

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Request for Review by Twin Rivers Unified
School District of Decisions of Universal
Service Administrator

Schools and Libraries Universal Service
Support Mechanism

CC Docket No. 02-6

Rio Linda Union School District
Funding Year 2005 FRNs 1305550, 1312885,
1316016 and 1348546

Funding Year 2005 Form 471 Application Nos.
473208, 473815, 476245 and 486152

**REQUEST FOR REVIEW BY
TWIN RIVERS UNIFIED SCHOOL DISTRICT OF THE UNIVERSAL SERVICE
ADMINISTRATOR'S DECISIONS ON APPEAL**

Introduction

More than twelve years after applications were submitted for the 2005 E-rate funding year, USAC has issued four Commitment Adjustments (“COMADs”) that together seek to recover more than three-quarters of a million dollars of previously approved and disbursed funding from a public school district nine years after the district was dissolved. The grounds for such an extraordinary, surprising, and belated action is not any compelling case that the former district engaged in fraud or received funds for a purpose not intended to be supported by the Schools and Libraries program. Instead, the sole basis proffered by USAC is that it heard or read a “statement” by some unknown party that the district did not have contracts in place before the submissions of the Form 471s.

Fortunately, this case is now easily resolved. Another dive into old boxes of records uncovered that the signed, timely contracts not only in fact existed, but also that they were

provided to USAC in the first place in the Item 21 attachments to the Form 471s. Therefore, these COMADs can and should be vacated.

Request for Review

Twin Rivers Unified School District (“Twin Rivers” or “TRUSD”) respectfully requests, pursuant to Sections 54.719 through 54.723 of the Commission’s rules, that the Commission review and reverse four decisions of the Universal Service Administrative Company (“USAC”) to recover \$752,592.16 in connection with Schools and Libraries program (“E-rate”) funding awarded to the Rio Linda Union School District (“RLUSD”) for the 2005 Funding Year. The Rio Linda district dissolved and merged into TRUSD effective July 1, 2008. For the reasons set forth herein, the Commission should reverse USAC’s June 16, 2017 Commitment Adjustments (“COMADs”) and the August 25, 2017 denials of TRUSD’s timely appeals of those COMADs, with respect to the E-rate funding that RLUSD received for Funding Year 2005 for the above-referenced FRNs.¹

I. RLUSD SIGNED CONTRACTS PRIOR TO SUBMISSION OF ITS FORM 471s.

The COMADs are based solely on the erroneous conclusion that RLUSD did not have a contract in place at the time of submission of the Form 471 for Funding Year 2005. Each of the COMADs state a single, identical reason for concluding that it is necessary to recover funds: a supposed and incorrect finding that “the applicant did not have a contract in place at the time of submission of the Form 471.” USAC offered only one basis for this belated conclusion: “This determination was based on the applicants [sic] statement that it was the practice of the District at that time to inform the prevailing vendor that the Award of the contract was contingent upon funding from the SLD.” In the case of the three largest COMADs, this “statement” is actually a misstatement of a provision of the contracts that USAC said RLUSD didn’t have. In fact,

¹ See Exhibit 1.

RLUSD and the service provider did sign contract extensions for each of these three applications on January 3, 2005, prior to the submission of the Form 471. Each of these contracts states that “[t]his contract is contingent upon funding from the Schools and Libraries Division (E-Rate) for fiscal year 2005-2006.” These contracts are attached hereto in Exhibit 2, and each was provided to USAC in the Item 21 attachments with the original Form 471.²

The only question that the Commission needs to answer in this case, then, is whether those contracts were invalid under California law because they included a funding contingency (that, in any event, was never triggered because funding was approved).³ The answer to that question is clearly no. Under California law, the contingency provision requiring E-rate funding prior to the delivery of service is a “condition precedent.”⁴ California courts have held that a “condition precedent determines what must happen before ‘a contractual duty arises’ but does not ‘make the *validity* of the contract depend on its happening.’”⁵ A federal court in California interpreting California law explained:

it is not necessary that each condition [precedent] in a contract be met before we consider the contract valid and enforceable. Rather, “[m]ost conditions precedent describe acts or events which must occur before a party is obligated to perform a

² For each of these three FRNs, RLUSD and the service provider had entered into a multi-year contract for a prior funding year. Each contract was extended for the 2005 Funding Year through a signed agreement entitled “contract extension” dated January 3, 2005 for the period July 1, 2005 through June 30, 2006.

³ The Commission has recognized that a determination of whether a contract has been formed is governed by the applicable state law. *See, e.g.*, Petitions of Sprint PCS and AT&T Corp., For Declaratory Ruling Regarding CMRS Access Charges, 17 FCC Rcd 13192 (2002) (“the existence of a contract is a matter to be decided under state law.”).

⁴ *See* Cal. Civ. Code § 1436 (“A condition precedent is one which is to be performed before some right dependent thereon accrues, or some act dependent thereon is performed.”). *See also* *Platt Pacific, Inc. v. Andelson*, 6 Cal. 4th 307, 313, 24 Cal. Rptr. 2d 597, 862 P.2d 158 (1993) (“a condition precedent is either an act of a party that must be performed or an uncertain event that must happen before the contractual right accrues or the contractual duty arises.”).

