503, 54.511; see also 47 C.F.R. §§ 54.504.

³⁴ See *Fourth Order on Reconsideration*, 13 FCC Rcd 5318, 5452-53, ¶¶ 232-233.

³⁵ *Bureau Order*, DA 18-1282, at ¶ 22 & n.55.

³⁶ To the extent the Bureau is setting a higher standard for applicants that issue a Form 470 but do not receive bids, that is a new or novel interpretation, for which applicants had no notice, that should reside with the Commission. As described in section V below, it also conflicts with Commission policies encouraging applicants to seek additional bids.

³⁷ The same is true of its selection of Cogent Communications, Inc.

requested on its Form 470, thereby discouraging vendors from bidding. But this implication could not possibly be accurate because Mansfield ISD was under no obligation to issue a Form 470 for any of these years. Commission rules make clear that applicants that wish to purchase off a state master contract do not have to issue their own Form 470.³⁸ If its goal were simply to select its incumbent provider—the one listed as the only eligible vendor on the state’s master contract—Mansfield ISD could have done so completely within the rules without submitting Forms 470 of its own. In fact, that was Mansfield ISD’s only “error” here. It submitted Forms 470 when it was not required to by the rules because it was trying to determine whether there might be additional vendors that could provide its desired services. In effect, the District is being penalized for trying to do more than the rules require.

The Bureau claims that other vendors did not bid because the Form 470 did not provide sufficient information, claiming, without any evidence, that the long list of services likely deterred potential vendors. First, Mansfield ISD was required by Commission rules to include all the E-rate services it planned to purchase on its Form 470. If it had not done so, USAC would have denied funding for its failure to seek bids for requested services.³⁹ The Bureau now seeks to use that program requirement as evidence of wrongdoing. In reality, it is much more likely that other

³⁸ *Fourth Order on Reconsideration*, 13 FCC Rcd at 5452-53, ¶ 233. In addition, as stated in its Request for Review, Mansfield ISD could also have relied upon its own Form 470 posted in 2010 for the SWBT services under contract. If under a multi-year contract, an applicant does not need to post a new Form 470 Request for Review of the Decision of the Universal Service Administrator by Albert Lea Area Schools, File Nos. SLD-517274, et al., CC Docket No. 02-6, Order, 24 FCC Rcd 4533, 4539-40, ¶ 2 (Wireline Comp. Bur. 2009) (Albert Lea Order) (“An applicant can enter into multi-year contracts or contracts with voluntary extensions without reposting an FCC Form 470 application and complying with the 28-day rule each year as long as the applicant indicated such intent in the original posting in Item 13 on its FCC Form 470 or in its RFP.”); see also *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 15 FCC Rcd 6732, 6736, para. 10-12 (1999). Mansfield ISD called its contract with SWBT “service agreements,” but they are five-year term contracts.) Request for Review, Attachment C at 75.

³⁹ See, e.g., *Albert Lea Order* at ¶¶ 14-15 (“we find that petitioners that filed FCC Forms 470 that did not include the types of services for which the petitioners later requested E-rate funding did not seek competitive bids for those services.”).

vendors were no doubt aware of the pricing available to Mansfield ISD in the state’s master contract and did not bid because either they could not offer a better price or because, as Mansfield ISD explained to USAC and the Bureau, they did not yet offer services throughout Mansfield ISD’s geographic area.⁴⁰

II. Neither the Bureau nor the Commission May Depart from Past Rules and Practice Without Fair, Advance Notice to Applicants

A. The Commission’s rules were vague, did not provide fair notice, and prior Bureau orders found similar descriptions to those used by Mansfield ISD satisfied the “sufficient information” standard

A federal agency cannot penalize a regulated entity for violating the agency’s rules unless that entity had “fair notice” of the rules.⁴¹ The standard for whether an agency has provided fair notice is whether “by reviewing the regulations and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects the parties to conform.”⁴² An agency must provide fair notice when it “wishes to use [its new] interpretation” of a vague rule “to cut off a party’s right.”⁴³ And an agency will be found to have failed to provide fair notice, even if the agency’s new interpretation of the rules is reasonable, if, at the time of the conduct, a reasonable person exercising reasonable care would not have known there was a violation.⁴⁴

⁴⁰ Request for Review at 17-18.

⁴¹ See, e.g., *SNR Wireless License Co., LLC v. FCC*, 868 F.3d 1021, 1043 (D.C. Cir. 2017); *Gen. Elec. Co. v. EPA*, 53 F.3d 1324, 1328 (D.C. Cir. 1995); see also, e.g., *Trinity Broad. of Fla., Inc. v. FCC*, 211 F.3d 618, 628 (D.C. Cir. 2000).

⁴² *Trinity*, 211 F.3d at 628 (citing *Gen. Elec.*, 53 F.3d at 1329).

⁴³ *Satellite Broad. Co., Inc. v. FCC*, 824 F.2d 1, 4 (D.C. Cir. 1987); see also *United States v. Chrysler Corp.*, 158 F.3d 1350, 1354 (D.C. Cir. 1998).

⁴⁴ See *Chrysler*, 158 F.3d at 1355.

The rule requires applicants to provide “sufficient” information to enable potential bidders to “reasonably” determine the needs of the applicant.⁴⁵ The rule is vague, and no Commission order prior to the *Bureau Order* had ever identified what constitutes “sufficient” information.⁴⁶ The Bureau faults the district for using the term “district-wide” to describe its services, yet that term tells potential bidders the scope of the services sought. The Bureau faults Mansfield ISD for not including specific bandwidths in its Form 470, yet in 2012 USAC directed applicants to omit specific bandwidths so that they could consider a wider range of services.⁴⁷ Until the Bureau’s Order was released last month, the Commission had not provided guidance as to what level of specificity was sufficient. As such, the Commission had not provided fair notice to Mansfield ISD and other E-rate applicants that the descriptions used in the Forms 470 would not be sufficient under the rule. In fact, this interpretation is a novel question of law that is reserved to the Commission. Mansfield ISD exercised reasonable care in following USAC’s guidance regarding bandwidths and described the scope of its services in the same manner that at least hundreds of other applicants used.⁴⁸ The full Commission may certainly further explain the rule by defining

⁴⁵ *June 2015 Streamlined Request Resolution Public Notice*, 30 FCC Rcd at 7060, n.11 (citing *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.*; *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 and 97-21, Order, 18 FCC Rcd 26406, 26410, ¶ 7 (2003)).

⁴⁶ In February 2015, after the years at issue in this application for review, USAC, not the Commission, issued guidance in a news brief that “district-wide” was not specific enough. Petition for Reconsideration at p. 18.

⁴⁷ Petition for Reconsideration at p. 17. (“Be careful not to limit yourself unnecessarily in the description of the services. For example, ‘highspeed Internet access’ gives you more flexibility than ‘Internet access not to exceed 10 Mbps.’ If you specify an upper limit, you cannot increase your speed—even if the cost does not increase—during the funding year or for the life of the contract, if you sign one, without posting a new FCC Form 470 and opening a new competitive bidding process.”).

⁴⁸ Further, as a school district, Mansfield ISD would not have necessarily known what was “reasonable” in the eyes of a service provider, especially since no service providers sought additional information.

what “sufficient” means, but it may not do so without fair notice and then apply those changes retrospectively.

Additionally, the Bureau has granted appeals finding the information provided on the Form 470 was “sufficient information,” even though the Bureau did not explain why the information was sufficient.⁴⁹ In a few of those cases, the applicants used only the term “district-wide” to describe the services requested, just as Mansfield ISD did here. For Internet access, they also did not list the bandwidth requested.⁵⁰ The Commission cannot depart from past decisions without giving applicants notice of the changes in its interpretation of the rules.

