

## Attachments

## Attachment List

1. DPS Form 470 for FRNs 1815318, 1873641, and 1890078, Number 254160000703111 (FY 2009)
2. DPS Form 470 for FRN 1814666, Number 730700000507205 (FY 2009)
3. DPS Form 470 for FRNs 1980165, 1980278, 1980409, 2001078, 2007737, 2020701, 2108581, and 2114832, Number 566990000775117 (FY 2010)
4. DPS Form 470 for FRN 2274256, Number 715350000884545 (FY 2012)
5. DPS Form 470 for FRNs 2243757, 2286959, and 2287124, Number 892360000943612 (FY 2012)
6. DPS Form 470 for FRN 2655195, Number 858420001197801 (FY 2014)
7. Information on FRNs 1815318 (FY 2009), 1873641 (FY 2009), 1890078 (FY 2009), 2114832 (FY 2011), 2243757 (FY 2012), 2286959 (FY 2012), and 2287124 (FY 2012)
  - A. USAC Commitment Adjustment Letter for FRN 1815318 (June 06, 2018); DPS Letter of Appeal for FRN 1815318 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 1815318 (August 29, 2018)
  - B. USAC Commitment Adjustment Letter for FRN 1873641 (June 06, 2018); DPS Letter of Appeal for FRN 1873641 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 1873641 (August 29, 2018)
  - C. USAC Commitment Adjustment Letter for FRN 1890078 (June 06, 2018); DPS Letter of Appeal for FRN 1890078 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 1890078 (August 29, 2018)
  - D. USAC Commitment Adjustment Letter for FRN 2114832 (June 06, 2018); DPS Letter of Appeal for FRN 2114832 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2114832 (August 29, 2018)
  - E. USAC Commitment Adjustment Letter for FRN 2243757 (June 06, 2018); DPS Letter of Appeal for FRN 2243757 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2243757 (August 29, 2018)
  - F. USAC Commitment Adjustment Letter for FRN 2286959 (June 06, 2018); DPS Letter of Appeal for FRN 2286959 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2286959 (August 29, 2018)
  - G. USAC Commitment Adjustment Letter for FRN 2287124 (June 06, 2018); DPS Letter of Appeal for FRN 2287124 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2287124 (August 29, 2018)

8. Information on FRNs 1980165 (FY 2010), 1980278 (FY 2010), 1980409 (FY 2010), 2007737 (FY 2010), and 2020701 (FY 2010)
  - A. USAC Commitment Adjustment Letter for FRN 1980165 (June 06, 2018); DPS Letter of Appeal for FRN 1980165 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 1980165 (August 29, 2018)
  - B. USAC Commitment Adjustment Letter for FRN 1980278 (June 06, 2018); DPS Letter of Appeal for FRN 1980278 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 1980278 (August 29, 2018)
  - C. USAC Commitment Adjustment Letter for FRN 1980409 (June 06, 2018); DPS Letter of Appeal for FRN 1980409 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 1980409 (August 29, 2018)
  - D. USAC Commitment Adjustment Letter for FRN 2007737 (June 06, 2018); DPS Letter of Appeal for FRN 2007737 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2007737 (August 29, 2018)
  - E. USAC Commitment Adjustment Letter for FRN 2020701 (June 06, 2018); DPS Letter of Appeal for FRN 2020701 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2020701 (August 29, 2018)
9. Information for FRNs 2001078 (FY 2010), 2108581 (FY 2011), and 2274256 (FY 2012)
  - A. USAC Commitment Adjustment Letter for FRN 2001078 (June 06, 2018); DPS Letter of Appeal for FRN 2001078 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2001078 (August 29, 2018)
  - B. USAC Commitment Adjustment Letter for FRN 2108581 (June 06, 2018); DPS Letter of Appeal for FRN 2108581 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2108581 (August 29, 2018)
  - C. USAC Commitment Adjustment Letter for FRN 2274256 (June 06, 2018); DPS Letter of Appeal for FRN 2274256 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 2274256 (August 29, 2018)
10. Information for FRN 2655195 (FY 2014).
  - A. USAC Funding Commitment Decision Letter for FRN 2655195 (May 29, 2018) (This document has been requested from USAC); DPS Letter of Appeal for FRN 2655195 (August 06, 2018); USAC Administrator's Decision on Appeal for FRN 2655195 (August 29, 2018)
  - B. Comcast Quote to Denver Public Schools for 2014-5015 Fiscal Year Monthly I-Net Invoicing (March 24, 2014)

- C. Denver Public School FY 2015 BD 1627 Comcast Extension through June 30, 2016 (January 16, 2015)
- D. Comcast and Denver Public Schools I-Net Maintenance and Colocation Agreement (August 12, 2015)

11. Information for FRN 1814666 (FY 2009).

- A. USAC Commitment Adjustment Letter for FRN 1814666 (June 08, 2018); DPS Letter of Appeal for FRN 1814666 (August 06, 2018); USAC Administrator's Decisions on Appeal for FRN 1814666 (August 29, 2018)
- B. USAC Funding Commitment Decision Letter (July 27, 2005)

12. Denver Public Schools Response Letter to Walsh (February 03, 2017)



## Attachment 1

FCC Form

Approval by OMB  
3060-0806**470**

## Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications**Form 470 Application Number: **254160000703111**Applicant's Form Identifier: **470-Yr12-09/10**Application Status: **CERTIFIED**Posting Date: **12/19/2008**Allowable Contract Date: **01/16/2009**Certification Received Date: **12/20/2008****1. Name of Applicant:****DENVER SCHOOL DISTRICT 1****2. Funding Year:****07/01/2009 - 06/30/2010****3. Your Entity Number****142154****4a. Applicant's Street Address, P.O.Box, or Route Number****900 GRANT STREET**

City

**DENVER**

State

**CO**

Zip Code

**80203 - 2907****b. Telephone number**

ext.

