

PLEASE NOTE: This instant appeal is being filed in FCC Docket(s)

- 13-184
- 96-45
- 02-06

coincident with filing the appeal with USAC considering we are not sure which agency should handle the initial appeal.

Should USAC provide us a positive decision on the appeal filed today, we will withdraw this request from the Commission's Dockets.

Should USAC deny our appeal, we will supplement this record with that decision.

Thank you for your consideration.

February 2, 2018

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

RE: **2017 FORM 471 171042254, FRN 1799095846;
APPEAL FOR FUNDING COMMITMENT DECISION THAT DID NOT INCLUDE TEXAS
STATE MATCH AVAILABILITY/APPROVAL FOR SPECIAL CONSTRUCTION FUNDING
REQUEST**

Dear Sir or Madam:

This letter is to appeal the Funding Commitment Decision and State Match Availability designation for Form 471 #171042254 for Houston Independent School District ("HISD") (BEN 141223) for FRN 1799095846.

The FCC's Second E-Rate Modernization Order adopted on December 11, 2014, included a component allowing the E-Rate Program to MATCH any additional funding (up to 10%) to support the construction of facilities necessary to deliver high speed, high capacity broadband services when a state, Tribal government, or federal agency provides the additional funding. In the case of HISD, the additional match availability is 5% as the District qualifies for a 90% Category 1 E-Rate discount.

In June, 2017, the 85th Texas State Legislature approved \$25 million for the Texas Education Agency to provide State Matching funds to LEAs for E-Rate eligible Category 1 special construction network projects.¹

2017/2018 FCC Form 471 Funding Request(s) for Fiber Special Construction asked, "*Is there a state or tribal match available for your E-Rate special construction funding request?*" At the time the

¹ https://tea.texas.gov/Classroom_Connectivity/

aforementioned Funding Request was certified (May 11, 2017)², HISD's correct answer was "**NO**" as the Texas State Matching Fund was not established until June of 2017 (as described above).

The initial notifications from TEA regarding the availability of the additional funding and the process by which a Texas LEA could apply for the additional funding began in July, 2017 and it took HISD approximately 10 weeks to complete the necessary paperwork and route it through their local compliance processes to submit for approval of their State Match.

TEA issued HISD's 'approval' letter on September 7, 2017.

We were then instructed to submit a RAL CORRECTION via HISD's E-Rate Productivity Center ("EPC") portal to request the answer to the question, "*Is there a state or tribal match available for your E-Rate special construction funding request?*" be changed from NO to YES and; submit a copy of the State Match Approval Letter in order that USAC could process and approve the E-Rate 'MATCH' of an additional 5% discount, bringing HISD's effective E-Rate discount for this FRN to 95%.

HISD was selected for a Selective Review Information Request ("SRIR")³ for all of their 2017/2018 Form 471 applications on July 3, 2017 and completed inquiries associated with the SRIR on August 10, 2017.

Hurricane Harvey made landfall in Houston on August 25, 2017. Houston Independent School District, as the 7th largest School District in the Country was shut down completely for almost 3 weeks.⁴

HISD went into active PIA review for this Form 471 application (and 3 of the 4 others) on September 28, 2017 as the District was still frantically assessing the fallout from the system-wide damage inflicted by Hurricane Harvey.

Frankly, it was all we could do to respond to our reviewers' inquiries, particularly for FRN 1799095846 as the request(s) for documentation to support ANY special construction funding request(s) are voluminous, at best.

Additionally, some of the other HISD Form 471 applications that went into active review at this time were having to be managed outside of EPC due to "system issues that were preventing inquiries to be made with EPC". As we are sure you can imagine, the flurry of inquiries and responses being made **IN EPC** and **OUT OF EPC** made management of due dates and who asked what about which application and whether it was via email or EPC created real chaos.

With everything that was going on during September through mid-November, 2017, it appears HISD did not submit their State Match Approval Letter 'in time' to allow USAC to adjust the effective discount rate for FRN 1799095846 to 95%.

Staff did attempt to submit the RAL Correction on December 14, 2017 only to discover that Form 471 # 171042254 had been COMMITTED on December 8, 2017 (Wave #27) and we were obviously unable to submit the RAL.

²The Form 471 application filing window for 2017/2018 closed on May 11, 2017 @ 11:59 pm EDT

³ HISD has been subject to a SRIR for 4 of the last 5 years.

⁴ Approximately 2/3 of HISD schools opened on September 11, 2017 and the remainder of the schools opened one week later on September 18, 2017

The amount of 'additional funding' associated with the State Match availability for this FRN is \$6,591.20.

We respectfully request that USAC allow us to make the change to the State Match Availability answer from NO to YES and re-calculate the effective discount rate for FRN 1799095846 to 95%, thereby allowing HISD access to ALL of the funding available to support the students they serve.

For all questions regarding this appeal please contact:

Stephanie Johnson
Technology Project Manager
Houston Independent School District
Administration and Strategic Planning
713.556.9596
SJOHNS73@HoustonISD.org

AND/OR

Kimberly Friends
Vice-President
E-Rate Compliance Services
CSM Consulting, Inc.
909.944.7798 x104
kfriends@csmcentral.com

Sincerely,

/s/

Stephanie Johnson

/s/

Kimberly Friends