⁴⁹ See, e.g., *Requests for Review of a Decision of the Universal Service Administrator by Riverdale Unified School District and Cherokee County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11207 (WCB 2011) (finding Riverdale Unified School District did not violate the Commission’s competitive bidding requirements). In its Form 470, No. 135070000627792, Riverdale sought services for Internet access. It listed Internet access services requested as “district-wide” with no bandwidth identified. See Exhibit 1, FCC Form 470 No. 135070000627792, Riverdale Unified School District (posted Sept. 10, 2007). While Riverdale indicated it would have an RFP for phone service, it did not indicate it would have an RFP for Internet access. Riverdale filed Form 471 for Internet access on FRN 1642689. That FRN was appealed to the Commission and the Bureau found that the applicant had provided sufficient information on its Form 470. See Exhibit 2, FCC Form 471 No. 595033, FRN 1642689, Riverdale Unified School District (posted Jan. 3, 2008). See also *Requests for Review of Decisions of the Universal Service Administrator by Approach Learning and Assessment Centers et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6; Order, 23 FCC Rcd 15510 (WCB 2008) (finding petitioners, including Los Fresnos Consolidated Independent School District, complied with the Commission’s competitive bidding requirements). Los Fresnos also used the phrase “district-wide” to seek telecommunication and Internet access services. See Exhibit 3, FCC Form 470 No. 149540000529411, Los Fresnos Consolidated Independent School District (posted Jan. 5, 2005). Los Fresnos filed Forms 471 for telecommunications and Internet access services on Forms 471 482490 (FRN 1336058) and 460009 (FRNs 1327365, 1327694, and 1328201). Those FRNs were appealed to the Commission and the Bureau found that the applicant had provided sufficient information on its Form 470. See Exhibit 4, FCC Form 471 Nos. 482490 (FRN 1336058) and 460009 (FRNs 1327365, 1327694, and 1328201). Los Fresnos Consolidated Independent School District (both posted Feb. 18, 2005). Mansfield ISD acknowledges that the Ramirez order is not applicable to this point, but these applications demonstrate the relevant prior WCB holding. The exhibits are provided as a convenience to the Commission; they were obtained from the Commission’s electronic filing system or from USAC’s website.

⁵⁰ See *supra* n.49.

B. USAC posted Mansfield ISD's Forms 470 and approved its funding commitments for two years using the exact same description of the requested services.

In FY 2011, USAC received Mansfield ISD's Form 470 and posted it on the USAC website for vendors to view. USAC committed Mansfield ISD's funding requests and disbursed funds. USAC had in its possession the form and could have—and should have—told Mansfield ISD that it did not believe the form was descriptive enough if it thought that were the case. USAC has no authority to set policy or interpret unclear rules, so Mansfield ISD relied on those prior USAC reviews and approvals as reflecting Bureau and Commission policy in continuing to use the same descriptions for FY 2012 and FY 2013.⁵¹

Given USAC's posting of its Form 470, its approvals of its funding requests, and the disbursement of funds, Mansfield ISD would not have known that its description of services would be rejected later, and the Commission therefore failed to provide fair notice. This is not a situation where USAC did not have possession of key information regarding the competitive bidding process and when it received that information, the error came to light. To the contrary, USAC receives the Form 470 and posts it on its website. If USAC had thought the Form 470 was not sufficient, it could have told Mansfield ISD immediately instead of waiting three years; Mansfield ISD likely could have refiled and received funding even in FY 2011, and would have definitely been able to revise its FYs 2012 and 2013 Forms 470. Instead, Mansfield ISD had already purchased the relevant services for more than two years before it had any indication that the Form 470 was not sufficient.

USAC's denial of funding—and the Bureau's upholding of that decision—is even more suspect when hundreds, if not thousands, of other applicants used the same term to describe their

⁵¹ See 47 C.F.R. § 54.702(c) (stating that USAC may not make policy or interpret unclear provisions of the statute or rules).

services without any issue from USAC.⁵² Such application of the “rule” to Mansfield ISD but not all other applicants is the very definition of arbitrary. The Commission is not compelled to grant an appeal on this basis alone. But it certainly demonstrates that USAC and numerous applicants thought the descriptions were acceptable at the time.

III. The Bureau Misstated a Material Fact by Asserting That Mansfield ISD Did Not Provide Any Information as to Quantity, Capacity, and Location, a Material Fact.

The Bureau incorrectly stated that Mansfield ISD did not provide “*any* information as to quantity, capacity, location.”⁵³ This is incorrect. As the Bureau acknowledged, Mansfield ISD used the term “District Wide” as an indicator of quantity and location.⁵⁴ Further, the Bureau appears to have missed or omitted the fact that Mansfield ISD’s Forms 470 included the number of buildings that a vendor would serve.⁵⁵ For example, in FY 2011, Mansfield ISD indicated at Item 16c of its Form 470 that it had 53 schools.⁵⁶ Both of those pieces of information would give a vendor an idea as to the scope of the project. A vendor that needed to know the exact location of the buildings could look at Mansfield ISD’s website or it could have simply asked.

If by “capacity,” the Bureau means bandwidth, the Bureau has concluded in at least a few orders that Forms 470 that did not include bandwidth provided “sufficient information.”⁵⁷ The

⁵² The District provided an extensive analysis of the use of the term “District Wide” and similar terms by schools and libraries in the state of Texas. *July 2015 Petition for Reconsideration* at 15, Attachment D, Source Data for “District Wide” Use in Texas. Nearly 500 applicants used the term “district wide” with no associated RFP in 2014 alone. *Id.*

⁵³ *Bureau Order*, DA 18-1292, at ¶ 23 (emphasis added).

⁵⁴ *Id.* at ¶¶ 6-7, 24-27.

⁵⁵ Request for Review at 8, 15-16.

⁵⁶ Request for Review at 8. In FY 2012 and FY 2013, the location of that information moved to Item 5c. *See id.*

⁵⁷ *See* section II, above. A vendor still could have provided its pricing for a range of bandwidths or, again, a vendor could have simply asked for additional information. We also note that T-1, a type of circuit requested, indicates a specific bandwidth.

Bureau also fails to take into consideration that some services do not require a specific quantity for a vendor to provide a bid. For example, carriers typically charge a set monthly price for telephone or VoIP service, regardless of the number of lines. If a carrier offered a volume discount, it could have indicated that in its bid as well.

The Bureau implies that Mansfield ISD should have issued an RFP (while admitting RFPs are not required) but then mistakenly asserts that the lack of an RFP “foreclos[ed] the opportunity to provide additional details about these services to potential bidders.”⁵⁸ The provision of additional information was not foreclosed. The Bureau did not acknowledge at all that interested service providers can and do seek additional information if they believe a Form 470 or an RFP does not provide enough information. If a potential bidder wanted additional information, it could have asked for it.⁵⁹ The Form 470 is not the last chance that vendors have to obtain or receive information about the needs of the school district or library.

IV. The Bureau Erred in Rejecting Mansfield’s Waiver Request Because the Bureau Failed to Apply the Same Standard to Mansfield ISD’s Wavier Request That It Has Applied to Other Petitioners

Mansfield ISD demonstrated that a waiver of the Commission rules in this case would advance the E-rate program’s goals and would be in the public interest. Any of the Commission’s rules may be waived if good cause is shown.⁶⁰ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public

⁵⁸ *Bureau Order*, DA 18-1282, at ¶ 19.

⁵⁹ Neither USAC nor the Bureau has provided any information that any interested bidder sought additional information and Mansfield ISD is not aware of any.

⁶⁰ 47 C.F.R. § 1.3.

interest.⁶¹ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁶²

While the Commission is not required to grant a waiver of a rule violation, it is required to be consistent with its prior orders.⁶³ The Bureau attempts to distinguish the precedent cited by Mansfield ISD by stating that, in those cases, the Commission (or Bureau) found the violations did not undermine the competitive bidding process. But that is not the standard the Commission used to grant the prior appeals, and it is not appropriate to cite that as a distinguishing factor.

The Commission granted a waiver in cases where the applicant violated the competitive bidding rule, as Mansfield is alleged to have done here, because the applicant's selection of the lowest-cost bidder meant that the Commission's policy justification underlying the competitive bidding rules were satisfied.⁶⁴ As the Commission noted in *Euclid City*, *despite* the districts' rule violations, the Commission found "that the outcomes of their vendor selection processes were consistent with the *policy goals* underlying the Commissions' competitive bidding rules." (emphasis added).⁶⁵

⁶¹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁶² *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁶³ *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-16 (2009) (emphasis in original); see also *Perez v. Mortgage Bankers Ass'n*, 135 S. Ct. 1199, 1209 (2015).

