

FCC Waiver Request

FCC Docket	CC Docket No. 02-6
Applicant	Orange School District
Billed Entity Number	129496
Form 471#	171004236
Funding Request Number	1799007143
SPIN	143008213
Contact Name	Eric Spencer
Contact Address	611-G Park Meadow Road Westerville, Ohio 43081
Telephone Number	614.882.0596
Fax Number	614.882.2556
E-Mail Address	eas@smserate.com

Form Under Waiver Request

Orange School District (BEN 129496) requests a waiver for the FCC program deadline of September 21, 2018, for the Commitment Adjustment Letter received on July 23, 2018, in reference to Funding Request Number 1799007143.

Orange School District applied for Managed Internal Broadband Services under a 3-year contract with Bailey Communications during Funding Years 2016 and 2017. Both Funding Requests (FRNs 1699084709 and 1799007143) were approved for funding, but later received Commitment Adjustment Letters stating, **“Failure to post a FCC Form 470 for the category of service for which the applicant sought funding on the FCC Form 471.”** An Appeal was submitted to the FCC on October 12, 2018, for Funding Year 2016 Funding Request Number 1699084709 stating a clerical error was made when preparing the Form 471 application.

On August 26, 2019, a Revised Funding Commitment Decision Letter (RFCDL) was received for Funding Year 2016 Funding Request Number 1699084709. The RFCDL split the funding request and created Funding Request Number 1699146443 for Managed Internal Broadband Services. As stated in the RFCDL, “In accordance with Remand DA 19-482, your appeal has brought forward

persuasive information that the funding request should be approved for funding under service type Managed Internal Broadband Services.”

Funding Request Number 1799007143 contains the same Managed Internal Broadband Services originally requested on the same Form 470 application and covered under the same 3-year contract. After receiving approval for Funding Request Number 1699084709, Orange School District is requesting the same opportunity to appeal Funding Request Number 1799007143 and ultimately receive funding for the Managed Internal Broadband Services.

Orange School District respectfully requests the FCC waive the program deadline of September 21, 2018, for the Commitment Adjustment Letter and restore Orange School District’s opportunity to appeal Funding Request Number 1799007143.

Thank you for your consideration in this matter.

Eric Spencer

Attachments:

Orange School District - Funding Year 2017 – Form 471 Application #171004236
Orange School District - Funding Year 2017 - Funding Commitment Decision Letter
Orange School District - Funding Year 2017 - Commitment Adjustment Letter
Orange School District - Funding Year 2016 - Revised Commitment Decision Letter

OMB 3060-0806
FCC Form 471Approval by OMB
November 2015

Description of Services Ordered and Certification Form 471

FCC Form 471

Application Information

Nickname	ORANGE471CAT2	Application Number	171004236
Funding Year	2017	Category of Service	Category 2

Billed Entity

ORANGE SCHOOL DISTRICT
32000 CHAGRIN BLVD CLEVELAND OH 44124 -
5922
216-831-8600

Contact Information

Jennette Kane
216-831-8600
jkane@orangecsd.org

Billed Entity Number 129496
FCC Registration Number 0010803369
Applicant Type School District

Entity Information

School District Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	School District Attributes	Endowment
129496	ORANGE SCHOOL DISTRICT	Urban	046581			Public School District	None

Related Entity Information

Related Child School Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
47982	BALLARD BRADY MIDDLE SCHOOL	Urban	046581	003400		None	Public School	None
47983	MORELAND HILLS PRIMARY SCHOOL	Urban	046581	142554		None	Public School	None
47984	ORANGE HIGH SCHOOL	Urban	046581	028712		None	Public School	None

Related Child School Entity - Discount Rate Calculation Details

BEN	Name	Urban/ Rural	Number of Students	Students Count Based on Estimate	CEP Percentage
47982	BALLARD BRADY MIDDLE SCHOOL	Urban	473	N/A	
47983	MORELAND HILLS PRIMARY SCHOOL	Urban	812	N/A	
47984	ORANGE HIGH SCHOOL	Urban	684	N/A	