**(720) 423- 3200****c. Fax number****(720) 423- 3444****5. Type Of Applicant**

Individual School (individual public or non-public school)



School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools)



Library (including library system, library outlet/branch or library consortium as defined under LSTA)

<input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
<b>6a. Contact Person's Name:</b> Bud Bullard		
<i>First, if the Contact Person's Street Address is the same as in <b>Item 4</b> above, check this box. If not, please complete the entries for the Street Address below.</i>		
<b>6b. Street Address, P.O.Box, or Route Number</b> <b>780 Grant St</b>		
<b>City</b> <b>Denver</b>	<b>State</b> <b>CO</b>	<b>Zip Code</b> <b>80203 - 2907</b>
<i>Check the box next to your preferred mode of contact and provide your contact information. One box <b>MUST</b> be checked and an entry provided.</i>		
<input type="radio"/> <b>6c. Telephone Number</b> (720) 423- 3222		
<input type="radio"/> <b>6d. Fax Number</b> (720) 423- 3444		
<input type="radio"/> <b>6e. E-mail Address</b> bud_bullard@dpsk12.org		

## Block 2: Summary Description of Needs or Services Requested

<b>7 This Form 470 describes (check all that apply):</b>
<b>a.</b> <input checked="" type="checkbox"/> Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.
<b>b.</b> <input checked="" type="checkbox"/> Services for which a new written contract is sought for the funding year in Item 2. Check if you are <input checked="" type="checkbox"/> a multi-year contract <input checked="" type="checkbox"/> a contract featuring voluntary seeking and/or extensions
<b>c.</b> <input type="checkbox"/> A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.
<b>NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.</b>

**What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.**

**8** ☒ **Telecommunications Services**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check*

**YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.**

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☒ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO**, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<b>c</b> <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
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Service or Function:	Quantity and/or Capacity:
Digital Transmission Services	139 Sites
Paging	1025 Employees
Telephone Service	139 Sites
Telephone Service Components	139 Sites
Other Eligible Telecommunications Services	139 Sites

**9** ☒ **Internet Access**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.**

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at [www.dpsk12.org](http://www.dpsk12.org) or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☒ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO**, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Attach additional lines if needed.

<b>c</b> <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
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Service or Function:	Quantity and/or Capacity:
E-mail Service	139 Centralized Support

<b>Internet Access</b>	<b>139 Centralized Support</b>
<b>Web Hosting</b>	<b>139 Centralized Support</b>
<b>Distance Learning and Video Conferencing</b>	<b>139 Centralized Support</b>
<b>Other Eligible Internet Access Services</b>	<b>139 Centralized Support</b>

**10 ☐ Internal Connections Other than Basic Maintenance**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at **www.dpsk12.org** or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☐ NO, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Attach additional lines if needed.**

c <input type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
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<b>Service or Function:</b>	<b>Quantity and/or Capacity:</b>
<b>Cabling / Connectors</b>	<b>139 Sites</b>
<b>Circuit Cards/Components</b>	<b>139 Sites</b>
<b>Data Distribution</b>	<b>139 Sites</b>
<b>Data Protection</b>	<b>139 Sites</b>
<b>Interfaces, Gateways Antennas</b>	<b>139 Sites</b>
<b>Servers</b>	<b>139 Sites</b>
<b>Software</b>	<b>139 Sites</b>
<b>Storage Devices</b>	<b>139 Sites</b>
<b>Telephone Components</b>	<b>139 Sites</b>
<b>Video Components</b>	<b>139 Sites</b>
<b>Other Eligible Internal Connections</b>	<b>139 Sites</b>

**11 ☐ Basic Maintenance of Internal Connections**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

<b>b</b> <input type="radio"/> <b>NO</b> , I have not released and do not intend to release an RFP for these services.		
<b>Whether you check YES or NO</b> , you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples of eligible Basic Maintenance services. Attach additional lines if needed.		
<b>c</b> <input type="radio"/> <b>Check this box if you prefer discounts on your bill.</b>	<input type="radio"/> <b>Check this box if you prefer reimbursement after paying your bill in full.</b>	<input type="radio"/> <b>Check this box if you do not have a preference.</b>
<b>Service or Function:</b> <b>Maintenance and Technical Support of Internal Connections</b>		<b>Quantity and/or Capacity:</b> <b>139 Sites</b>
<b>12</b> (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.		
<b>Name:</b> <b>Michael Saxton</b>		<b>Title:</b> <b>Project Manager</b>
<b>Telephone number</b> <b>(720) 423 - 3671</b>		
<b>Fax number</b> <b>(720) 423 - 3971</b>		
<b>E-mail Address</b> <b>michael_saxton@dpsk12.org</b>		
<b>13a.</b> <input checked="" type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number. <b>A Colorado constitutional amendment prohibits public schools and libraries from entering into multiply-year financial obligations, such as multi-year contracts, without pre-allocation of the funds unless the local voters have previously approved such an obligation. [Colo. Const. Article X, Section 20(4)(b)]. However, funding agreements including multi-year contracts that are subject to annual appropriations by a governing board, such as a school board, generally are allowed and are not subject to this constitutional provision since the governing board decides each year to make a particular expenditure.</b>		
<input type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.		
<b>13b.</b> If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.		