⁵ *BG Group, PLC v. Republic of Argentina*, 134 S. Ct. 1198, 1207 (2014) (emphasis in original) (quoting 13 R. Lord, *Williston on Contracts* §38:7, pp. 435, 437; §38:4, p. 422 (4th ed. 2013)).

promise made pursuant to an existing contract, a situation to be distinguished conceptually from a condition precedent to the formation or existence of the contract itself. In the latter situation, no contract arises unless and until the condition occurs.” ... [In the] former ... a valid contract existed.⁶

This type of contract provision is executed every day in California and throughout the nation. Home buyers enter contracts that are conditioned upon mortgage loan approval and a successful home inspection. The contracts are not invalid simply because the sale might not ultimately occur if a condition is not met.

Similarly, in this case, it is entirely understandable and prudential that RLUSD would require E-rate funding approval as a condition precedent for a Priority 2 service in 2005. Especially at that time, receipt of Priority 2 funding was never assured. RLUSD was a small public school district with a high percentage of low-income families, as evidenced by its 83% discount rate in 2005. The district could not have afforded to commit to the service without E-rate funding. But it *did commit* to the service at the agreed cost-effective price if that funding was approved (which it was). Therefore, a valid contract obligation existed at the time of the submission of each Form 471.

It is these signed contracts that govern this case – not the COMADs’ unsupported and in any event irrelevant suggestion that some unspecified person made a “statement” that it was the “practice” of the district during that period to make the “award” of a contract contingent. TRUSD is not aware of any evidence that it was ever RLUSD’s practice to do so. But whatever anyone has said of the district’s practices in general, what is clear is that the district’s actual practice in these three cases was to enter into valid, signed, enforceable contracts with a

⁶ *NGV Gaming, Ltd. V. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1065 (N.D. Cal. 2005) (applying Cal. Civ. Code sec. 1436) (quoting *Oppenheimer & Co., Inc. v. Oppenheimer, Appel, Dixon, & Co.*, 86 N.Y.2d 685, 690, 660 N.E.2d 415, 636 N.Y.S.2d 734 (1995)). *See also* *Sheldon Builders, Inc. v. Trojan Towers*, 255 Cal. App. 2d 781, 787 (1967) (Where it was financially impossible for the property owners to proceed with a building project without adequate financing, the obtaining of which was a condition precedent to performance of the construction contract, the owners did not abandon the contract; all parties were discharged from all further duty to perform in the absence of financing.)

reasonable condition precedent, prior to filing the Form 471s. Because that act complied with the one rule that the COMADs allege was violated, the Commission must reject the COMADs.

USAC also issued a fourth COMAD with respect to FRN 1348546, seeking recovery of \$744. This COMAD appears to have been lumped with the others in error because USAC cited the same contract issue as the other three COMADs, but the service in that application was purchased from tariff.

II. THE COMMISSION’S DUTY TO PROMOTE THE PUBLIC INTEREST COMPELS REJECTION OF THE COMADS.

Even if it were possible to construe the single contingency sentence in the contracts as somehow delaying the formation of the contracts until after submission of the Form 471s, public policy would be disserved by now going back more than *12 years* to claw back funding from a well-intentioned, law-abiding public school district that serves a high percentage of low-income families. There is no dispute that 100% of the funds were used by an eligible entity to procure eligible, cost-effective services. There is no dispute that RLUSD complied with all applicable California and local laws regarding procurement of services for which support is being sought. There is no dispute that the district and a service provider signed the documents provided in Exhibit 2 hereto that established the rates and terms for the delivery of each of these eligible, cost-effective services, prior to submission of the Form 471s. There is no dispute that the condition precedent (E-rate funding) established in these contracts did in fact occur. There is no dispute that RLUSD subsequently procured the services during the allowable service time and properly invoiced USAC for the eligible services within USAC’s commitment. There is no suggestion or evidence that RLUSD engaged in any waste, fraud or abuse, or failed to follow any other USAC or Commission rule.

Even if RLUSD nonetheless committed some technical violation of a rule – and there is no indication that it did - the Commission has consistently held that in the absence of evidence of misuse of funds, such “mistakes do not warrant the complete rejection of these Petitioners’

applications for E-rate funding” and that “rigid adherence to certain E-rate rules and requirements that are ‘procedural’ in nature does not promote the goals of section 254.”⁷ Accordingly, to the extent that the Commission finds that RLUSD violated some rule in connection with any of the four FRNs subject to this appeal, the Commission should grant a waiver from such rules to the extent needed to vacate the COMADs. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁸

Relief is especially warranted for TRUSD, which is located in an economically challenged area of inland California north of Sacramento. The district serves neighborhoods that remain deeply blighted by the loss of thousands of jobs resulting from the closure of McLellan Air Force Base. E-rate funding has been especially critical to ensure student access to information necessary for learning, to help them develop e-literacy skills, and to ameliorate the digital divide between students in richer and poorer schools. Critical technology upgrades and investments would have to be postponed or scrapped if this request for review is not granted. Most of the children who would be negatively impacted do not live within the defunct Rio Linda district and many were not even born yet when USAC initially approved the funding. The public interest would be much better served by vacating the COMADs and thereby effectuating

⁷ See *Request for Review of Decisions of the Universal Service Administrator by Adams County School District 14*, CC Docket No. 02-6, Order, DA 07-35, ¶ 10 (Mar. 28, 2007), citing *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5316-17, 5319-20, ¶¶ 2, 9 (2006) (“*Bishop Perry Order*”).