Discount Rate

School District Enrollment	School District NSLP Count	School District NSLP Percentage	School District Urban/ Rural Status	Category One Discount Rate	Category Two Discount Rate	Voice Discount Rate
1969	265	14.0%	Urban	40%	40%	0%

Funding Request for FRN #1799007143

Funding Request Nickname: FY 2017 Bailey Maintenance

Service Type: Basic Maintenance of Internal Connections

What is the FRN number from the previous year ? 1699084709

Agreement Information - Contract

Contract Number		Account Number	
Establishing FCC Form 470	160018031	Service Provider	Bailey Communications Inc. (SPN: 143008213)
Was an FCC Form 470 posted for the product and/or services you are requesting?	Yes	Based on State Master Contract?	No
Award Date	April 26, 2015	Based on a multiple award schedule?	No
How many bids were received for this contract?	3	Includes Voluntary Extensions?	No
What is the service start date?	July 01, 2017	Remaining Voluntary Extensions	
		Total Remaining Contract Length	
		What is the date your contract expires for the current term of the contract?	June 30, 2019

Pricing Confidentiality

Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract? No

Narrative Basic maintenance of internal connections.

Line Item # 1799007143.001**Product and Service Details**

Type of Product Being Maintained Basic Maintenance of Internal Connections

Total Quantity of Equipment Maintained 229

Cost Calculation for FRN Line Item # 1799007143.001

Monthly Cost	
Monthly Recurring Cost	\$2,312.67
Monthly Recurring Ineligible Costs	- \$0.00
Monthly Recurring Eligible Costs	= \$2,312.67
Months of Service	x 12
Total Eligible Recurring Costs	= \$27,752.04

One-Time Cost	
One-time Cost	\$0.00
One-time Ineligible Costs	- \$0.00
One-time Eligible Cost	= \$0.00
Summary	
Total Eligible Recurring Costs	\$27,752.04
One-time Eligible Costs	+ \$0.00
Pre-Discount Extended Eligible Line Item Cost	= \$27,752.04

Recipients of Services

BEN	Name	Amount
47982	BALLARD BRADY MIDDLE SCHOOL	\$9,250.68
47983	MORELAND HILLS PRIMARY SCHOOL	\$9,250.68
47984	ORANGE HIGH SCHOOL	\$9,250.68

FRN Calculation for FRN #1799007143

Monthly Charges	
Total Monthly Recurring Charges	\$2,312.67
Total Monthly Ineligible Charges	- \$0.00
Total Monthly Eligible Charges	= \$2,312.67
Total Number of Months of Service	x 12
Total Eligible Pre-Discount Recurring Charges	= \$27,752.04

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$27,752.04
Total Eligible Pre-Discount One-Time Charges	+ \$0.00
Total Pre-Discount Charges	= \$27,752.04
Discount Rate	40%
Funding Commitment Request	= \$11,100.82

Connectivity Questions**District/System-wide Internet Access Questions**

Does your school district currently aggregate Internet access for the entire district(as opposed to buying Internet access on a building-by-building basis)? Yes

Download Speed 1.00 **Download Speed Units** Gbps

Upload Speed 1.00 **Upload Speed Units** Gbps

Per Entity Basis Questions

Entity Name ORANGE SCHOOL DISTRICT **Entity Number** 129496

BEN	Entity Name	Download	Units	Upload	Units	Connection	Wifi Sufficient	Barriers to Robust Network
47982	BALLARD BRADY MIDDLE SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	No barriers
47983	MORELAND HILLS PRIMARY SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	No barriers
47984	ORANGE HIGH SCHOOL	1.00	Gbps	1.00	Gbps	Fiber	Mostly	No barriers

Certifications

I certify that the entities listed in this application are eligible for support because they are schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

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 on 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).