⁶⁴ *Requests for Review of the Decisions of the Universal Service Administrator by Euclid City School District and Shannon County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 14169, 14170-71, ¶ 2 (WCB 2012) (*Euclid City*). ("[W]e agree with USAC's determinations that Euclid and Shannon both violated the Commission's rules by failing to assign the highest weight to price when evaluating bids for E-rate supported services. However, the record shows that for each of the vendor selection processes at issue, the applicant selected the lowest priced responsive bid."); see also *Request for Review of the Decision of the Universal Service Administrator by Allendale County School District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115, ¶ 10 (WCB 2011) (finding that the applicant satisfied the policy goals underlying the Commission's competitive bidding rules when it selected the least expensive responsive bid, even though it did not assign the highest weight to the price category in the bid evaluation process).

⁶⁵ *Euclid City*, 27 FCC Rcd at 14170.

Explained another way, the Commission has competitive bidding rules to ensure that the applicants—and the program—are receiving the best value and to ensure prudent use of ratepayer funds. If an applicant errs in the competitive bidding process, but nonetheless selected the least expensive bidder, then the Commission can rely on that fact to ensure that the program dollars were not misused.

Just as with the other petitioners to whom the Commission granted relief, Mansfield ISD's vendor was also the least expensive bidder on the state master contract. As such, even if it believes Mansfield ISD violated the competitive bidding rule, the Commission should follow the precedent it has established in numerous cases to waive the rule because Mansfield ISD selected the least expensive bidder.

The Bureau further claimed that it could not grant a waiver because it must protect the fund against waste, fraud and abuse. Neither USAC nor the Bureau, however, provided any evidence of waste, fraud or abuse, and indeed there was none. There is no dispute the funds were used in the way Congress intended—to provide E-rate eligible services to E-rate eligible entities to advance educational purposes. There is no evidence that Mansfield ISD paid more for those services than it otherwise could have. On the other hand, the loss to Mansfield ISD of nearly \$2 million would significantly harm Mansfield ISD, a public school district. For these reasons, the Bureau erred when it found Mansfield ISD should not, at a minimum, receive a waiver.

V. Upholding the Bureau's Order Will Discourage Competitive Bidding, Contrary to Commission Policy

Upholding the Bureau's decision will discourage applicants from trying to seek additional bids when there is a state master contract available. This is inconsistent with Commission policy to

encourage competitive bidding.⁶⁶ If an applicant has a choice of (1) taking service off a state master contract and fully complying with the rules or (2) issuing a Form 470 to try to get additional bids but possibly losing all of their funding if they do not receive additional bids in their own, additional process—as the Bureau Order makes more likely—applicants are going to err on the side of simply taking services from the state master contract. Trying to obtain additional bids is simply not going to be worth the risk of losing all E-rate funding associated with that Form 470.

VI. The Bureau’s Dismissal Based on Section 1.106(p)(3) Constituted Prejudicial Procedural Error

A. Section 1.106(p)(3) Applies Only to Commission-Level Petitions for Reconsideration

The Bureau dismissed Mansfield’s Petition on the ground that it was “procedurally defective to the extent Mansfield raises the same substantive arguments asserted in its previously filed appeal.”⁶⁷ To support this finding, the Bureau relied on section 1.106(p)(3) of the Commission’s rules.⁶⁸ Mansfield asks the Commission to reverse the Bureau’s dismissal because it constituted prejudicial procedural error.⁶⁹ Section 1.106(p) provides that “Petitions for reconsideration of a Commission action that plainly do not warrant consideration by the Commission may be dismissed or denied by the relevant bureau(s) or office(s).”⁷⁰ In a rule that

⁶⁶ *Fourth Order on Reconsideration*, 13 FCC Rcd at 5452-53, ¶ 185 (“[E]ven where state telecommunications networks have procured telecommunications on behalf of schools and libraries through competitive bidding or are exempt from the competitive bid requirement, it may be advantageous for schools and libraries themselves to seek competitive bids on their requested services”). Note that the Commission stated additional bidding *may* be advantageous, not that it always would be, and the Commission did not require additional bidding. *See also Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, ¶ 174 (2014) (“competitive bidding is vital to limiting waste and ensuring that services are provided at the lowest possible rates”).

⁶⁷ *Bureau Order*, DA 18-1282, at ¶ 3.

⁶⁸ 47 C.F.R. § 1.106(p)(3).

⁶⁹ 47 C.F.R. § 1.115(b)(2)(v).

⁷⁰ 47 C.F.R. § 1.106(p).

carefully differentiates between actions taken by the Commission and actions taken pursuant to delegated authority, this language can reasonably be read only one way: to apply exclusively to petitions for reconsideration by the Commission. The Bureau erred in using section 1.106(p) to dismiss a bureau-level petition for reconsideration.

Certainly, the Commission’s rules sometimes use “the Commission” to refer collectively to the Commission itself and to the bureaus and offices to which the Commission may delegate its authority, but that is demonstrably not the case in section 1.106. Throughout the rule, there are examples of careful distinction between Commission and bureau-level actions. Section 1.106(a)(1) states:

[P]etitions requesting reconsideration of a final Commission action in non-rulemaking proceedings will be acted on by the Commission. Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission.⁷¹

Section 1.106(b)(1) provides that “any party to the proceeding, or any other person whose interests are adversely affected by any action taken *by the Commission or by the designated authority*, may file a petition requesting reconsideration of the action.”⁷² Section 1.106(c) provides that “a petition for reconsideration which relies on facts or arguments not previously presented *to the Commission or to the designated authority*” may be granted only if certain criteria are met.⁷³ Similar distinctions between Commission action and action taken pursuant to

⁷¹ 47 C.F.R. § 1.106(a)(1).

⁷² 47 C.F.R. § 1.106(b)(1) (emphasis added).

⁷³ 47 C.F.R. § 1.106(c) (emphasis added). This distinction is repeated in section 1.106(c)(2).

delegated authority appear in sections 1.106(d)(1), 1.106(f), 1.106(j), 1.106(k)(1), 1.106(k)(2), 1.106(l), 1.106(m), and 1.106(n).⁷⁴

Given that the rule specifically notes in ten prior sections when it is referring to a designated authority, there is no reason to believe that section 1.106(p) is not worded with equal care. And indeed, as a matter of straightforward sentence construction, Mansfield's interpretation is the only one that makes sense. If section 1.106(p) were intended to apply both to Commission-level and bureau-level petitions, then there would have been no need to add "by the relevant bureau(s) or office(s)" at the end of the sentence, because the collective use of "the Commission" would encompass the "relevant bureau(s) or office(s)." The only reason to have included "relevant bureau(s) or office(s)" in section 1.106(p) is to distinguish the entity dismissing or denying the petition from the entity with which the petition has been filed. In other words, the only way this sentence makes sense is if it governs the dismissal or denial by a bureau or office of a petition for reconsideration of a *Commission* action.

⁷⁴ 47 C.F.R. § 1.106(d)(1) ("A petition for reconsideration shall with particularity the respects in which petitioner believes the action taken *by the Commission or the designated authority* should be changed.") (emphasis added); 47 C.F.R. § 1.106(f) ("No supplement or addition to a petition for reconsideration which has not been acted upon *by the Commission or by the designated authority*...will be considered....") (emphasis added); 47 C.F.R. § 1.106(j) ("The *Commission or designated authority* may grant the petition for reconsideration....") (emphasis added); 47 C.F.R. § 1.106(k)(1) ("If *the Commission or the designated authority* grants the petition for reconsideration" it may reverse, modify, or remand the order on reconsideration.) (emphasis added); 47 C.F.R. § 1.106(k)(2) ("If *the Commission or designated authority* initiates further proceedings, a ruling on the merits of the matter will be deferred pending completion of such proceedings.") (emphasis added); 47 C.F.R. § 1.106(l) ("[Only] newly discovered evidence...or evidence which *the Commission or the designated authority* believes should have been taken in the original proceeding shall be taken on any rehearing....") (emphasis added); 47 C.F.R. § 1.106(m) (Filing "a petition for reconsideration is not a condition precedent to judicial review of any action taken by *the Commission or by the designated authority*, except where the person seeking such review...relies on questions of fact or law upon which *the Commission or designated authority* has been afforded no opportunity to pass.") (emphasis added); 47 C.F.R. § 1.106(n) (stating that the Commission en banc may stay the effectiveness of its order pending a decision on a petition for reconsideration and noting that section 1.102 sets out the effective dates of actions taken pursuant to delegated authority).