⁸ See *Requests for Review of Decisions of the Universal Service Administrator by La Joya Independent School District*, Order, CC Docket No. 02-6, DA 13-1173 (Wireline Comp. Bur. 2013).

rather than undermining the actual purpose of the e-rate program to deliver cost-effective federal assistance to disadvantaged schools to obtain vital, eligible communications services.

III. PROSECUTION OF THE COMADs WOULD VIOLATE TRUSD’S CONSTITUTIONAL RIGHT TO DUE PROCESS.

At the time of the 2005 Funding Year, RLUSD was only required to retain documentation for five years beyond the last day of service.⁹ While TRUSD fortunately was able to locate sufficient documentation from RLUSD’s 2005 E-rate funding, it is not known whether additional documentation or evidence that would have supported this request for review has been lost. RLUSD dissolved nearly a decade ago, and any electronic email records from the period are no longer available from the former district. It would violate TRUSD’s constitutional right to due process for the Commission to now seek to recover funds from more than a decade ago, long after the Commission’s own rules invited the district to dispose of records. RLUSD is defunct, and without these records, TRUSD could not fairly defend itself from a claim that USAC could have brought the first day it reviewed the Form 471 and its Item 21 attachments before approving the funding more than a decade ago.

Even if the Commission is correct that only Congress can establish a statute of limitations,¹⁰ the Commission certainly has discretion to decline to prosecute a recovery where there is no evidence of waste, fraud or abuse, misuse of funds, or funding of ineligible services or an ineligible entity. The Commission has an obligation in this case to decline to prosecute where, as here, such prosecution of such an old, state case involving a district dissolved almost a decade ago would violate the successor district’s constitutional due process rights. Prosecution

⁹ *Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Fifth Report and Order, 19 FCC Rcd 15808 (2004).

¹⁰ *See Application for Review of a Decision of the Wireline Competition Bureau by Net56, Inc., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Memorandum Opinion and Order, 32 FCC Rcd 963 (2017).

of any of the COMADs on these facts would be arbitrary and capricious in violation of the Administrative Procedure Act, and should be dropped in the public interest.¹¹

Conclusion

For the foregoing reasons, TRUSD respectfully urges the Bureau to vacate the COMADs with respect to the E-rate funding that Rio Linda Unified School District received for Funding Year 2005.

Respectfully submitted,



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*Counsel for Twin Rivers Unified School
District*

October 24, 2017

¹¹ 5 U.S.C. § 706(b)(2).

Exhibit 1

Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 16, 2017

Ruth Hall
RIO LINDA UNION SCHOOL DISTRICT
3222 Winona Way
North Highlands, CA 95660

Re: Form 471 Application Number:	473208
Funding Year:	2005
Applicant's Form Identifier:	TERMSVCS
Billed Entity Number:	144578
FCC Registration Number:	0004513982
SPIN:	143012276
Service Provider Name:	Marketware Technologies
Service Provider Contact Person:	Richard Reece

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

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

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Richard Reece
Marketware Technologies

Funding Commitment Adjustment Report for
Form 471 Application Number: 473208

Funding Request Number:	1305550
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143012276
Service Provider Name:	Marketware Technologies
Contract Number:	Y6-04
Billing Account Number:	916-991-1704
Site Identifier:	144578
Original Funding Commitment:	\$180,422.44
Commitment Adjustment Amount:	\$180,422.44
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$180,422.44
Funds to be Recovered from Applicant:	\$180,422.44
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. This determination was based on the applicants statement that it was the practice of the District at that time to inform the prevailing vendor that the Award of the contract was contingent upon funding from the SLD. It was implied and understood by the vendor that the filing of the 471 was the intent to proceed once funding was approved. FCC rules require applicants to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.



Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 16, 2017

Ruth Hall
RIO LINDA UNION SCHOOL DISTRICT
322 Winona Way
North Highlands, CA 95660

Re: Form 471 Application Number:	473815
Funding Year:	2005
Applicant's Form Identifier:	VOIP
Billed Entity Number:	144578
FCC Registration Number:	0004513982
SPIN:	143012276
Service Provider Name:	Marketware Technologies
Service Provider Contact Person:	Richard Reece

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see

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 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
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30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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Schools and Libraries Program
Universal Services Administrative Company

cc: Richard Reece
Marketware Technologies

Funding Commitment Adjustment Report for
Form 471 Application Number: 473815

Funding Request Number:	1312885
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143012276
Service Provider Name:	Marketware Technologies
Contract Number:	Y7-03
Billing Account Number:	916-991-1704
Site Identifier:	144578
Original Funding Commitment:	\$27,863.10
Commitment Adjustment Amount:	\$27,863.10
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$27,863.10
Funds to be Recovered from Applicant:	\$27,863.10
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After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. This determination was based on the applicants statement that it was the practice of the District at that time to inform the prevailing vendor that the Award of the contract was contingent upon funding from the SLD. It was implied and understood by the vendor that the filing of the 471 was the intent to proceed once funding was approved. FCC rules require applicants to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

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Funding Year 2005: July 1, 2005 - June 30, 2006

