

February 27, 2018

USAC Appeal on behalf of Albany Public Library

In the Matter of

Request for Review of a Decision of the)	
Universal Service Administration Corp. for)	Administrator Correspondence Dated
Albany Public Library)	May 26, 2017
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Request For Review

In accordance with sections 54.719 through 54.721 of the Commission's rules, Albany Public Library through its consultant, requests assistance from the Schools and Libraries Division of the Universal Service Administrative Company (Administrator). Based on the facts presented and clear precedent, Albany Public Library asks that the Administrator grant this request.

Form 471 Application Number:	171040591
Funding Request Number:	199091423
Billed Entity Number:	144937
FCC Registration Number:	0022437966

Background

On May 9, 2017 Albany Public Library certified their FCC Form 471 with USAC. To USAC's credit, the program administrator funded the application in the very first funding wave of FY2017 on May, 26, 2017. Unfortunately, upon review of the FCDL .csv file, it was discovered that a ministerial and clerical error was made. PIA did not outreach for any documentation from Albany Public Library which eliminated a key opportunity for Albany Public Library to send corrective information.

On April 24, 2017, Mr. Bob Schmitz from LS Networks submitted a bid to Mr. Ed Gallagher (see Exhibit 1) which was deemed the winner with price of the eligible goods as the sole factor in its determination. Selected from this bid was the 3 year, 200mb option for a price of \$1,350 MRC. On May 8th, Mr. Gallagher issued a letter of confirmation accepting the quote for the 3 year, 200mb pricing. This letter contained an error which listed the wrong monthly charge as a yearly charge. The funding request should reflect a monthly recurring charge of \$1,350 for a total of \$16,200 per year. Mr. Gallagher has since corrected the letter in correspondence with the vendor (see Exhibit 2).

A USAC appeal was submitted on July 24, 2017 citing the ministerial and clerical error that occurred which took place within 60 days of identifying the error. On December 28th, USAC denied the appeal citing that USAC did not err in their decision.

Discussion

Albany Public Library, respectfully requests the FCC to permit the revision of the funding commitment for approved E-rate eligible service whose annual cost on the FY2017 Form 471 was listed in err. We request this action based on clear precedent and prior orders from the FCC.

On December 16, 2010, FCC DA 10-2354 granted 38 appeals to schools and libraries, permitting the correction of inadvertent ministerial and clerical errors on FCC Forms 470 and 471 and other funding related forms.¹ As in Albany Public Library's case, an appeal was granted to Oklahoma City Public Schools for "entering the monthly charge as the annual charge." After this appeal, Oklahoma's case returned to USAC for review and the entity's funding for Telecomm Services was increased twelve-fold.

In Order DA 06-244², the FCC recognized the complexities of the program that have led many applicants to make clerical and ministerial errors. The commission ruled that outcomes in which applicants would be denied access to discounted telecommunication and information services, due to these circumstances, conflicted with the intention of the program. In this case, Albany Public Library would only be afforded the benefit of E-rate discounts for internet services one month of the funding year and left to incur the full cost of these services for the remaining 11 months of the year. The EPC Contract Module has been updated to reflect the corrected contract with Lightspeed which can be found using EPC's Contract ID 196161.

Conclusion

To conclude, we believe Albany Public Library should be granted the same opportunity to access discounted services that precedent has demonstrated was afforded to other entities in the same and similar situations. The E-rate program was designed to connect the nation's schools and libraries enabling all students a fair and equal opportunity to grow with technology by offsetting the cost of these services through discounts. The intent of this program should not be compromised because of a correctable human, clerical error, especially in schools that need the most aid. We respectfully submit this appeal based on FCC Orders 10-2354 and 06-244 and emphasize that Albany Public Library has not committed any waste, fraud, or abuse with the associated funding request.

Sincerely,



Eric J. Flock on behalf of Albany Public Library
Director of Consulting Services
E-Rate Central
eflock@e-ratecentral.com

¹ FCC Order (Ann Arbor Public Schools) DA 10-2354, posted 12/16/2010. 38 appeals of decisions granted to applicants seeking to correct inadvertent ministerial or clerical errors.

² FCC Order (Glendale Unified School District) DA 06-244, posted 2/1/2006. Strict adherence to procedures, resulting in denials for unintentional clerical errors, conflicts with statutory program goals.