The Commission has made it clear that it considers section 1.106(p) to be a delegation of authority to its bureaus and offices to address petitions for reconsideration addressed to the full Commission. In a 2013 order the Commission rejected an argument that “the Bureau lacked authority to decide a petition for reconsideration that was addressed to the full Commission and challenged a Commission-level order.”⁷⁵ The Commission explained that in section 1.106(p), [t]he Commission has authorized its bureaus to dismiss or deny petitions for reconsideration that “plainly do not warrant consideration by the Commission.”⁷⁶ Mansfield ISD is unaware of any Commission-level order suggesting that section 1.106(p) may be invoked to dismiss bureau-level petitions, and the Bureau cited none. Accordingly, to the extent that there is any question that section 1.106(p) applies only to Commission-level petitions for reconsideration, that is a question of law that has not previously been resolved by the Commission. Mansfield therefore asks in the alternative that the Bureau’s dismissal be reversed on that ground.⁷⁷

In short, there is only one interpretation of section 1.106(p) that respects the plain language of the rule, avoids superfluity, and makes procedural sense: that section 1.106(p) applies only to Commission-level petitions.

B. Even If Section 1.106(p) Did Apply to Bureau-Level Petitions, It Would Be Improper to Conclude That Mansfield’s Petition “Plainly Do[es] Not Warrant Consideration”

By applying the standard of section 1.106(p)(3) to Mansfield’s petitions for reconsideration, the Bureau concluded that Mansfield’s petitions “plainly do not warrant

⁷⁵ *Warren C. Havens*, Memorandum Opinion and Order, 28 FCC Rcd 16261, 16267, ¶ 16 (2013).

⁷⁶ *Id.*

⁷⁷ 47 C.F.R. § 1.115(b)(2)(ii).

consideration” because they “[r]ely on arguments that have been fully considered and rejected . . . within the same proceeding.” This conclusion is improper for two reasons.

First, Mansfield had no way of knowing whether and to what extent the Bureau actually considered the arguments made in its appeal. The Bureau’s denials of Mansfield’s appeal were announced in streamlined public notices.⁷⁸ The Administrator Procedure Act requires an agency to engage in “reasoned decisionmaking,” which requires it to “intelligibly explain[] the reasons” for its choices.⁷⁹ By design, however, these streamlined public notices of the Bureau’s universal service decisions contain only the bare minimum of explanation—if any—of the Bureau’s reasoning.⁸⁰ While it is a useful and valuable tool that promotes administrative efficiency, the streamlined public notice approach has the disadvantage of often leaving applicants guessing as to whether the Bureau actually considered all of the arguments made and grasped all of the facts described in their appeals or whether it engaged in “reasoned decisionmaking.” In this case, for example, the only explanation given for denying Mansfield’s appeal was a footnote citing three Commission orders that are factually inapposite to Mansfield’s circumstances.⁸¹ When the Bureau’s reason for denial evinces no familiarity with the facts of the appeal or fails to provide any rationale, an applicant can hardly be blamed for reiterating arguments and restating facts in its petition for reconsideration. In fact, the District did not even know for sure that the problem with

⁷⁸ *July 2016 Streamlined Request Resolution Public Notice*, 31 FCC Rcd at 8609, n.19; *June 2015 Streamlined Request Resolution Public Notice*, 30 FCC Rcd at 7060, n.11.

⁷⁹ *FERC v. Elec. Power Supply Ass’n*, 136 S.Ct. 760, 784 (2016).

⁸⁰ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014).

⁸¹ August 2016 Petition for Reconsideration at 5-8; *id.* at 3, n.8 (citing *July 2016 Streamlined Request Resolution Public Notice*, 31 FCC Rcd at 8609, n.19; *June 2015 Streamlined Request Resolution Public Notice*, 30 FCC Rcd at 7060, n.11).

its Form 470 was using the term “District Wide” until the Bureau’s Order was released. Under these circumstances, it is fundamentally unfair to penalize an applicant for being repetitive.

Second, it was improper of the Bureau to conclude that Mansfield’s Petitions “plainly do not warrant consideration” when the Petitions asserted errors in the Bureau’s underlying denials. Section 1.106(d)(2) states that a “petition for reconsideration of a decision that sets forth formal findings of fact and conclusions of law shall also cite the findings and/or conclusions which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and/or conclusions should be changed.”⁸² The Bureau’s dismissal of Mansfield’s petitions was tantamount to saying that an applicant has no right to seek reconsideration when the Bureau has erred. This position is inconsistent with section 1.106(d) of the Commission’s rules and, as such, is a violation of Mansfield’s due process rights.

The rule clearly contemplates that petitioners will make arguments that the Bureau erred, and indeed Mansfield made many such arguments.⁸³ The Bureau cannot simply aver that it has “considered and rejected” an argument when there is zero evidence in the Public Notice that such consideration occurred. On this basis alone, the Bureau’s conclusion that Mansfield’s Petitions “plainly [did] not warrant consideration” because they contained arguments that had been “considered and rejected” should be reversed.

⁸² 47 C.F.R. § 1.106(d)(2).

⁸³ *See, e.g.*, August 2016 Petition for Reconsideration at 7-8 (arguing that the three cases the Bureau cited as support for its denial were inapposite, whereas the Bureau failed to cite any orders that had the same or similar facts).

CONCLUSION

For the foregoing reasons, Mansfield respectfully requests that the Commission grant this application for review; reverse the Bureau's dismissal and denial on the merits of Mansfield's Petitions for Reconsideration; and direct USAC to cease its recovery actions for Mansfield's applications for funding years 2011 and 2012 and issue a commitment for funding year 2013. In the alternative, Mansfield ISD requests that the Commission grant a waiver of the Commission's rule. To the extent any other waivers are necessary to effectuate this relief, Mansfield respectfully requests that those be granted as well.

Respectfully submitted,



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January 30, 2019



Dr. Jim Vaszauskas
Superintendent
Mansfield Independent School District
605 East Broad Street
Mansfield, Texas 76063
817-299-6302

CERTIFICATE OF SERVICE

This is to certify that on this 30th day of January, 2019, a true and correct copy of the foregoing Application for Review was sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.

/s/Theresa Schrader

Theresa Schrader

List of Exhibits

- Exhibit 1 FCC Form 470 No. 135070000627792, Riverdale Unified School District (posted Sept. 10, 2007)
- Exhibit 2 FCC Form 471 No. 595033, FRN 1642689, Riverdale Unified School District (posted Jan. 3, 2008)
- Exhibit 3 FCC Form 470 No. 149540000529411, Los Fresnos Consolidated Independent School District (posted Jan. 5, 2005)
- Exhibit 4 FCC Form 471 Nos. 482490 (FRN 1336058) and 460009 (FRNs 1327365, 1327694, and 1328201)

EXHIBIT 1

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 135070000627792		
Applicant's Form Identifier: 470RUSD11T		
Application Status: CERTIFIED		
Posting Date: 09/10/2007		
Allowable Contract Date: 10/08/2007		
Certification Received Date: 09/10/2007		
1. Name of Applicant: RIVERDALE UNIFIED SCHOOL DIST		
2. Funding Year: 07/01/2008 - 06/30/2009		3. Your Entity Number 144055
4a. Applicant's Street Address, P.O.Box, or Route Number 3086 W MOUNT WHITNEY AVE		
City RIVERDALE	State CA	Zip Code 93656
b. Telephone number ext. (209) 867- 8200		c. Fax number (209) 867- 6722
5. Type Of Applicant		
<input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
6a. Contact Person's Name: Chuck Dwiggins		
First, if the Contact Person's Street Address is the same as in Item 4 above, check this box. If not, please complete the entries for the Street Address below.		
6b. Street Address, P.O.Box, or Route Number 3086 W MOUNT WHITNEY AVE		
City RIVERDALE	State CA	Zip Code 93656
Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.		
<input checked="" type="radio"/> 6c. Telephone Number (209) 867- 8200		
<input type="radio"/> 6d. Fax Number (209) 867- 6722		