<b>Block 3: Technology Assessment</b>
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<p><b>14. <input type="checkbox"/> Basic telephone service only:</b> If your application is for basic telephone service and voice mail only, check this box and skip to Item <b>16</b>. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).</p> <p><b>15.</b> Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item <b>14</b> that your application is ONLY for basic telephone service, you must check one or both boxes in <b>15a</b> through <b>15e</b>. You may provide details for purchases being sought.</p>
<p><b>a.</b> Desktop communications software: Software required <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p><b>b.</b> Electrical systems: <input type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.</p>
<p><b>c.</b> Computers: a sufficient quantity of computers <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p><b>d.</b> Computer hardware maintenance: adequate arrangements <input type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.</p>
<p><b>e.</b> Staff development: <input type="checkbox"/> all staff have had an appropriate level of training /additional training has already been scheduled; and/or <input type="checkbox"/> training is being sought.</p>
<p><b>f.</b> Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.</p>

#### Block 4: Recipients of Service

##### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item **17** the entity/entities that will pay the bills for these services.

- a. ☐ Individual school or single-site library.**
- b. ☐ Statewide application for (enter 2-letter state code) representing (check all that apply):**
- ☐ All public schools/districts in the state:
  - ☐ All non-public schools in the state:

☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

c. ☒ **School district, library system, or consortium application to serve multiple eligible entities:**

<b>Number of eligible entities</b>	<b>139</b>
<i>For these eligible sites, please provide the following</i>	
<b>Area Codes (list each unique area code)</b>	<b>Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces</b>
<b>303</b>	244
<b>303</b>	247
<b>303</b>	257
<b>303</b>	260
<b>303</b>	270
<b>303</b>	281
<b>303</b>	292
<b>303</b>	295
<b>303</b>	296
<b>303</b>	297
<b>303</b>	307
<b>303</b>	316
<b>303</b>	321
<b>303</b>	322



303	329
303	333
303	337
303	340
303	352
303	355
303	371
303	373
303	375
303	377
303	388
303	393
303	394
303	399
303	405
303	433
303	446
303	447
303	455
303	458
303	477
303	534

303	571
303	573
303	575
303	576
303	605
303	623
303	629
303	691
303	692
303	703
303	722
303	727
303	744
303	751
303	753
303	756
303	759
303	770
303	777
303	778
303	794
303	795

303	825
303	830
303	831
303	832
303	837
303	860
303	861
303	892
303	893
303	934
303	935
303	936
303	969
303	985
303	989
303	
720	423
720	424

**17. Billed Entities**

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity

142154 DENVER SCHOOL DISTRICT

1

**18. Ineligible Participating Entities**

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix

**Block 5: Certification****19. ☒ I certify that the applicant includes:(Check one or both.)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or**
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).**

**20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):**

- a. ☐ individual technology plans for using the services requested in the application; and/or**
- b. ☒ higher-level technology plans for using the services requested in the application; or**
- c. ☐ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only**

**21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.**

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): **12/19/2008**

29. Printed name of authorized person: **ED FREEMAN**

30. Title or position of authorized person: **CIO/CTO**

31a. Address of authorized person: **780 Grant St**  
City: **Denver** State: **CO** Zip: **80203-2907**

31b. Telephone number of authorized person: **(720) 423 - 3703**

31c. Fax number of authorized person: **(720) 4233444**

**31d.** E-mail address number of authorized person: **EDFREEMAN@DPSK12.ORG**

**31e.** Name of authorized person's employer: **DENVER PUBLIC SCHOOLS**

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the Client Service Bureau at 1-888-203-8100.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

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Please submit this form to:

**SLD-Form 470**

**P.O. Box 7026**

**Lawrence, Kansas 66044-7026**

**1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms**

**ATTN: SLD Form 470**

**3833 Greenway Drive**  
**Lawrence, Kansas 66046**  
**1-888-203-8100**

FCC Form 470  
October 2004

New Search

Return To Search Results

## Attachment 2



**470**

## Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications**

<b>Form 470 Application Number:</b> 730700000507205		
<b>Applicant's Form Identifier:</b> Yr8/05-06		
<b>Application Status:</b> CERTIFIED		
<b>Posting Date:</b> 12/17/2004		
<b>Allowable Contract Date:</b> 01/14/2005		
<b>Certification Received Date:</b> 12/20/2004		
<b>1. Name of Applicant:</b> DENVER SCHOOL DISTRICT 1		
<b>2. Funding Year:</b> 07/01/2005 - 06/30/2006		<b>3. Your Entity Number</b> 142154
<b>4a. Applicant's Street Address, P.O.Box, or Route Number</b> 900 GRANT STREET		
<b>City</b> DENVER	<b>State</b> CO	<b>Zip Code</b> 80203 - 2907
<b>b. Telephone number</b> ext. (720) 423- 3200		<b>c. Fax number</b> (720) 423- 3444
<b>5. Type Of Applicant</b>		
Individual School (individual public or non-public school) School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) Library (including library system, library outlet/branch or library consortium as defined under LSTA) Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
<b>6a. Contact Person's Name:</b> Bud Bullard		
<i>First, if the Contact Person's Street Address is the same as in <b>Item 4</b> above, check this box. If not, please complete the entries for the Street Address below.</i>		
<b>6b. Street Address, P.O.Box, or Route Number</b> 780 Grant St		
<b>City</b> Denver	<b>State</b> CO	<b>Zip Code</b> 80203 - 2907
<i>Check the box next to your preferred mode of contact and provide your contact information. One box <b>MUST</b> be checked and an entry provided.</i>		
<b>6c. Telephone Number</b> (720) 423- 3222		
<b>6d. Fax Number</b> (720) 423- 3444		
<b>6e. E-mail Address</b> bud_bullard@dpsk12.org		

**Block 2: Summary Description of Needs or Services Requested****7 This Form 470 describes (check all that apply):**

**a.** Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.

**b.** Services for which a new written contract is sought for the funding year in Item 2.  
 Check if you are seeking a multi-year contract and/or a contract featuring voluntary extensions

**c.** A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

**NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.**

**What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.**

**8 Telecommunications Services**

*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at [www.dpsk12.org](http://www.dpsk12.org) or via (check one):  
 the Contact Person in Item 6 or the contact listed in Item 12.

**b** NO, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.**

<b>c</b> Check this box if you prefer discounts on your bill.	Check this box if you prefer reimbursement after paying your bill in full.	Check this box if you do not have a preference.
---	--	---

**9 Internet Access**

*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  
 the Contact Person in Item 6 or the contact listed in Item 12.

**b** NO, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Attach additional lines if needed.**

<b>c</b> Check this box if you prefer discounts on your bill.	Check this box if you prefer reimbursement after paying your bill in full.	Check this box if you do not have a preference.
---	--	---

<b>Service or Function:</b>	<b>Quantity and/or Capacity:</b>
<b>Basic Unbundled Assess</b>	<b>152 Sites Centralized Support</b>
<b>Bundled Access</b>	<b>152 Sites Centralized Support</b>
<b>Domain Name Registration</b>	<b>152 Sites Centralized Support</b>
<b>E-mail Account Fees</b>	<b>152 Sites Centralized Support</b>
<b>E-mail Services</b>	<b>152 Sites Centralized Support</b>

**10 Internal Connections Other than Basic Maintenance**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at [www.dpsk12.org](http://www.dpsk12.org) or via (check one):  
the Contact Person in Item 6 or the contact listed in Item 12.

**b** NO, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Attach additional lines if needed.**

<b>c</b> Check this box if you prefer discounts on your bill.	Check this box if you prefer reimbursement after paying your bill in full.	Check this box if you do not have a preference.
---	--	---

**11 Basic Maintenance of Internal Connections**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  
the Contact Person in Item 6 or the contact listed in Item 12.

**b** NO, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Basic Maintenance services. Attach additional lines if needed.**

<b>c</b> Check this box if you prefer discounts on your bill.	Check this box if you prefer reimbursement after paying your bill in full.	Check this box if you do not have a preference.
---	--	---

**12 (Optional)** Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone number  
() - \_\_\_\_\_

Fax number  
() - \_\_\_\_\_

E-mail Address  
\_\_\_\_\_

**13a.** Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number. **A Colorado constitutional amendment prohibits public schools and libraries from entering into multiply-year financial obligations, such as multi-year contracts, without pre-allocation of the funds unless the local voters have previously approved such an obligation. [Colo. Const. Article x, Section 20(4)(b)]. However, funding agreements, including multi-year contracts, that are subject to annual appropriations by a governing board, such as a school board, generally are allowed and are not subject to this constitutional provision since the governing board decides each year to make a particular expenditure.**

Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

**13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here. Denver Public Schools plans to enter into or has contracts in place for Internet, Centrex, T-1, PRI DID and Analog services. At the point these contracts expire DPS will seek new contracts for services.**

### Block 3: Technology Assessment

**14. Basic telephone service only:** If your application is for basic telephone service and voice mail only, check this box and skip to Item **16**. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).

**15.** Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item **14** that your application is ONLY for basic telephone service, you must check one or both boxes in **15a** through **15e**. You may provide details for purchases being sought.

**a.** Desktop communications software: Software required      has been purchased; and/or      is being sought.

**b.** Electrical systems:      adequate electrical capacity is in place or has already been arranged; and/or      upgrading for additional electrical capacity is being sought.

**c.** Computers: a sufficient quantity of computers      has been purchased; and/or      is being sought.

**d.** Computer hardware maintenance: adequate arrangements      have been made; and/or      are being sought.

**e.** Staff development:      all staff have had an appropriate level of training /additional training has already been scheduled; and/or      training is being sought.

**f.** Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.

### Block 4: Recipients of Service

#### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item **17** the entity/entities that will pay the bills for these services.

