

Pioneer Springs C1 AT&T - #113171

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In-Review

Outreach

Wave Ready

Committed

Appeal Information

[View Status \(+\)](#)**Funding Year** 2018**Submitting Organization** PIONEER SPRINGS COMMUNITY SCHOOL (BEN: 16075709)**Created By** Erik Giles**Created On** 7/3/2018 12:16 PM EDT

Main Contact

Name Erik Giles**Email** erikg@pioneersprings.org**Phone Number** 704-906-2128

Narrative

In funding year 2017 Pioneer Springs Community School signed a 12-month contract and e-rate rider with ATT (attachments 1 and 2) for a Switched Ethernet Circuit, which was funded through erate. For funding year 2018 the school wished to continue this service. During the process of filing the 471 for 2018, we were in contact with AT&T regarding extending the existing contract or going month-to-month (attachments 3 and 4), and were under the assumption we could move forward. Pioneer Springs submitted a 471 (181039097) for funding year 2018 to continue service with ATT under the existing contract. However, less than an hour after we certified the 471, we received an email from ATT (attachment 5) stating that we could not go month-to-month without incurring tariff rates (\$3680.00 per month!) many times what we were already paying, and instead offering us a new contract with a lower monthly fee than we were previously paying. We signed the new contract at the lower rate and filed an RAL correction to change the contract referenced in the 471. We received an FCDL (attachment 6) on June 26, 2018 stating that the RAL correction was not made due to the timing of the new contract. We are filing this appeal to clarify that we were in negotiation with AT&T about how best to continue our existing service previous to certifying our 471, and to request funding for the new contract with AT&T, as the funding that was committed was based on a contract that is no longer in force and falls far short of what is needed to pay for this WAN for the upcoming school year.

Appeal Details

Decision appealed by applicant Funding Commitment Decision Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

Revised Funding Commitment Decision Letter

Funding Year 2018

Contact Information:

Erik Giles
PIONEER SPRINGS COMMUNITY SCHOOL
9300 BOB BEATTY ROAD
CHARLOTTE, NC 28269
erikg@pioneersprings.org

BEN: 16075709**Post Commitment Wave:** 4

Totals

Original Commitment Amount	\$2,145.96
Revised Commitment Amount	\$2,145.96

What is in this letter?

Thank you for submitting your post-commitment request for **Funding Year 2018 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

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).



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- 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,



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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.



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Revised Funding Commitment Decision Overview

Funding Year 2018

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1899075832	Southwestern Bell Telephone Company	Appeals	\$2,145.96	Denied



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Post Commitment Request Number: 113171	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1899075832	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
FCC Form 471: 181039097			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	5		
Total Eligible Recurring Charges	\$5,364.90	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$5,364.90	
Discount Rate		40.00%	
Revised Committed Amount		\$2,145.96	

Dates	
Service Start Date	7/1/2018
Contract Expiration Date	11/30/2018
Contract Award Date	5/4/2017
Service Delivery Deadline	6/30/2019
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Southwestern Bell Telephone Company
SPIN (498ID)	143004662
Contract Number	ASEP49EFE
Account Number	
Establishing FCC Form 470	170062997

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

USAC denied your RAL request because you requested to change the contract associated with the FRN to a contract that was signed on April 27, 2018; which is after the Form 471 Certification Date of March 22, 2018. See 47 C.F.R. sec. 54.504(a). Except for services to be delivered under non-contracted tariff or month-to-month arrangements, FCC rules require that applicants submit a completed FCC Form 471 upon entering into a signed contract or other legally binding agreement for eligible services. The existence of a written offer from the service provider containing all the material terms and conditions and a written acceptance of that offer is considered evidence of the existence of a legally binding agreement. In addition, after a commitment of funding, an applicant's receipt of services consistent



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