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. ☒ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.

b. ☒ Services for which a new written contract is sought for the funding year in Item 2.
 Check if you are ☒ a multi-year contract ☒ a contract featuring voluntary extensions
 seeking and/or

c. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at www.riverdale.k12.ca.us or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☐ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
---	--	---

Service or Function:	Quantity and/or Capacity:
Local Telephone Lines	Districtwide
High-Speed Data Lines	Districtwide
Cell Phone Lines	Districtwide 50
Long Distance Service	Districtwide

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become

available on the Web at or via (check one): <input type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.		
b <input checked="" type="radio"/> NO , I have not released and do not intend to release an RFP for these services.		
Whether you check YES or NO , you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Attach additional lines if needed.		
c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
Service or Function: Internet Access		Quantity and/or Capacity: Districtwide
Email Service		150 email addresses
Webhosting		4 sites + district office
10 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>		
a <input checked="" type="radio"/> YES , I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one): <input type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.		
b <input checked="" type="radio"/> NO , I have not released and do not intend to release an RFP for these services.		
Whether you check YES or NO , you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Attach additional lines if needed.		
c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
11 <input type="checkbox"/> Basic Maintenance of Internal Connections <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>		
a <input checked="" type="radio"/> YES , I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one): <input type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.		
b <input checked="" type="radio"/> NO , I have not released and do not intend to release an RFP for these services.		
Whether you check YES or NO , you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Basic Maintenance services. Attach additional lines if needed.		
c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.		
Name:		Title:
Telephone number		

0 -
Fax number
0 -
E-mail Address
<p>13a. <input checked="" type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number. The District intends to receive proposals for new multi-year contract with options for voluntary one-year extensions for all Priority One services mentioned in this form 470. Contact the District contact person if you want to bid on these services. An RFP for the Digital Transmission Services is posted on the district web site (www.riverdale.k12.ca.us). All proposals for all services should be returned via mail or hand delivery to Riverdale Unified School District office, 3160 West Mt. Whitney Ave., Riverdale, CA 93656 no later than the Allowable Contract Date shown on this Form 470. We request that all vendors send contracts with all proposals. Prior to filing the Form 471 all contracts shall be signed and dated by both the District and the Service Provider. If Service Providers need any further information in order to bid on these services, contact Riverdale Unified School District.</p>
<p><input type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.</p>
<p>13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.</p>

Block 3: Technology Assessment

<p>14. <input type="checkbox"/> Basic telephone service only: If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).</p>
<p>15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check one or both boxes in 15a through 15e. You may provide details for purchases being sought.</p>
<p>a. Desktop communications software: Software required <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p>b. Electrical systems: <input type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.</p>
<p>c. Computers: a sufficient quantity of computers <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p>d. Computer hardware maintenance: adequate arrangements <input type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.</p>
<p>e. Staff development: <input type="checkbox"/> all staff have had an appropriate level of training /additional training has already been scheduled; and/or <input type="checkbox"/> training is being sought.</p>
<p>f. Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.</p>

Block 4: Recipients of Service

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16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. ☐ **Individual school or single-site library.**

b. ☐ **Statewide application for (enter 2-letter state code) representing (check all that apply):**

- ☐ All public schools/districts in the state:
☐ All non-public schools in the state:
☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

c. ☐ **School district, library system, or consortium application to serve multiple eligible entities:**

Number of eligible entities	5
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
559	867

17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity
144055	RIVERDALE UNIFIED SCHOOL DIST

18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix

Block 5: Certification

19. ☒ **I certify that the applicant includes:(Check one or both.)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative

agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).

20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. ☐ individual technology plans for using the services requested in the application; and/or
- b. ☒ higher-level technology plans for using the services requested in the application; or
- c. ☐ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

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

23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions 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.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): 09/10/2007

29. Printed name of authorized person: Elaine Cash

30. Title or position of authorized person: Superintendent

31a. Address of authorized person: 3160 W. Mt Whitney Ave.

P.O. Box 1058

City: Riverdale State: CA Zip: 93656

31b. Telephone number of authorized person: (559) 867 - 8200

31c. Fax number of authorized person: (559) 8676722

31d. E-mail address number of authorized person: ecash@riverdale.k12.ca.us

31e. Name of authorized person's employer: Riverdale Unified School District

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

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

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

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

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

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

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

Please submit this form to:

SLD-Form 470

P.O. Box 7026

Lawrence, Kansas 66044-7026

1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms

ATTN: SLD Form 470

3833 Greenway Drive

Lawrence, Kansas 66046

New Search

Return To Search Results

EXHIBIT 2

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

Estimated Average Burden Hours per Response: 4 hours

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

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier

(Create your own code to identify THIS form 471) Optiman

Form 471 Application#

(To be assigned by administrator)

595033**Block 1: Billed Entity Information** (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

- 1 a** Name of Billed Entity RIVERDALE UNIFIED SCHOOL DIST
- 2 a** Funding Year: July 1, 2008 Through June 30: 2009 Billed Entity Number: 144055
- 4 a** Street Address, P.O. Box, or Routing Number 3086 W MOUNT WHITNEY AVE
- City RIVERDALE
- State CA Zip Code 93656
- 5 a** Type of Application
☐ Individual School (individual public or non-public school)
☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities
- 6** Contact Person's Name Richard Jex

First, if the Contact Person's Street Address is the same as in Item 4, check this box. ☐ If not, please complete the entries for the Street Address below.

- b** Street Address, P.O. Box, or Routing Number 3160 W MOUNT WHITNEY AVE
- City RIVERDALE
- State CA Zip Code 93656

Entity Number 144055Contact Person Richard JexApplicant's Form Identifier OptimanPhone Number 559-867-8200

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools**IF THIS APPLICATION INCLUDES SCHOOLS...****BEFORE ORDER****AFTER ORDER**

NO DATA**Block 3: Impact of Services Ordered on Libraries****NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT****Worksheet A No:** 935497**Student Count:** 1578**Weighted Product (Sum. Column 8):** 1420.2**Shared Discount:** 90%**1. School Name:** FIPPS PRIMARY SCHOOL**2. Entity Number:** 107488 **NCES:** 06 00040 05119**3. Rural/Urban:** Rural**4. Student Count:** 465**5. NSLP Students:** 385**6. NSLP Students/Students:** 82.795%**7. Discount:** 90%**8. Weighted Product:** 418.5**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** HORIZON CONTINUATION H S**2. Entity Number:** 107485 **NCES:** 06 00040 07830**3. Rural/Urban:** Rural**4. Student Count:** 19**5. NSLP Students:** 19**6. NSLP Students/Students:** 100.000%**7. Discount:** 90%**8. Weighted Product:** 17.1**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** RIVERDALE ELEMENTARY SCHOOL**2. Entity Number:** 107484 **NCES:** 06 00040 05118**3. Rural/Urban:** Rural**4. Student Count:** 538**5. NSLP Students:** 425**6. NSLP Students/Students:** 78.996%**7. Discount:** 90%**8. Weighted Product:** 484.2**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** RIVERDALE JOINT UNION HIGH SCH**2. Entity Number:** 107487 **NCES:** 06 00040 05120**3. Rural/Urban:** Rural**4. Student Count:** 556**5. NSLP Students:** 420**6. NSLP Students/Students:** 75.539%**7. Discount:** 90%**8. Weighted Product:** 500.4**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**Block 5: Discount Funding Request(s)****FRN:** 1642685 **FCDL Date:** 12/10/2008**10. Original FRN:****11. Category of Service:** Telecommunications Service**12. 470 Application Number:** 135070000627792**13. SPIN:** 143002665**14. Service Provider Name:** Pacific Bell Telephone Company**15a. Non-Contracted tariffed/Month to Month Service:****15b. Contract Number:** N/A**15c. Covered under State Master Contract:****15d. FRN from Previous Year:****16a. Billing Account Number:****16b. Multiple Billing Account Numbers?:****17. Allowable Contract Date:** 10/08/2007**18. Contract Award Date:** 11/01/2007**19a. Service Start Date:** 07/01/2008**19b. Service End Date:****20. Contract Expiration Date:** 06/30/2011**21. Attachment #:** Optiman WAN**22. Block 4 Worksheet No.:** 935497**23a. Monthly Charges:** \$5,547.47**23b. Ineligible monthly amt.:** \$.00