June 16, 2017

Ruth Hall
RIO LINDA UNION SCHOOL DISTRICT
3222 Winona Way
North Highlands, CA 95660

Re: Form 471 Application Number:	476245
Funding Year:	2005
Applicant's Form Identifier:	LAN
Billed Entity Number:	144578
FCC Registration Number:	0004513982
SPIN:	143012276
Service Provider Name:	Marketware Technologies
Service Provider Contact Person:	Richard Reece

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For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Richard Reece
Marketware Technologies

Funding Commitment Adjustment Report for
Form 471 Application Number: 476245

Funding Request Number:	1316016
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143012276
Service Provider Name:	Marketware Technologies
Contract Number:	Y7-02
Billing Account Number:	916-991-1704
Site Identifier:	144578
Original Funding Commitment:	\$543,562.63
Commitment Adjustment Amount:	\$543,562.63
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$543,562.62
Funds to be Recovered from Applicant:	\$543,562.62
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that the funding commitment must be rescinded in full. During a review, it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. This determination was based on the applicants statement that it was the practice of the District at that time to inform the prevailing vendor that the Award of the contract was contingent upon funding from the SLD. It was implied and understood by the vendor that the filing of the 471 was the intent to proceed once funding was approved. FCC rules require applicants to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 16, 2017

Ruth Hall
RIO LINDA UNION SCHOOL DISTRICT
3222 Winona Way
North Highlands, CA 95660

Re: Form 471 Application Number:	486152
Funding Year:	2005
Applicant's Form Identifier:	Long Dist
Billed Entity Number:	144578
FCC Registration Number:	0004513982
SPIN:	143008823
Service Provider Name:	SBC Long Distance, LLC.
Service Provider Contact Person:	Geralene King

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

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

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Geralene King
SBC Long Distance, LLC.

Funding Commitment Adjustment Report for
Form 471 Application Number: 486152

Funding Request Number:	1348546
Services Ordered:	TELCOMM SERVICES
SPIN:	143008823
Service Provider Name:	SBC Long Distance, LLC.
Contract Number:	N/A
Billing Account Number:	916-991-1704
Site Identifier:	144578
Original Funding Commitment:	\$744.00
Commitment Adjustment Amount:	\$744.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$744.00
Funds to be Recovered from Applicant:	\$744.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. This determination was based on the applicants statement that it was the practice of the District at that time to inform the prevailing vendor that the Award of the contract was contingent upon funding from the SLD. It was implied and understood by the vendor that the filing of the 471 was the intent to proceed once funding was approved. FCC rules require applicants to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

August 25, 2017

Debbie Gordon / Ruth Ann Hall
Twin Rivers Unified School District
3222 Winona Way, Suite 200
North Highlands, CA 95660

Re: Applicant Name: RIO LINDA UNION SCHOOL
DISTRICT
Billed Entity Number: 144578
Form 471 Application Number: 473208
Funding Request Number(s): 1305550
Your Correspondence Dated: August 15, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1305550
Decision on Appeal: **Denied**
Explanation:

- You provided a signed document between the applicant and service provider. However, this signed document is specific to FY 2004. This is a FY 2005 FRN so the document supplied on appeal does not mitigate the issue. Additionally, the amount noted in the signed document is lower than the FRN amount, again showing that the document provided does not support the FRN. You did not provide evidence with your appeal that, at the time you signed your Form 471, you had signed a contract for eligible services. Consequently, SLD denies your appeal.
- SLD has determined that, at the time you submitted your Form 471 application, you did not have a signed contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. §

54.504(c). The FCC has consistently upheld SLD's denial of Funding Request Number(s) when there is no contract in place for the funding requested.¹ The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services.² You did not provide evidence with your appeal that, at the time you signed your Form 471, you had signed a contract for eligible services. Consequently, SLD denies your appeal.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

¹ *Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism*, File No. SLD-256981, CC Docket Nos. 02-6, Order, 18 FCC Rcd. 22,994, DA 03-3526 (2003).

² *See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form*, OMB 3060-0806 (October 2004) at page 20.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

August 25, 2017

Debbie Gordon / Ruth Ann Hall
Twin Rivers Unified School District
3222 Winona Way, Suite 200
North Highlands, CA 95660

Re: Applicant Name: RIO LINDA UNION SCHOOL
DISTRICT
Billed Entity Number: 144578
Form 471 Application Number: 473815
Funding Request Number(s): 1312885
Your Correspondence Dated: August 15, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1312885
Decision on Appeal: **Denied**
Explanation:

- During a review, it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. This determination was based on the applicants statement that it was the practice of the District at that time to inform the prevailing vendor that the Award of the contract was contingent upon funding from the SLD. It was implied and understood by the vendor that the filing of the 471 was the intent to proceed once funding was approved. FCC rules require applicants to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant. Documentation provided in support of this appeal does not support that the appeal should be granted. Specifically,

you provided only a quote sent by the service provider. This does not satisfy the contractual requirements of the E-rate Program in place during the time period of the Competitive Bidding process or the fund year of the application. In your appeal, you did not demonstrate that USAC's decision was incorrect.