**a. Individual school or single-site library.**

**b. Statewide application for (enter 2-letter state code) representing (check all that apply):**

All public schools/districts in the state:

All non-public schools in the state:

All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. **If checked, complete Item 18.**

- c. School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible entities	152
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
303	296
303	297
303	307
303	320
303	321
303	322
303	329
303	333
303	338
303	340
303	355
303	371
303	373
303	375
303	388
303	391
303	394
303	398
303	399
303	433
303	447
303	455

303	458
303	477
303	534
303	571
303	573
303	575
303	576
303	620
303	623
303	629
303	703
303	715
303	722
303	727
303	744
303	751
303	753
303	755
303	756
303	758
303	759
303	763
303	770
303	777
303	778
303	782
303	795
303	813
303	825

303	830
303	831
303	832
303	837
303	839
303	860
303	861
303	863
303	892
303	893
303	894
303	922
303	934
303	935
303	936
303	964
303	969
303	975
303	985
303	988
303	989
303	
720	424
720	855
720	859
720	904
720	941

**17. Billed Entities**

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied

for the funding requests associated with this Form 470.

Entity Number	Entity
142154	DENVER SCHOOL DISTRICT 1

#### 18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix

### Block 5: Certification

#### 19. I certify that the applicant includes:(Check one or both.)

- a. schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).

#### 20. I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. individual technology plans for using the services requested in the application; and/or
- b. higher-level technology plans for using the services requested in the application; or
- c. no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

21. I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

22. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.



**24.** I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

**25.** I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

**26.** I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

**27.** Signature of authorized person:

**28.** Date (mm/dd/yyyy): **12/20/2004**

**29.** Printed name of authorized person: **DR. JEROME WARTGOW**

**30.** Title or position of authorized person: **SUPERINTENDENT**

**31a.** Address of authorized person: **780 Grant St**  
City: **Denver** State: **CO** Zip: **80203-2907**

**31b.** Telephone number of authorized person: **(720) 423 - 3301**

**31c.** Fax number of authorized person: **(720) 4233444**

**31d.** E-mail address number of authorized person: **JERRYWARTGOW@DPSK12.ORG**

**31e.** Name of authorized person's employer:

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the Client Service Bureau at 1-888-203-8100.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470**

**P.O. Box 7026**

**Lawrence, Kansas 66044-7026**

**1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms**

**ATTN: SLD Form 470**

**3833 Greenway Drive**

**Lawrence, Kansas 66046**

**1-888-203-8100**

FCC Form 470  
October 2004

[New Search](#)

[Return To Search Results](#)

## Attachment 3

FCC Form

Approval by OMB  
3060-0806**470**

## Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications****Form 470 Application Number:** 566990000775117**Applicant's Form Identifier:** 470-Yr13-10/11**Application Status:** CERTIFIED**Posting Date:** 10/28/2009**Allowable Contract Date:** 11/25/2009**Certification Received Date:** 10/30/2009**1. Name of Applicant:**

DENVER SCHOOL DISTRICT 1

**2. Funding Year:**

07/01/2010 - 06/30/2011

**3. Your Entity Number**

142154

**4a. Applicant's Street Address, P.O.Box, or Route Number**

900 GRANT STREET

City

DENVER

State

CO

Zip Code

80203 - 2907

**b. Telephone number**

ext.

(720) 423- 3200

**c. Fax number**

(720) 423- 3444

**5. Type Of Applicant**

Individual School (individual public or non-public school)



School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools)



Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)

**6a. Contact Person's Name:** Bud Bullard

*First, if the Contact Person's Street Address is the same as in **Item 4** above, check this box. If not, please complete the entries for the Street Address below.*

**6b. Street Address, P.O.Box, or Route Number**  
**780 Grant St.**

City <b>Denver</b>	State <b>CO</b>	Zip Code <b>80203 - 2907</b>
-----------------------	--------------------	---------------------------------

*Check the box next to your preferred mode of contact and provide your contact information. One box **MUST** be checked and an entry provided.*

☐ **6c. Telephone Number** (720) 423- 3222

☐ **6d. Fax Number** (720) 423- 3444

☐ **6e. E-mail Address** bud\_bullard@dpsk12.org

## Block 2: Summary Description of Needs or Services Requested

### 7 This Form 470 describes (check all that apply):

- a.** ☒ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.
- b.** ☒ Services for which a new written contract is sought for the funding year in Item 2.  
 Check if you are ☒ a multi-year contract ☒ a contract featuring voluntary seeking and/or extensions
- c.** ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

**NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.**

**What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.**

### 8 ☒ Telecommunications Services

*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check*

**YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.**

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at <http://purchasing.dpsk12.org/> or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☐ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO**, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<b>c</b> <input type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
---	--	---

Service or Function:	Quantity and/or Capacity:
Digital Transmission Services	149 Sites
Paging	1025 Employees
Telephone Service	149 Sites
Telephone Service Components	149 Sites
Other Eligible Telecommunications Services	149 Sites

**9** ☒ **Internet Access**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.**

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at <http://purchasing.dpsk12.org/> or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☐ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO**, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Attach additional lines if needed.