23c. Eligible monthly amt.: \$5,547.47	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$66,569.64	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$66,569.64	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$59,912.68	

FRN: 1642689 FCDL Date: 12/10/2008	
10. Original FRN:	
11. Category of Service: Internet Access	12. 470 Application Number: 135070000627792
13. SPIN: 143002665	14. Service Provider Name: Pacific Bell Telephone Company
15a. Non-Contracted tariffed/Month to Month Service: N	15b. Contract Number: N/A
15c. Covered under State Master Contract: N	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 10/08/2007	18. Contract Award Date: 12/07/2007
19a. Service Start Date: 07/01/2008	19b. Service End Date:
20. Contract Expiration Date: 06/30/2011	
21. Attachment #: Optiman ISP	22. Block 4 Worksheet No.: 935497
23a. Monthly Charges: \$2,053.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$2,053.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$24,636.00	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$24,636.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$22,172.40	

Block 6: Certifications and Signature

Application ID:595033

Do not write in this area.

Entity Number	144055	Applicant's Form Identifier	Optiman
Contact Person	Richard Jex	Phone Number	559-867-8200

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and

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

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23l on all Block 5 Discount Funding Requests.)	\$91,205.64
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$82,085.08
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$9,120.56
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$9,120.56
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

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



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

29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.

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

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

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

participation in the schools and libraries program.

33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 1/3/2008

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

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

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

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

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

If you do not provide the information we request on the form, the FCC may delay processing of your application or may

return your application without action.

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

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

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

Print

<< Previous

EXHIBIT 3

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 149540000529411		
Applicant's Form Identifier: 470-05		
Application Status: CERTIFIED		
Posting Date: 01/05/2005		
Allowable Contract Date: 02/02/2005		
Certification Received Date: 01/06/2005		
1. Name of Applicant: LOS FRESNOS CONS IND SCH DIST		
2. Funding Year: 07/01/2005 - 06/30/2006		3. Your Entity Number 141656
4a. Applicant's Street Address, P.O.Box, or Route Number 600 N MESQUITE ST		
City LOS FRESNOS	State TX	Zip Code 78566
b. Telephone number ext. (956) 233- 4407		c. Fax number (956) 233- 9761
5. Type Of Applicant		
<input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
6a. Contact Person's Name: David Young		
First, if the Contact Person's Street Address is the same as in Item 4 above, check this box. If not, please complete the entries for the Street Address below.		
6b. Street Address, P.O.Box, or Route Number 600 N MESQUITE ST		
City LOS FRESNOS	State TX	Zip Code 78566
Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.		
<input checked="" type="radio"/> 6c. Telephone Number (956) 233- 4407		
<input type="radio"/> 6d. Fax Number (956) 233- 9761		

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. ☒ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.

b. ☒ Services for which a new written contract is sought for the funding year in Item 2.
Check if you are ☐ a multi-year contract ☐ a contract featuring voluntary extensions seeking and/or extensions

c. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c <input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="checkbox"/> Check this box if you do not have a preference.
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Service or Function:	Quantity and/or Capacity:
Telephone Services	Districtwide
Long Distance Services	Districtwide
Cell Phone Services	50 to 60 Phone Lines

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

<input type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.		
b <input checked="" type="radio"/> NO , I have not released and do not intend to release an RFP for these services.		
Whether you check YES or NO , you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Attach additional lines if needed.		
c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
Service or Function:		Quantity and/or Capacity:
Internet Access Services		Districtwide
Wide Area Network Services		Districtwide
10 <input checked="" type="checkbox"/> Internal Connections Other than Basic Maintenance <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>		
a <input checked="" type="radio"/> YES , I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one): <input type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.		
b <input checked="" type="radio"/> NO , I have not released and do not intend to release an RFP for these services.		
Whether you check YES or NO , you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Attach additional lines if needed.		
c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
Service or Function:		Quantity and/or Capacity:
Cabling		Districtwide
Network Maintenance Services		Districtwide
Hardware Maintenance Services		Districtwide E-rate Eligible Hardware
Network Hardware/Upgrades		Routers, Switches, Firewall, Wireless Connectivity, Email and Communications Servers/Upgrades, Uninterruptable Power Supplies, and other related E-rate Eligible Equipment and Services Districtwide
11 <input type="checkbox"/> Basic Maintenance of Internal Connections <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>		
a <input checked="" type="radio"/> YES , I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one): <input type="checkbox"/> the Contact Person in Item 6 or <input type="checkbox"/> the contact listed in Item 12.		
b <input checked="" type="radio"/> NO , I have not released and do not intend to release an RFP for these services.		
Whether you check YES or NO , you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Basic Maintenance services. Attach additional lines if needed.		
c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.

reimbursement after paying your bill in full.	
12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.	
Name:	Title:
Telephone number () -	
Fax number () -	
E-mail Address	
13a. <input checked="" type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number. See District Purchasing Guidelines located at http://www.lfcisd.net/purchasing/.	
<input type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.	
13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here. The district will award a one-year contract to internal connections and maintenance vendor(s) with 4 voluntary annual extensions.	

Block 3: Technology Assessment

14. <input type="checkbox"/> Basic telephone service only: If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).
15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check one or both boxes in 15a through 15e. You may provide details for purchases being sought.
a. Desktop communications software: Software required <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.
b. Electrical systems: <input type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.
c. Computers: a sufficient quantity of computers <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.
d. Computer hardware maintenance: adequate arrangements <input type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.
e. Staff development: <input type="checkbox"/> all staff have had an appropriate level of training /additional training has already been scheduled; and/or <input type="checkbox"/> training is being sought.
f. Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.

Block 4: Recipients of Service

--

16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. ☐ **Individual school or single-site library.**

b. ☐ **Statewide application for (enter 2-letter state code) representing (check all that apply):**

- ☐ All public schools/districts in the state:
☐ All non-public schools in the state:
☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

c. ☐ **School district, library system, or consortium application to serve multiple eligible entities:**

Number of eligible entities	9
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
956	233
956	350
956	504
956	748

17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity
141656	LOS FRESNOS CONS IND SCH DIST

18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix

19. ☐ I certify that the applicant includes:(Check one or both.)

- a. ☐ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or**
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).**

20. ☐ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. ☐ individual technology plans for using the services requested in the application; and/or**
- b. ☐ higher-level technology plans for using the services requested in the application; or**
- c. ☐ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only**

21. ☐ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.


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

23. ☐ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☐ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☐ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions 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.

26. ☐ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: 

28. Date (mm/dd/yyyy): **01/05/2005**

29. Printed name of authorized person: **DAVID YOUNG**

30. Title or position of authorized person: **COMPUTER SERVICES DIRECTOR**

31a. Address of authorized person: **600 N MESQUITE ST**

City: **LOS FRESNOS** State: **TX** Zip: **78566**

31b. Telephone number of authorized person: **(956) 233 - 3740**

31c. Fax number of authorized person: **(956) 2333527**

31d. E-mail address number of authorized person: **DYOUNG@LFCISD.NET**

31e. Name of authorized person's employer:

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

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

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

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

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

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

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

Please submit this form to:

SLD-Form 470

P.O. Box 7026

Lawrence, Kansas 66044-7026

1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms

ATTN: SLD Form 470

3833 Greenway Drive

Lawrence, Kansas 66046

1-888-203-8100

FCC Form 470
October 2004

[New Search](#)

[Return To Search Results](#)

EXHIBIT 4

Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471
Estimated Average Burden Hours per Response: 4 hours

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

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier

(Create your own code to identify THIS form 471) 471A2005

Form 471 Application#

(To be assigned by administrator)

460009

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

- 1 a** Name of Billed Entity LOS FRESNOS CONS IND SCH DIST
- 2 a** Funding Year: July 1, 2005 Through June 30: 2006 Billed Entity Number: 141656
- 4 a** Street Address, P.O. Box, or Routing Number 600 N MESQUITE ST
- City LOS FRESNOS
- State TX Zip Code 78566
- 5 a** Type of Application
☐ Individual School (individual public or non-public school)
☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities
- 6** Contact Person's Name David Young

First, if the Contact Person's Street Address is the same as in Item 4, check this box. ☐ If not, please complete the entries for the Street Address below.