Total Funding Summary

Below is a summary of the total line item costs on this FCC Form 471:

Summary	
Total funding year pre-discount eligible amount on this FCC Form 471	\$27,752.04
Total funding commitment request amount on this FCC Form 471	\$11,100.82
Total applicant non-discount share of the eligible amount	\$16,651.22
Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts	\$16,651.22
Are you receiving any of the funds directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year?	No
Has a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds needed to pay your non-discounted share?	No

I certify an FCC Form 470 was posted and that any related RFP was made 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 goals.

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.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 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. § 54.513. 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, as prohibited by the Commission's rules at 47 C.F.R. § 54.503(d), other than 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.

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 or other legally binding agreements covering all of the services listed on this FCC 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.

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.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. 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 USAC.

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 the 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. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

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 the 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.

I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

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 submit an application for such discounts by filing 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 application requirements for universal service discounts contained in 47 C.F.R. § 54.504. Schools and libraries 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 your application for universal service discounts 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 for universal service discounts 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 or the Universal Service Administrator may delay processing of your application for universal service discounts 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 4.5 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. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

Authorized Person

Title:	Technology Coordinator	Name:	Jennette Kane
Phone:	216-831-8600	Email:	jkane@orangecsd.org
Address:	32000 CHAGRIN BLVD CLEVELAND OH 44124 - 5922	Employer:	Jennette Kane

Certified Timestamp

17-Mar-2017 07:37:38 EDT

Orange School District - Funding Year 2017 - Funding Commitment Decision Letter

BEN	BEN_NAME	FCC Form 471	Status	Service Type	Establishing FCC Form 470	SPIN	Service Provider Contract Number	Account Number	Service Start Date	Contract Expiration Date	Award Date	Expiration	Months Of Total Eligible Recurring Charges	Total Eligible Total Pre-Discount Charges	Discount Rate	Committed Applicant	FCDL Comments	Wave Number	Last Allowable Date For One Time Services	Consultant CRN	Consultant Employer Name
129496	ORANGE S/	1799007143	171004236	Funded	Basic Main	160018031	143008213	Bailey Communications Inc.	7/1/2017	6/30/2019	4/11/2016	12	\$27,752.04	\$0.00	\$27,752.04	40.00%	#####	MR1: The Contract Award Date was changed from 4/26/2015 to 4/11/2016 to agree with the documentation provided during the review of the FCC Form 471.	9	6/30/2018	



Commitment Adjustment Letter

Jennette Irish-Glass
ORANGE SCHOOL DISTRICT
32000 CHAGRIN BLVD
CLEVELAND, OH 44124

07/23/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

Total commitment adjustment: \$11,100.82

Total amount to be recovered: \$0.00

FCC Form 471	FRN	Commitment adjustment	Total amount to be recovered	Explanation(s)	Party to recover from
171004236	1799007143	\$11,100.82	\$0.00	Failure to post a FCC Form 470 for the category of service for which the applicant sought funding on the FCC Form 471	BEN

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

Commitment Adjustment

FCC rules require the Universal Service Administrative Company (USAC) to rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>.

To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because



USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
 - a. Appellant name;
 - b. Applicant name and service provider name, if different from appellant;
 - c. Applicant BEN and Service Provider Identification Number (SPIN);
 - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
 - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.
- 3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division