<b>c</b> <input type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
---	--	---

Service or Function:	Quantity and/or Capacity:
E-mail Service	149 Centralized Support

<b>Internet Access</b>	<b>149 Centralized Support</b>
<b>Web Hosting</b>	<b>149 Centralized Support</b>
<b>Distance Learning and Video Conferencing</b>	<b>149 Centralized Support</b>
<b>Other Eligible Internet Access Services</b>	<b>149 Centralized Support</b>

**10 ☒ Internal Connections Other than Basic Maintenance**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a ☒ YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at **<http://purchasing.dpsk12.org/>** or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b ☐ NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO**, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Attach additional lines if needed.

<b>c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.</b>	<b><input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.</b>	<b><input type="radio"/> Check this box if you do not have a preference.</b>
--	---	--

<b>Service or Function:</b>	<b>Quantity and/or Capacity:</b>
<b>Cabling Connections</b>	<b>149 Sites</b>
<b>Circuit Cards/Components</b>	<b>149 Sites</b>
<b>Data Distribution</b>	<b>149 Sites</b>
<b>Data Protection</b>	<b>149 Sites</b>
<b>Interfaces, Gateways Antennas</b>	<b>149 Sites</b>
<b>Servers</b>	<b>149 Sites</b>
<b>Software</b>	<b>149 Sites</b>
<b>Storage Devices</b>	<b>149 Sites</b>
<b>Telephone Components</b>	<b>149 Sites</b>
<b>Video Components</b>	<b>149 Sites</b>

**11 ☒ Basic Maintenance of Internal Connections**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a ☒ YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at **<http://purchasing.dpsk12.org/>** or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b <input type="radio"/> NO, I have not released and do not intend to release an RFP for these services.		
Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples of eligible Basic Maintenance services. Attach additional lines if needed.		
c <input type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
Service or Function:		Quantity and/or Capacity:
Maintenance and Technical Support of Internal Connections		149 Sites
12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.		
Name: Bud Bullard		Title: Director of IT
Telephone number (720) 423 - 3222		
Fax number (720) 423 - 3444		
E-mail Address bud_bullard@dpsk12.org		
13a. <input checked="" type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number. <b>A Colorado constitutional amendment prohibits public schools and libraries from entering into multiply-year financial obligations, such as multi-year contracts, without pre-allocation of the funds unless the local voters have previously approved such an obligation. [Colo.Const. Article X, Section 20(4)(b)]. However, funding agreements including multi-year contracts that are subject to annual appropriations by a governing board, such as a school board, generally are subject to annual appropriations by a governing board, such as a school board, generally are allowed and are not subject to this constitutional provision since the governing board decides each year to make a particular expenditure.</b>		
<input type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.		
13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.		

<b>Block 3: Technology Assessment</b>
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<p><b>14. <input type="checkbox"/> Basic telephone service only:</b> If your application is for basic telephone service and voice mail only, check this box and skip to Item <b>16</b>. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).</p>
<p><b>15.</b> Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item <b>14</b> that your application is ONLY for basic telephone service, you must check one or both boxes in <b>15a</b> through <b>15e</b>. You may provide details for purchases being sought.</p>
<p><b>a.</b> Desktop communications software: Software required <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p><b>b.</b> Electrical systems: <input type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.</p>
<p><b>c.</b> Computers: a sufficient quantity of computers <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p><b>d.</b> Computer hardware maintenance: adequate arrangements <input type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.</p>
<p><b>e.</b> Staff development: <input type="checkbox"/> all staff have had an appropriate level of training /additional training has already been scheduled; and/or <input type="checkbox"/> training is being sought.</p>
<p><b>f.</b> Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.</p>

#### Block 4: Recipients of Service

##### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item **17** the entity/entities that will pay the bills for these services.

- a. ☐ Individual school or single-site library.**
- b. ☐ Statewide application for (enter 2-letter state code) **CO** representing (check all that apply):**
- ☐ All public schools/districts in the state:
  - ☐ All non-public schools in the state:

☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

c. ☒ **School district, library system, or consortium application to serve multiple eligible entities:**

<b>Number of eligible entities</b>	<b>149</b>
<i>For these eligible sites, please provide the following</i>	
<b>Area Codes (list each unique area code)</b>	<b>Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces</b>
<b>303</b>	244
<b>303</b>	247
<b>303</b>	257
<b>303</b>	260
<b>303</b>	281
<b>303</b>	292
<b>303</b>	295
<b>303</b>	296
<b>303</b>	297
<b>303</b>	307
<b>303</b>	316
<b>303</b>	321
<b>303</b>	322
<b>303</b>	329

303	333
303	337
303	340
303	352
303	355
303	371
303	373
303	374
303	375
303	377
303	388
303	393
303	394
303	399
303	405
303	433
303	446
303	447
303	455
303	458
303	477
303	534

303	571
303	573
303	575
303	576
303	605
303	623
303	629
303	691
303	692
303	703
303	722
303	727
303	744
303	751
303	753
303	756
303	759
303	770
303	777
303	778
303	794
303	795

303	825
303	830
303	831
303	832
303	837
303	860
303	861
303	892
303	893
303	934
303	935
303	936
303	969
303	985
303	989
303	
720	423
720	424

**17. Billed Entities**

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity

142154 DENVER SCHOOL DISTRICT

1

**18. Ineligible Participating Entities**

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix

**Block 5: Certification****19. ☒ I certify that the applicant includes:(Check one or both.)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or**
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).**