- SLD has determined that, at the time you submitted your Form 471 application, you did not have a signed contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. § 54.504(c). The FCC has consistently upheld SLD's denial of Funding Request Number(s) when there is no contract in place for the funding requested.¹ The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services.² You did not provide evidence with your appeal that, at the time you signed your Form 471, you had signed a contract for eligible services. Consequently, SLD denies your appeal.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

¹ *Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism*, File No. SLD-256981, CC Docket Nos. 02-6, Order, 18 FCC Rcd. 22,994, DA 03-3526 (2003).

² *See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form*, OMB 3060-0806 (October 2004) at page 20.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

August 25, 2017

Debbie Gordon / Ruth Ann Hall
Twin Rivers Unified School District
3222 Winona Way, Suite 200
North Highlands, CA 95660

Re: Applicant Name: RIO LINDA UNION SCHOOL
DISTRICT
Billed Entity Number: 144578
Form 471 Application Number: 476245
Funding Request Number(s): 1316016
Your Correspondence Dated: August 15, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1316016
Decision on Appeal: **Denied**
Explanation:

- During a review, it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. This determination was based on the applicants statement that it was the practice of the District at that time to inform the prevailing vendor that the Award of the contract was contingent upon funding from the SLD. It was implied and understood by the vendor that the filing of the 471 was the intent to proceed once funding was approved. FCC rules require applicants to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant. Documentation provided in support of this appeal does not support that the appeal should be granted. Specifically,

you provided only a quote sent by the service provider. This does not satisfy the contractual requirements of the E-rate Program in place during the time period of the Competitive Bidding process or the fund year of the application. In your appeal, you did not demonstrate that USAC's decision was incorrect

- SLD has determined that, at the time you submitted your Form 471 application, you did not have a signed contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. § 54.504(c). The FCC has consistently upheld SLD's denial of Funding Request Number(s) when there is no contract in place for the funding requested.¹ The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services.² You did not provide evidence with your appeal that, at the time you signed your Form 471, you had signed a contract for eligible services. Consequently, SLD denies your appeal.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

¹ *Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism*, File No. SLD-256981, CC Docket Nos. 02-6, Order, 18 FCC Rcd. 22,994, DA 03-3526 (2003).

² See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2004) at page 20.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

August 29, 2017

Debbie Gordon / Ruth Ann Hall
Twin Rivers Unified School District
3222 Winona Way, Suite 200
North Highlands, CA 95660

Re: Applicant Name: RIO LINDA UNION SCHOOL
DISTRICT
Billed Entity Number: 144578
Form 471 Application Number: 486152
Funding Request Number(s): 1348546
Your Correspondence Dated: August 15, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1348546
Decision on Appeal: **Denied**
Explanation:

- You provided a signed document between the applicant and service provider. However, this signed document is specific to FY 2004. This is a FY 2005 FRN so the document supplied on appeal does not mitigate the issue. Additionally, the amount noted in the signed document is lower than the FRN amount, again showing that the document provided does not support the FRN. You did not provide evidence with your appeal that, at the time you signed your Form 471, you had signed a contract for eligible services. Consequently, SLD denies your appeal.
- SLD has determined that, at the time you submitted your Form 471 application, you did not have a signed contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. §

54.504(c). The FCC has consistently upheld SLD's denial of Funding Request Number(s) when there is no contract in place for the funding requested.¹ The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services.² You did not provide evidence with your appeal that, at the time you signed your Form 471, you had signed a contract for eligible services. Consequently, SLD denies your appeal.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

¹ *Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism*, File No. SLD-256981, CC Docket Nos. 02-6, Order, 18 FCC Red. 22,994, DA 03-3526 (2003).

² *See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form*, OMB 3060-0806 (October 2004) at page 20.

Exhibit 2

Item 21 Attachment with Signed Contract Extension for FRN 1305550
February 15, 2005

Applicant Name: **Rio Linda Union School District** Entity Number: **144578**
Form 471 Identifier: **Termsvcs** Form 471 Application #: **473208**
Contact Person: **Ruth Ann Hall**
Contact Person's Address: **627 L Street, Rio Linda, CA 95673**
FCC Reg. No.: **0004513982**

Contract Number: **916-566-1725**
Fax: **916-991-7248**
E-Mail: ruth.hall@rlusd.org

Service Provider Name: **Network Management Corporation**
Spin #: **143004852**

Products/Services to be provided and the associated costs:
Terminal Services Equipment and Installation. (Details on attached page 2 & 3)

Contract Pricing for Terminal Services at the following sites:

	Licensing and Services for:
111441	Aero Haven Elementary
111436	Joyce Elementary
111442	Oakdale Elementary
111426	Sierra View Elementary
	Central Site

Contract Pricing for Terminal Services extension at the following sites:

	Equipment, Licensing, Services and Installation for:
111525	Dry Creek Elementary
111427	Holmes Elementary
111439	Kohler Elementary
111438	Larchmont Elementary
111443	Madison Elementary
111429	Village Elementary
111922	Woodridge Elementary

Total annual pre-discount amount \$225,487.93

Re: Terminal Services Contract Extension
To: Rio Linda Union School District
Date: January 3, 2005

Network Management Corporation is offering a one year extension to its contract to the Rio Linda Union School District for Terminal Services equipment and installation. The existing contract allows up to 3 one year extensions. The contract in year one provided for purchase of services, HP Servers, Citrix software licensing, Microsoft licensing and installation services for the following schools:

- Aero Haven Elementary
- Joyce Elementary
- Oakdale Elementary
- Sierra View Elementary
- Central Site

The extension includes first year sites and will be extended to include the following additional sites at the same contract rates:

- Dry Creek Elementary
- Holmes Elementary
- Kohler Elementary
- Larchmont Elementary
- Madison Elementary
- Village Elementary
- Woodridge Elementary

E-RATE ELIGIBLE SERVICES:

Servers (Eligible servers - Terminal Server)

This contract is contingent upon funding from the Schools and Libraries Division (E-Rate) for fiscal year 2005-2006. The extension period shall be for one year; July 1, 2005 through June 30, 2006. Three additional extension periods are remaining in this contract. (Refer to original contract document).

