



BEN Name: MICHIGAN CITY AREA SCHOOLS

BEN: 130319

Post Commitment Wave: 7

Post Commitment Request Number: 103242	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1899081060	Service Type: Data Transmission and/or Internet Access	Original Status: Denied	Revised Status: Denied
FCC Form 471: 181029870			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$70,938.00	Total Eligible One Time Charges	\$750.00
Total Pre-Discount Charges		\$71,688.00	
Discount Rate		90.00%	
Revised Committed Amount		\$0.00	

Dates	
Service Start Date	7/1/2018
Contract Expiration Date	6/30/2020
Contract Award Date	4/11/2018
Service Delivery Deadline	9/30/2019
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	AT&T Corp.
SPIN (498ID)	143001192
Contract Number	20180322
Account Number	831-000-7200 736
Establishing FCC Form 470	180028113

Consultant Information	
Consultant Name	Tammy Condon
Consultant's Employer	Generex Consulting
CRN	16075503

Revised Funding Commitment Decision Comments:

Post Commitment Rationale:

USAC has determined, that at the time you submitted your FCC Form 471 application, you did not have a contract or a legally binding agreement with your service provider(s), which met your state and local or the FCC's definition of a contract or a legally binding agreement. See 47 C.F.R. sec. 54.504(a). Except for services to be delivered under non-contracted tariff or month-to-month arrangements, FCC rules require that applicants submit a completed FCC Form 471 upon entering into a signed contract or other legally binding agreement for eligible services. The existence of a written offer from the service provider containing all the material terms and conditions and a written acceptance of that offer is considered evidence of the existence of a legally binding agreement. In addition, after a commitment of




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funding, an applicant's receipt of services consistent with the offer and with the applicant's request for E-rate support will also constitute evidence of the existence of a sufficient offer and acceptance. See *In the Matter of Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-99 para. 204 (rel. Jul. 23, 2014). The services you requested are not non-contracted tariff or month-to-month services and you did not demonstrate that there is a contract or a legally binding agreement in place for those services. In your appeal, you did not demonstrate that USAC's decision was incorrect. As USAC does not have authority to waive the FCC rules of the program, your appeal is denied.

 SAVE DRAFT

MCAS 471 CAT 1 FY2018 - 181029870

28-Day Waiting Period / Contract or Legally Binding Agreement Review

Issue

We have completed our review and determined that FRN 1899081060 will be denied because a signed and dated contract or a legally binding agreement with your service provider was not in place prior to the Funding Year FCC Form 471 filing window close date. A signed contract or a legally binding agreement with your service provider is required to be in place when you file your FCC Form 471 certification or prior to the Funding Year 2018 FCC Form 471 filing window close date. For further guidance regarding contracts and the process of selecting a service provider, please visit <http://www.usac.org/sl/applicants/step02/default.aspx>.

If the entire FRN should not be denied and you have alternative information to support your position, please provide the supporting documentation. If you would like to provide any additional explanation to support your position, type your explanation and attach the explanation and/or documentation into your response by using the Add Document button. If you agree with the proposed action, click the "Submit" button to clear this item from your Pending Inquiries.

+Add Document

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SAVE & CLOSE

SUBMIT