Adjustment Report

FCC Form 471 Application Number:	171004236
Funding Request Number:	1799007143
Commitment Adjustment:	\$11,100.82
Total Amount to Be Recovered:	\$0.00
Explanation(s):	Failure to post a FCC Form 470 for the category of service for which the applicant sought funding on the FCC Form 471
Party to Recover From:	BEN
Funding Year:	2017
Billed Entity Number:	129496
Services Ordered:	Basic Maintenance of Internal Connections
Service Provider Name:	Bailey Communications Inc.
SPIN:	143008213
Original Funding Commitment:	\$11,100.82
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$0.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment of \$11,100.82 must be rescinded in full. FCC Form 470 did not include the service(s) for which funding was sought in the FCC Form 471 application, which is a violation of the FCC's competitive bidding rules. The applicant does not have a 470 that posts for Basic Maintenance of Internal Connections Service. FCC rules require that, except under limited circumstances, all eligible schools and libraries shall seek competitive bids for all services eligible for support by submitting a complete FCC Form 470 to USAC web site for potential service providers to evaluate. Since the services for which you sought funding were not properly posted to the website for competitive bidding, the commitment has been rescinded in full.



August 26, 2019

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Jack Rienstra
ORANGE SCHOOL DISTRICT
32000 CHAGRIN BLVD
CLEVELAND, OH 44124
jrien1016@aol.com

BEN: 129496**Post Commitment Wave:** 104

Totals

Original Commitment Amount	\$18,871.40
Revised Commitment Amount	\$7,770.58

What is in this letter?

Thank you for submitting your post-commitment request for **Funding Year 2016 Schools and Libraries Program (E-rate) funding**. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals
- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



Orange School District - Funding Year 2016 - Revised Commitment Decision Letter
BEN Name: ORANGE SCHOOL DISTRICT
BEN: 129496
Post Commitment Wave: 104

Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699146443	Bailey Communications Inc.	Appeals	\$7,770.58	Approved
1699084709	Bailey Communications Inc.	Appeals	\$0.00	Denied

**BEN Name:** ORANGE SCHOOL DISTRICT**BEN:** 129496**Post Commitment Wave:** 104

Post Commitment Request Number: 148382	Post Commitment Request Type: Appeals	Post Commitment Decision: Approved
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FRN: 1699146443	Service Type: Managed Internal Broadband Services	Original Status: Denied or Cancelled	Revised Status: Funded
FCC Form 471: 161039235			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$19,426.46
Total Pre-Discount Charges		\$19,426.46	
Discount Rate		40.00%	
Revised Committed Amount		\$7,770.58	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2019
Contract Award Date	4/26/2016
Service Delivery Deadline	9/30/2020
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Bailey Communications Inc.
SPIN (498ID)	143008213
Contract Number	NA
Account Number	N/A
Establishing FCC Form 470	160018031

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
MR1: <><><><>MR2: This is a new FRN. It was split from FRN 1699084709. The new FRN contains the following product(s)/service(s): Managed services contract of already installed equipment.

Post Commitment Rationale:
In accordance with Remand DA 19-482, your appeal has brought forward persuasive information that the funding request should be approved for funding under the service type Managed Internal Broadband Services.

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Post Commitment Request Number: 148382	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699084709	Service Type: Basic Maintenance of Internal Connections	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161039235			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$0.00	
Discount Rate		40.00%	
Revised Committed Amount		\$0.00	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2019
Contract Award Date	4/26/2016
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Bailey Communications Inc.
SPIN (498ID)	143008213
Contract Number	NA
Account Number	N/A
Establishing FCC Form 470	160018031

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

In accordance with Remand DA 19-482, your appeal has brought forward persuasive information that the appealed decisions should be partially overturned. However, the commitment is fully rescinded and the funds disbursed for this FRN need to be returned for the following reasons: This FRN contains products and services for Basic Maintenance of Internal Connections and Managed Internal Broadband Services. The Basic Maintenance of Internal Connections was not requested on the FCC Form 470 that established the competitive bidding process for the FRN. Therefore, the FRN was split in order to conduct an independent review of these respective services. The new FRN for Managed Internal Broadband Services is 1699146443 and the service provider is 143008213 Bailey Communications Inc.. The



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product(s) and service(s) remaining in the original FRN are Basic Maintenance of Internal Connections. Since the FCC Form 470 that established the competitive bidding process for this FRN did not include Basic Maintenance of Internal Connections, it does not meet the competitive bidding requirements.