- b** Street Address, P.O. Box, or Routing Number 600 N MESQUITE ST
- City LOS FRESNOS
- State TX Zip Code 78566



Entity Number	<u>141656</u>	Applicant's Form Identifier	<u>471A2005</u>
Contact Person	<u>David Young</u>	Phone Number	<u>956-233-3740</u>

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools**IF THIS APPLICATION INCLUDES SCHOOLS...****BEFORE ORDER AFTER ORDER**

7a	Number of students to be served		8048
b	Telephone service: Number of classrooms with phone service	500	500
c	Dial-up Internet access: Number of connections (up to 56kbps)	0	0
d	Direct broadband services: Number of buildings served at the following speeds:		
	Less than 10 mbps	11	0
	Between 10 mbps and 200 mbps	0	10
	Greater than 200 mbps	1	1
e	Direct connections to the Internet: Number of drops	2600	2900
f	Number of classrooms with Internet access	480	500
g	Number of computers or other devices with Internet access	2701	3770

Block 3: Impact of Services Ordered on Libraries

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Worksheet A No: 658554

Student Count: 8041

Weighted Product (Sum. Column 8): 7236.9

Shared Discount: 90%

1. School Name: LAS YESCAS ELEMENTARY SCHOOL

2. Entity Number: 91469 **NCES:** 48 28290 3161

3. Rural/Urban: Urban

4. Student Count: 421

5. NSLP Students: 394

6. NSLP Students/Students: 93.586%

7. Discount: 90%

8. Weighted Product: 378.9

9. Pre-K/Adult Ed/Juv: Y

10. Alt Disc Mech: N

1. School Name: LAURELES ELEMENTARY SCHOOL

2. Entity Number: 221163 **NCES:** 48 28290 08720

3. Rural/Urban: Urban

4. Student Count: 635

5. NSLP Students: 576

6. NSLP Students/Students: 90.708%

7. Discount: 90%

8. Weighted Product: 571.5

9. Pre-K/Adult Ed/Juv: Y

10. Alt Disc Mech: N

1. School Name: LIBERTY MEMORIAL MIDDLE SCHOOL

2. Entity Number: 232114 **NCES:**

3. Rural/Urban: Urban

4. Student Count: 506

5. NSLP Students: 463

6. NSLP Students/Students: 91.501%

7. Discount: 90%

8. Weighted Product: 455.4

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: N

1. School Name: LOPEZ-RIGGINS ELEM SCHOOL

2. Entity Number: 91470 **NCES:** 48 28290 06140

3. Rural/Urban: Urban

4. Student Count: 655

5. NSLP Students: 587

6. NSLP Students/Students: 89.618%

7. Discount: 90%

8. Weighted Product: 589.5

9. Pre-K/Adult Ed/Juv: Y

10. Alt Disc Mech: N

1. School Name: LOS CUATES MIDDLE SCHOOL

2. Entity Number: 91471 **NCES:** 48 28290 3162

3. Rural/Urban: Urban

4. Student Count: 605

5. NSLP Students: 512

6. NSLP Students/Students: 84.628%

7. Discount: 90%

8. Weighted Product: 544.5

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: N

1. School Name: LOS FRESNOS CISD DISTRICT SERVICE CENTER

2. Entity Number: 16031903 NCES:
3. Rural/Urban: Urban
4. Student Count: 0 5. NSLP Students: 0 6. NSLP Students/Students:
7. Discount: 90% 8. Weighted Product: 0
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: LOS FRESNOS CISD NETWORK CORE
2. Entity Number: 16031904 NCES:
3. Rural/Urban: Urban
4. Student Count: 0 5. NSLP Students: 0 6. NSLP Students/Students:
7. Discount: 90% 8. Weighted Product: 0
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: LOS FRESNOS ELEMENTARY SCHOOL
2. Entity Number: 91472 NCES: 48 28290 428
3. Rural/Urban: Urban
4. Student Count: 694 5. NSLP Students: 648 6. NSLP Students/Students: 93.371%
7. Discount: 90% 8. Weighted Product: 624.6
9. Pre-K/Adult Ed/Juv: Y 10. Alt Disc Mech: N

1. School Name: LOS FRESNOS HIGH SCHOOL
2. Entity Number: 91473 NCES: 48 28290 3163
3. Rural/Urban: Urban
4. Student Count: 2136 5. NSLP Students: 1774 6. NSLP Students/Students: 83.052%
7. Discount: 90% 8. Weighted Product: 1922.4
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: OLMITO ELEMENTARY SCHOOL
2. Entity Number: 232112 NCES:
3. Rural/Urban: Urban
4. Student Count: 523 5. NSLP Students: 413 6. NSLP Students/Students: 78.967%
7. Discount: 90% 8. Weighted Product: 470.7
9. Pre-K/Adult Ed/Juv: Y 10. Alt Disc Mech: N

1. School Name: PALMER-LAAKSO ELEMENTARY SCH
2. Entity Number: 91474 NCES: 48 28290 7201
3. Rural/Urban: Urban
4. Student Count: 658 5. NSLP Students: 537 6. NSLP Students/Students: 81.610%
7. Discount: 90% 8. Weighted Product: 592.2
9. Pre-K/Adult Ed/Juv: Y 10. Alt Disc Mech: N

1. School Name: RESACA MIDDLE SCHOOL
2. Entity Number: 91475 NCES: 48 28290 00428
3. Rural/Urban: Urban
4. Student Count: 713 5. NSLP Students: 595 6. NSLP Students/Students: 83.450%
7. Discount: 90% 8. Weighted Product: 641.7
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: VILLAREAL ELEMENTARY SCHOOL
2. Entity Number: 91476 NCES: 48 28290 3165
3. Rural/Urban: Urban
4. Student Count: 495 5. NSLP Students: 429 6. NSLP Students/Students: 86.666%
7. Discount: 90% 8. Weighted Product: 445.5
9. Pre-K/Adult Ed/Juv: Y 10. Alt Disc Mech: N

Block 5: Discount Funding Request(s)

FRN: 1327365 FCDL Date: 12/14/2005

10. Original FRN:

11. Category of Service: Telecommunications
Service

12. 470 Application Number: 149540000529411

13. SPIN: 143004662

14. Service Provider Name: Southwestern Bell
Telephone Company

15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 9562336200, 9562334407	16b. Multiple Billing Account Numbers?: Y
17. Allowable Contract Date: 02/02/2005	18. Contract Award Date:
19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #: 21a471a2005	22. Block 4 Worksheet No.: 658554
23a. Monthly Charges: \$28,814.74	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$28,814.74	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$345,776.88	
23f. Annual non-recurring (one-time) charges: 2022.85	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$2,022.85	
23i. Total program year pre-discount amount (23e + 23h): \$347,799.73	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$313,019.76	

FRN: 1327694 **FCDL Date:** 12/14/2005

10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 149540000529411
13. SPIN: 143026181	14. Service Provider Name: T-Mobile USA, Inc.(fka VoiceStream Wireless Corporation)
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 9562661512	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 02/02/2005	18. Contract Award Date:
19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #: 21b471a2005	22. Block 4 Worksheet No.: 658554
23a. Monthly Charges: \$2,599.48	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$2,599.48	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$31,193.76	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$31,193.76	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$28,074.38	

FRN: 1328210 **FCDL Date:** 12/14/2005

10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 149540000529411
13. SPIN: 143008823	14. Service Provider Name: Southwestern Bell Communications Services
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 9562336200, 9562334407	16b. Multiple Billing Account Numbers?: Y
17. Allowable Contract Date: 02/02/2005	18. Contract Award Date:
19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #: 21c471a2005	22. Block 4 Worksheet No.: 658554
23a. Monthly Charges: \$401.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$401.00	23d. Number of months of service: 12

23e. Annual pre-discount amount for eligible recurring charges (23c x 23d):	\$4,812.00
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g):	\$0.00
23i. Total program year pre-discount amount (23e + 23h):	\$4,812.00
23j. % discount (from Block 4):	90
23k. Funding Commitment Request (23i x 23j):	\$4,330.80

Block 6: Certifications and Signature

Application ID:460009

Do not write in this area.