Contract Amount for period July 1, 2005- June 30, 2006: \$ 225,487.93
(Project details attached).


Contract Acceptance

Rio Linda Union School District
627 L. Street, Rio Linda, CA
Rio Linda, CA


Signature

Ruth Ann Hall, Director of
Printed Name, Title Purchasing

Network Management Corporation
4616 Roseville Road, Ste 107
North Highlands, CA


Signature

James Rounselle, President

Erate Year 8 - Terminal Services Project

Qty		Each	Extended
Microsoft Software			
500	Windows Terminal Svr CAL 2003 English OLP NL AE Device CAL	\$38.61	\$19,305.00
10	Microsoft Server 2003 License with Software Assurance	\$214.50	\$2,145.00
250	Windows Server CAL 2003 English OLP NL AE User CAL	\$7.92	\$1,980.00
Software Sub-Total			\$23,430.00
Citrix Software			
7	MF Xpe 1.0 Server License - Level-E	\$51.48	\$360.36
3	MF XPE 1.0-100U CONN PACK W/SUB ADV LEV-E 400PT	\$22,240.84	\$66,722.52
Software Sub-Total			\$67,082.88
10	ProLiant DL360 G4 Intel® Xeon™ Processor 3.4 GHz-1 MB (800MHz FSB), 1 GB		
10	Intel® Xeon™ Processor 3.40GHz/1 MB	\$ 2,740.32	\$ 27,403.20
10	Intel® Xeon™ Processor 3.40GHz/1 MB	\$ 1,077.12	\$ 10,771.20
20	2GB Total PC2700 (1x2GB)	\$ 1,170.84	\$ 23,416.80
	Two 1" Ultra 320 SCSI Hot Plug Drive Bays	\$ -	
20	146.8GB Pluggable Ultra320 SCSI 15,000 rpm Universal Hard Drive (1")	\$ 901.56	\$ 18,031.20
	Smart Array 6i Plus controller (integrated on system board)	\$ -	
	1.44MB Floppy Disk Drive	\$ -	
	High Speed IDE Low Profile CD-ROM - Included	\$ -	
10	460W HP redundant power supply with US NEMA cord only	\$ 273.24	\$ 2,732.40
	Two (2) NC7781 PCI-X Gigabit NICs (embedded) 10/100/1000 WOL		
	SmartStart & Insight Manager		
10	Remote Insight Lights-Out Edition II	\$ 660.00	\$ 6,600.00
10	DL360 G2/G3 Universal sliding rail kit	\$ 660.00	\$ 6,600.00
Hardware Total			\$ 95,554.80
Software			\$90,512.88
Sub-Total			\$ 186,067.68
Tax			\$14,420.25
Professional Services			\$25,000.00
Project Total			\$225,487.93

Item 21 Attachment with Signed Contract Extension for FRN 1312885
February 16, 2005

Item 21 Attachment: **<21-VOIP> Page 1 of 3**

Applicant Name: **Rio Linda Union School District** Entity Number: **144578**
Form 471 Identifier: **Termsvcs** Form 471 Application #: **473815**
Contact Person: **Ruth Ann Hall**
Contact Person's Address: **627 L Street, Rio Linda, CA 95673**
FCC Reg. No.: **0004513982**

Contract Number: **916-566-1725**
Fax: **916-991-7248**
E-Mail: ruth.hall@rlusd.org

Service Provider Name: **Network Management Corporation**
Spin #: **143004852**

Products/Services to be provided and the associated costs:
VOIP Equipment, and Services. (Details on attached page 2 & 3)

Contract Pricing for VOIP following sites:

111441	Aero Haven Elementary
111436	Joyce Elementary
111442	Oakdale Elementary
111426	Sierra View Elementary
111525	Dry Creek Elementary
111427	Holmes Elementary
111439	Kohler Elementary
111438	Larchmont Elementary
111443	Madison Elementary
111429	Village Elementary
111922	Woodridge Elementary
	Central Site

Total annual pre-discount amount \$33,570.00



Re: IP Telephony Contract Extension
To: Rio Linda Union School District
Date: January 3, 2005

Network Management Corporation is offering a one year extension to its contract to the Rio Linda Union School District for IP Telephony equipment and installation. The existing contract allows up to 3 one year extensions. The contract in year one provided for purchase of 3Com Switch, UPS, IP Telephony Equipment and services for the following schools:

- Aero Haven Elementary
- Joyce Elementary
- Oakdale Elementary
- Sierra View Elementary
- Central Site

The extension includes first year sites and will be extended to include the following additional sites at the same contract rates:

- Dry Creek Elementary
- Holmes Elementary
- Kohler Elementary
- Larchmont Elementary
- Madison Elementary
- Village Elementary
- Woodridge Elementary

E-RATE ELIGIBLE SERVICES:

LAN Switches

UPS Systems

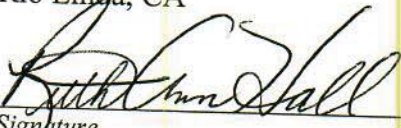
Telephony Systems

This contract is contingent upon funding from the Schools and Libraries Division (E-Rate) for fiscal year 2005-2006. The extension period shall be for one year; July 1, 2005 through June 30, 2006. Three additional extension periods are remaining in this contract. (Refer to original contract document).