**20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):**

- a. ☐ individual technology plans for using the services requested in the application; and/or**
- b. ☒ higher-level technology plans for using the services requested in the application; or**
- c. ☐ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only**

**21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.**

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): **10/28/2009**

29. Printed name of authorized person: **ED FREEMAN**

30. Title or position of authorized person: **CIO/CTO**

31a. Address of authorized person: **780 GRANT ST**  
City: **DENVER** State: **CO** Zip: **80203-2907**

31b. Telephone number of authorized person: **(720) 423 - 3703**

31c. Fax number of authorized person: **(720) 4233444**

**31d.** E-mail address number of authorized person: **EDFREEMAN@DPSK12.ORG**

**31e.** Name of authorized person's employer: **DENVER PUBLIC SCHOOLS**

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the Client Service Bureau at 1-888-203-8100.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470**  
**P.O. Box 7026**  
**Lawrence, Kansas 66044-7026**  
**1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms**  
**ATTN: SLD Form 470**



**3833 Greenway Drive**  
**Lawrence, Kansas 66046**  
**1-888-203-8100**

FCC Form 470  
October 2004

New Search

Return To Search Results

## Attachment 4

**470**

## Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications**

<b>Form 470 Application Number:</b> 715350000884545		
<b>Applicant's Form Identifier:</b> 470-Yr14-11/12		
<b>Application Status:</b> CERTIFIED		
<b>Posting Date:</b> 01/10/2011		
<b>Allowable Contract Date:</b> 02/07/2011		
<b>Certification Received Date:</b> 01/10/2011		
<b>1. Name of Applicant:</b> DENVER SCHOOL DISTRICT 1		
<b>2. Funding Year:</b> 07/01/2011 - 06/30/2012		<b>3. Your Entity Number</b> 142154
<b>4a. Applicant's Street Address, P.O.Box, or Route Number</b> 900 GRANT STREET		
<b>City</b> DENVER	<b>State</b> CO	<b>Zip Code</b> 80203 - 2907
<b>b. Telephone number</b> (720) 423- 3200		<b>c. Fax number</b> (720) 423- 3444
<b>5. Type Of Applicant</b>		
<input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
<b>6a. Contact Person's Name:</b> Bud Bullard		
<i>First, if the Contact Person's Street Address is the same as in <b>Item 4</b> above, check this box. If not, please complete the entries for the Street Address below.</i>		
<b>6b. Street Address, P.O.Box, or Route Number</b> 780 Grant St.		
<b>City</b> Denver	<b>State</b> CO	<b>Zip Code</b> 80203
<i>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</i>		

<input type="radio"/>	<b>6c. Telephone Number</b>	<b>(720) 423- 3222</b>
<input type="radio"/>	<b>6d. Fax Number</b>	<b>(720) 423- 3444</b>
<input type="radio"/>	<b>6e. E-mail Address</b>	<b>bud_bullard@dpsk12.org</b>

<b>Block 2: Summary Description of Needs or Services Requested</b>
--

<p><b>7 This Form 470 describes (check all that apply):</b></p> <p>a. <input type="checkbox"/> Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.</p> <p>b. <input type="checkbox"/> Services for which a new written contract is sought for the funding year in Item 2.  Check if you are <input type="checkbox"/> a multi-year contract <input type="checkbox"/> a contract featuring voluntary extensions seeking and/or extensions</p> <p>c. <input type="checkbox"/> A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.</p> <p><b>NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.</b></p>
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**What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.**

**8 ☒ Telecommunications Services**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.**

c <input type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
--	--	---

<b>Service or Function:</b>	<b>Quantity and/or Capacity:</b>
Digital Transmission Services	151 Sites
Fiber or Dark Fiber	151 Sites
Paging Service	680 Employees
Telephone Service	151 Sites

**9 ☒ Internet Access**  
*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have*

*an RFP, you risk denial of your funding requests.*

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☒ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO**, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Attach additional lines if needed.

<b>c</b> <input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input checked="" type="checkbox"/> Check this box if you do not have a preference.
---	--	---

Service or Function:	Quantity and/or Capacity:
E-Mail Service	151 Centralized Support
Internet Access	151 Centralized Support
Web Hosting	151 Centralized Support
Distance Learning and Video Conference	151 Centralized Support
Other Eligible Internet Access Services	151 Centralized Support

**10** ☒ **Internal Connections Other than Basic Maintenance**

*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☒ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO**, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Attach additional lines if needed.

<b>c</b> <input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input checked="" type="checkbox"/> Check this box if you do not have a preference.
---	--	---

Service or Function:	Quantity and/or Capacity:
Cabling Connections	151 Sites
Circuit Cards/Components	151 Sites
Data Distribution	151 Sites
Interfaces, Gateways Antennas	151 Sites
Servers	151 Sites
Software	151 Sites
Storage Devices	151 Sites
Telephone Components	151 Sites
Video Components	151 Sites

**11** ☒ **Basic Maintenance of Internal Connections**

*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☒ **NO**, I have not released and do not intend to release an RFP for these services.