Entity Number	141656	Applicant's Form Identifier	471A2005
Contact Person	David Young	Phone Number	956-233-3740

Block 6: Certifications and Signature

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

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23i on all Block 5 Discount Funding Requests.)	\$383,805.49
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$345,424.94
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$38,380.55
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$596,480.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$634,860.55
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by

technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☒ an individual technology plan for using the services requested in this application; and/or
- b. ☐ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

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



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The

pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date **2/18/2005**

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

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

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

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

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

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

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

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

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive**

Lawrence, Kansas 66046
(888) 203-8100

Print

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**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

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

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier

(Create your own code to identify THIS form 471) 471b2005

Form 471 Application#

(To be assigned by administrator)

482490

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

- 1 a** Name of Billed Entity LOS FRESNOS CONS IND SCH DIST
- 2 a** Funding Year: July 1, 2005 Through June 30: 2006 Billed Entity Number: 141656
- 4 a** Street Address, P.O. Box, or Routing Number 600 N MESQUITE ST
- City LOS FRESNOS
- State TX Zip Code 78566
- 5 a** Type of Application
☐ Individual School (individual public or non-public school)
☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities
- 6** Contact Person's Name David Young

First, if the Contact Person's Street Address is the same as in Item 4, check this box. ☐ If not, please complete the entries for the Street Address below.

- b** Street Address, P.O. Box, or Routing Number 600 N MESQUITE ST
- City LOS FRESNOS
- State TX Zip Code 78566



Entity Number 141656

Applicant's Form Identifier 471b2005

Contact Person David Young

Phone Number 956-233-3740

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...

BEFORE ORDER

AFTER ORDER

NO DATA**Block 3: Impact of Services Ordered on Libraries****NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT****Worksheet A No: 703183****Student Count: 8041****Weighted Product (Sum. Column 8): 7236.9****Shared Discount: 90%****1. School Name: LAS YESCAS ELEMENTARY SCHOOL****2. Entity Number: 91469 NCES: 48 28290 3161****3. Rural/Urban: Urban****4. Student Count: 421****5. NSLP Students: 394****6. NSLP Students/Students: 93.586%****7. Discount: 90%****8. Weighted Product: 378.9****9. Pre-K/Adult Ed/Juv: Y****10. Alt Disc Mech: N****1. School Name: LAURELES ELEMENTARY SCHOOL****2. Entity Number: 221163 NCES: 48 28290 08720****3. Rural/Urban: Urban****4. Student Count: 635****5. NSLP Students: 576****6. NSLP Students/Students: 90.708%****7. Discount: 90%****8. Weighted Product: 571.5****9. Pre-K/Adult Ed/Juv: Y****10. Alt Disc Mech: N****1. School Name: LIBERTY MEMORIAL MIDDLE SCHOOL****2. Entity Number: 232114 NCES:****3. Rural/Urban: Urban****4. Student Count: 506****5. NSLP Students: 463****6. NSLP Students/Students: 91.501%****7. Discount: 90%****8. Weighted Product: 455.4****9. Pre-K/Adult Ed/Juv: N****10. Alt Disc Mech: N****1. School Name: LOPEZ-RIGGINS ELEM SCHOOL****2. Entity Number: 91470 NCES: 48 28290 06140****3. Rural/Urban: Urban****4. Student Count: 655****5. NSLP Students: 587****6. NSLP Students/Students: 89.618%****7. Discount: 90%****8. Weighted Product: 589.5****9. Pre-K/Adult Ed/Juv: Y****10. Alt Disc Mech: N****1. School Name: LOS CUATES MIDDLE SCHOOL****2. Entity Number: 91471 NCES: 48 28290 3162****3. Rural/Urban: Urban****4. Student Count: 605****5. NSLP Students: 512****6. NSLP Students/Students: 84.628%****7. Discount: 90%****8. Weighted Product: 544.5****9. Pre-K/Adult Ed/Juv: N****10. Alt Disc Mech: N****1. School Name: LOS FRESNOS ELEMENTARY SCHOOL****2. Entity Number: 91472 NCES: 48 28290 428****3. Rural/Urban: Urban****4. Student Count: 694****5. NSLP Students: 648****6. NSLP Students/Students: 93.371%****7. Discount: 90%****8. Weighted Product: 624.6****9. Pre-K/Adult Ed/Juv: Y****10. Alt Disc Mech: N****1. School Name: LOS FRESNOS HIGH SCHOOL****2. Entity Number: 91473 NCES: 48 28290 3163****3. Rural/Urban: Urban****4. Student Count: 2136****5. NSLP Students: 1774****6. NSLP Students/Students: 83.052%****7. Discount: 90%****8. Weighted Product: 1922.4****9. Pre-K/Adult Ed/Juv: N****10. Alt Disc Mech: N****1. School Name: OLMITO ELEMENTARY SCHOOL****2. Entity Number: 232112 NCES:**

3. Rural/Urban: Urban
 4. Student Count: 523
 7. Discount: 90%
 9. Pre-K/Adult Ed/Juv: Y
 5. NSLP Students: 413
 8. Weighted Product: 470.7
 10. Alt Disc Mech: N
 6. NSLP Students/Students: 78.967%

1. School Name: PALMER-LAAKSO ELEMENTARY SCH
 2. Entity Number: 91474 NCES: 48 28290 7201
 3. Rural/Urban: Urban
 4. Student Count: 658
 7. Discount: 90%
 9. Pre-K/Adult Ed/Juv: Y
 5. NSLP Students: 537
 8. Weighted Product: 592.2
 10. Alt Disc Mech: N
 6. NSLP Students/Students: 81.610%

1. School Name: RESACA MIDDLE SCHOOL
 2. Entity Number: 91475 NCES: 48 28290 00428
 3. Rural/Urban: Urban
 4. Student Count: 713
 7. Discount: 90%
 9. Pre-K/Adult Ed/Juv: N
 5. NSLP Students: 595
 8. Weighted Product: 641.7
 10. Alt Disc Mech: N
 6. NSLP Students/Students: 83.450%

1. School Name: VILLAREAL ELEMENTARY SCHOOL
 2. Entity Number: 91476 NCES: 48 28290 3165
 3. Rural/Urban: Urban
 4. Student Count: 495
 7. Discount: 90%
 9. Pre-K/Adult Ed/Juv: Y
 5. NSLP Students: 429
 8. Weighted Product: 445.5
 10. Alt Disc Mech: N
 6. NSLP Students/Students: 86.666%

Block 5: Discount Funding Request(s)

FRN: 1336058 FCDL Date: 12/14/2005	
10. Original FRN:	
11. Category of Service: Internet Access	12. 470 Application Number: 149540000529411
13. SPIN: 143020020	14. Service Provider Name: Region One Education Service Center
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 02/02/2005	18. Contract Award Date:
19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #: 21a471b2005	22. Block 4 Worksheet No.: 703183
23a. Monthly Charges: \$2,727.00	23b. Ineligible monthly amt.: \$202.00
23c. Eligible monthly amt.: \$2,525.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$30,300.00	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$30,300.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$27,270.00	

Block 6: Certifications and Signature

Application ID:482490

Do not write in this area.

Entity Number	<u>141656</u>	Applicant's Form Identifier	<u>471b2005</u>
Contact Person	<u>David Young</u>	Phone Number	<u>956-233-3740</u>

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ **Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

- | | | |
|----|--|--------------|
| a. | Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.) | \$30,300.00 |
| b. | Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.) | \$27,270.00 |
| c. | Total applicant non-discount share (Subtract Item 25b from Item 25a.) | \$3,030.00 |
| d. | Total budgeted amount allocated to resources not eligible for E-rate support | \$596,480.00 |
| e. | Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.) | \$599,510.00 |
| f. | <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e. | |

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. ☒ an individual technology plan for using the services requested in this application; and/or
- b. ☐ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date **2/18/2005 5:05:19 PM**

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from

the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

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

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

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

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

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

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

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

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