Contract Amount for period July 1, 2005- June 30, 2006: \$ 33,570.00
(Project details attached).


Contract Acceptance

Rio Linda Union School District
627 L. Street, Rio Linda, CA
Rio Linda, CA


Signature

Ruth Ann Hall, Director of Purchasing
Printed Name, Title

Network Management Corporation
4616 Roseville Road, Ste 107
North Highlands, CA


Signature

James Rounsville, President



**Network
Management
Corporation**

eRate Only Sites (85%)

3Com Maintenance Quote for Telephony Systems

QTY	Service Part Number	Hardware/Software Description	Service Price	Extended Service Price
12	3CS-EX74-06E	SS3 NBX V5000 Call Processor 250	\$270.00	\$3,240.00
14	3CS-EX74-05E	SS3 NBX V5000 Chassis	\$200.00	\$2,800.00
3	3CS-EX74-08E	T1 / PRI CARD	\$440.00	\$1,320.00
14	3CS-EX74-04E	Analog Line Card	\$145.00	\$2,030.00
14	3CS-EX74-04E	Analog Terminal Line Card	\$145.00	\$2,030.00
13	3CS-EX74-07E	VPIM	\$350.00	\$4,550.00
176	3CS-EX74-03E	VTL	\$100.00	\$17,600.00

3Com Service Total

\$33,570.00

Item 21 Attachment with Signed Contract Extension for FRN 1316016
February 16, 2005

Applicant Name: **Rio Linda Union School District** Entity Number: **144578**
Form 471 Identifier: **Termsvcs** Form 471 Application #: **476245**
Contact Person: **Ruth Ann Hall**
Contact Person's Address: **627 L Street, Rio Linda, CA 95673**
FCC Reg. No.: **0004513982**

Contract Number: **916-566-1725**
Fax: **916-991-7248**
E-Mail: ruth.hall@rlusd.org

Service Provider Name: **Network Management Corporation**
Spin #: **143004852**

Products/Services to be provided and the associated costs:
LAN Infrastructure Equipment, Services, and Installation.
(Details on attached page 2-6)

Contract Pricing for LAN Infrastructure for the following sites:

111441	Aero Haven Elementary
111436	Joyce Elementary
111442	Oakdale Elementary
111426	Sierra View Elementary
111525	Dry Creek Elementary
111427	Holmes Elementary
111439	Kohler Elementary
111438	Larchmont Elementary
111443	Madison Elementary
111429	Village Elementary
111922	Woodridge Elementary
	Central Site

Total annual pre-discount amount \$663,423.69



Re: LAN Infrastructure Contract Extension
To: Rio Linda Union School District
Date: January 3, 2005

Network Management Corporation is offering a one year extension to its contract to the Rio Linda Union School District for LAN Infrastructure equipment and installation. The existing contract allows up to 3 one year extensions. The contract in year one provided for purchase of 3Com Switch's, UPS and installation services for the following schools:

- Aero Haven Elementary
- Joyce Elementary
- Oakdale Elementary
- Sierra View Elementary
- Central Site

The extension includes first year sites and will be extended to include the following additional sites at the same contract rates:

- Holmes Elementary
- Kohler Elementary
- Larchmont Elementary
- Madison Elementary
- Village Elementary
- Woodridge Elementary

E-RATE ELIGIBLE SERVICES:

LAN Switches

UPS Systems

This contract is contingent upon funding from the Schools and Libraries Division (E-Rate) for fiscal year 2005-2006. The extension period shall be for one year; July 1, 2005 through June 30, 2006. Three additional extension periods are remaining in this contract. (Refer to original contract document).

Contract Amount for period July 1, 2005- June 30, 2006: \$ 663,423.69
(Project details attached).

Contract Acceptance

Rio Linda Union School District
627 L. Street, Rio Linda, CA
Rio Linda, CA


Signature

Ruth Ann Hall, Director of Purchasing
Printed Name, Title

Network Management Corporation
4616 Roseville Road, Ste 107
North Highlands, CA


Signature

James Rounsville, President

eRate Year 8 - LAN Upgrade Detail

LAN Upgrade Aero Haven Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$7,800.00	
UPS Installation & Configuration	\$1,750.00	
3Com Equipment / UPS	\$42,509.46	
	QTY	Description
	1	3Com 4060 Switch
	10	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	1	3Com 4400-48 Port Switch
	7	Fiber Patch Cables
	7	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$42,509.46
Labor:		\$9,550.00
Sales Tax:		\$3,294.48
Site Total:		\$55,353.94

