



October 16, 2018

Letter of Appeal – CC Docket No. 02-6  
FCC Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554  
<https://www.fcc.gov/ecfs/filings>

RE: Request for review of the denial of USAC appeal #103242. The appeal was filed for denied funding on FCDL for Form 471 Application 181029870, Funding Request 1899081060. (FCDL dated 5/11/2018 – RFCDL dated 9/12/2018)

**Message:**

1. Billed Entity:  
Michigan City Area Schools  
BEN 130319  
Form 471 Application 181029870  
FRN: 1899081060  
  
E-Rate Contact:  
Generex Consulting  
Tammy Condon  
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Email: [tammy@generexconsulting.com](mailto:tammy@generexconsulting.com)
2. This is an appeal of the denial for funding due to a program rules violation. The denial states that a legally binding contract with the service provider was not in place prior to the window close date.
3. Request for review:  
Michigan City Area Schools signed an agreement with AT&T dated 5/11/2017, (EPC Contract ID 193705) for Internet Access at 1 GBPS, with a term of 24 months. (Contract end date approximately 6/30/2019)

This service proved inadequate during in school testing. Form 470 – 180028113, was posted in window for FY2018 for an increased speed to 5 GBPS. As stated by AT&T in the attached email, a change in service providers would result in a term penalties, and felt we had to remain with AT&T. We requested a new agreement from AT&T 3/21/2018 at 3:39 pm. We continued to follow up with AT&T until 3/22/2018 at 9:26 pm. The attached email states that AT&T had system errors that prevented agreements from being processed, and filed Form 471 using the proposed pricing we received from AT&T.

On 4/11/2018, AT&T stated a new agreement must be signed to increase the speed with the new service. Prior to signing the agreement, we opened a customer service case with USAC (Case 233680) to ensure we were following program rules. We were told to submit an RAL with the new agreement attached. An agreement for increased bandwidth was signed 4/11/2018, and the RAL was submitted. Funding was denied on the application, then again as a result of our appeal with USAC. The revised funding letter we received was also denied.

4. Attached documents which support the request for review:
- Copy of Funding Commitment Decision Letter 5/11/2018
  - Copy of denied USAC denied Appeal submitted 5/16/2018
  - Copy of Revised Funding Commitment Decision Letter 9/12/2018
  - Copy of AT&T 1GB Internet Access agreement 5/11/2017
  - Copy of AT&T 5GB Internet Access agreement 4/11/2018
  - Copy of email communication with AT&T regarding new agreement
  - Copy of LOA

Thank you for your consideration of this appeal.  
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "T. Condon".

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Tammy Condon, E-Rate contact for Michigan City Area Schools