LAN Upgrade Holmes Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$9,750.00	
UPS Installation & Configuration	\$2,250.00	
3Com Equipment / UPS	\$51,634.59	
	QTY	Description
	1	3Com 4060 Switch
	12	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	2	3Com 4400-48 Port Switch
	8	Fiber Patch Cables
	9	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$51,634.59
Labor:		\$12,000.00
Sales Tax:		\$4,001.68
Site Total:		\$67,636.27

LAN Upgrade Joyce Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$7,800.00	
UPS Installation & Configuration	\$1,750.00	
3Com Equipment / UPS	\$42,509.46	
	QTY	Description
	1	3Com 4060 Switch
	10	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	1	3Com 4400-48 Port Switch
	7	Fiber Patch Cables
	7	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$42,509.46
Labor:		\$9,550.00
Sales Tax:		\$3,294.48
Site Total:		\$55,353.94

LAN Upgrade Kohler Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$9,750.00	
UPS Installation & Configuration	\$2,250.00	
3Com Equipment / UPS	\$51,634.59	
	QTY	Description
	1	3Com 4060 Switch
	12	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	2	3Com 4400-48 Port Switch
	8	Fiber Patch Cables
	9	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$51,634.59
Labor:		\$12,000.00
Sales Tax:		\$4,001.68
Site Total:		\$67,636.27

LAN Upgrade Larchmont Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$9,750.00	
UPS Installation & Configuration	\$2,250.00	
3Com Equipment / UPS	\$51,634.59	
	QTY	Description
	1	3Com 4060 Switch
	12	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	2	3Com 4400-48 Port Switch
	8	Fiber Patch Cables
	9	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$51,634.59
Labor:		\$12,000.00
Sales Tax:		\$4,001.68
Site Total:		\$67,636.27

LAN Upgrade Madison Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$7,800.00	
UPS Installation & Configuration	\$1,750.00	
3Com Equipment / UPS	\$42,509.46	
	QTY	Description
	1	3Com 4060 Switch
	10	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	1	3Com 4400-48 Port Switch
	7	Fiber Patch Cables
	7	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$42,509.46
Labor:		\$9,550.00
Sales Tax:		\$3,294.48
Site Total:		\$55,353.94

LAN Upgrade Oakdale Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$7,800.00	
UPS Installation & Configuration	\$1,750.00	
3Com Equipment / UPS	\$42,509.46	
	QTY	Description
	1	3Com 4060 Switch
	10	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	1	3Com 4400-48 Port Switch
	7	Fiber Patch Cables
	7	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$42,509.46
Labor:		\$9,550.00
Sales Tax:		\$3,294.48
Site Total:		\$55,353.94

LAN Upgrade Sierraview Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$9,750.00	
UPS Installation & Configuration	\$2,250.00	
3Com Equipment / UPS	\$51,634.59	
	QTY	Description
	1	3Com 4060 Switch
	12	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	2	3Com 4400-48 Port Switch
	8	Fiber Patch Cables
	9	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$51,634.59
Labor:		\$12,000.00
Sales Tax:		\$4,001.68
Site Total:		\$67,636.27

LAN Upgrade Village Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$7,800.00	
UPS Installation & Configuration	\$1,750.00	
3Com Equipment / UPS	\$42,509.46	
	QTY	Description
	1	3Com 4060 Switch
	10	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	1	3Com 4400-48 Port Switch
	7	Fiber Patch Cables
	7	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$42,509.46
Labor:		\$9,550.00
Sales Tax:		\$3,294.48
Site Total:		\$55,353.94

LAN Upgrade Woodridge Elementary		
Description	Extended Price	
Switch Installation & Configuration	\$7,800.00	
UPS Installation & Configuration	\$1,750.00	
3Com Equipment / UPS	\$42,509.46	
	QTY	Description
	1	3Com 4060 Switch
	10	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	1	3Com 4400-48 Port Switch
	7	Fiber Patch Cables
	7	Tripplite Smart1500RM2 with SNMP Web Card
Equipment Sub-Total:		\$42,509.46
Labor:		\$9,550.00
Sales Tax:		\$3,294.48
Site Total:		\$55,353.94

LAN Upgrade Central Site		
Description	Extended Price	
Switch Installation & Configuration	\$4,550.00	
UPS / KVM Installation & Configuration	\$4,500.00	
3Com Equipment / UPS / KVM	\$47,986.05	
	QTY	Description
	1	3Com 4060 Switch
	3	3Com 4400-24 Port Power Switch w/Stacking Kit & Uplink
	3	3Com 4400-48 Port Switch
	7	Fiber Patch Cables
	1	SMART ONLINE 10KVA RACK/TWR UPS HDWIRE 208 IN 120/208V OUT 60HZ XL
	4	1500VA online 2U expandable rack / tower UPS
	2	IP KVM
Equipment Sub-Total:		\$47,986.05
Labor:		\$9,050.00
Sales Tax:		\$3,718.92
Site Total:		\$60,754.97

Project Total:	\$663,423.69
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October 2017, a copy of the foregoing Request for Review by Twin Rivers Unified School District of the Universal Service Administrator's Decisions on Appeal was served via first-class, postage-prepaid on:

Universal Service Administrative Co.
School and Libraries Division
700 12th Street, N.W., Suite 900
Washington, DC 20005

A handwritten signature in cursive script, appearing to read 'C. A. Schultz', written in dark ink.

Cathleen Schultz