<p><b>Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> for examples of eligible Basic Maintenance services. Attach additional lines if needed.</b></p>		
<input checked="" type="checkbox"/> <b>Check this box if you prefer discounts on your bill.</b>	<input type="checkbox"/> <b>Check this box if you prefer reimbursement after paying your bill in full.</b>	<input type="checkbox"/> <b>Check this box if you do not have a preference.</b>
<b>Service or Function:</b>		<b>Quantity and/or Capacity:</b>
Maintenance and Technical Support of Internal Connections		151 Sites
<p><b>12 (Optional)</b> Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.</p>		
Name: <b>Bud Bullard</b>		Title: <b>Director of IT</b>
Telephone number <b>(720) 423 - 3222</b>		
Fax number <b>(720) 423 - 3444</b>		
E-mail Address <b>bud_bullard@dpsk12.org</b>		
<p><b>13a.</b> <input checked="" type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number. <b>A Colorado constitutional amendment prohibits public schools and libraries from entering into multiple-year financial obligations, such as multi-year contract, without pre-allocation of the funds unless the local voters have previously approved such an obligation [Colo. Const. Article X, Section 20(4)(b)]. However, funding agreements, including multi-year contracts, that are subject to annual appropriations by a governing board, such as a school board, generally are allowed and are not subject to this constitutional provision since the governing board decides each year to make a particular expenditure.</b></p>		
<p><input type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.</p>		
<p><b>13b.</b> If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.</p>		

### Block 3: Technology Assessment

<p><b>14.</b> <input type="checkbox"/> <b>Basic telephone service only:</b> If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).</p>
<p><b>15.</b> Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check one or both boxes in 15a through 15e. You may provide details for purchases being sought.</p>
<p><b>a.</b> Desktop communications software: Software required <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>

<b>b. Electrical systems:</b> <input type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.
<b>c. Computers:</b> a sufficient quantity of computers <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.
<b>d. Computer hardware maintenance:</b> adequate arrangements <input type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.
<b>e. Staff development:</b> <input type="checkbox"/> all staff have had an appropriate level of training /additional training has already been scheduled; and/or <input type="checkbox"/> training is being sought.
<b>f. Additional details:</b> Use this space to provide additional details to help providers to identify the ineligible services you desire.

#### Block 4: Recipients of Service

##### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item **17** the entity/entities that will pay the bills for these services.

**a.** ☒ **Individual school or single-site library.**

**b.** ☒ **Statewide application for (enter 2-letter state code) representing (check all that apply):**

- ☐ All public schools/districts in the state:  
☐ All non-public schools in the state:  
☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

**c.** ☒ **School district, library system, or consortium application to serve multiple eligible entities:**

<b>Number of eligible entities</b>	<b>151</b>
<i>For these eligible sites, please provide the following</i>	
<b>Area Codes</b> (list each unique area code)	<b>Prefixes associated with each area code</b> (first 3 digits of phone number) separate with commas, leave no spaces

##### 17. Billed Entities

**17. Billed Entities:** List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity
---------------	--------

142154 DENVER SCHOOL DISTRICT 1

**18. Ineligible Participating Entities**

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix

**Block 5: Certification****19. ☐ I certify that the applicant includes:(Check one or both.)**

- a. ☐** schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐** libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).

**20. ☐ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):**

- a. ☐** individual technology plans for using the services requested in the application; and/or
- b. ☐** higher-level technology plans for using the services requested in the application; or
- c. ☐** no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

**21. ☐ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.**

**22. ☐ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.**

**23. ☐ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.**



24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): **01/10/2011**

29. Printed name of authorized person: **Ed Freeman**

30. Title or position of authorized person: **CIO/CTO**

31a. Address of authorized person: **780 Grant St**

City: **Denver** State: **CO** Zip: **80203**

31b. Telephone number of authorized person: **(720) 423 - 3703**

31c. Fax number of authorized person: **(720) 4233444**

31d. E-mail address number of authorized person: **ed\_freeman@dpsk12.org**

31e. Name of authorized person's employer: **Denver Public Schools**

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the Client Service Bureau at 1-888-203-8100.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain

cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470**

**P.O. Box 7026**

**Lawrence, Kansas 66044-7026**

**1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms**

**ATTN: SLD Form 470**

**3833 Greenway Drive**

**Lawrence, Kansas 66046**

**1-888-203-8100**

FCC Form 470  
October 2004

[New Search](#)

[Return To Search Results](#)

## Attachment 5

FCC Form 470

Approval by OMB  
3060-0806

## Schools and Libraries Universal Service Description of Services Requested and Certification Form 470

Estimated Average Burden Hours per Response: 3 hours

This form is designed to help you describe the eligible services you seek so that this data can be posted on the Fund Administrator Internet Site and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this form.

Form 470 Application Number: 892360000943612	Applicant's Form Identifier: 472-Yr15-12/13
Application Status: CERTIFIED	Posting Date: 11/16/2011
Allowable Contract Date: 12/14/2011	Certification Received Date: 11/16/2011

### Block 1: Applicant Address and Information

**1** Name of Applicant:  
DENVER SCHOOL DISTRICT 1

**2** Funding Year: 2012 (Funding years run from July 1 through the following June 30)

**3** Entity Number: 142154

**4a** Street Address, P.O.Box, or Route Number:  
900 GRANT STREET

City: DENVER State: CO Zip Code: 80203 -2907

**4b** Telephone Number: (720) 423 -3200

**4c** Fax Number: (720) 423 -3444

**5a** Eligible Entities That Will Receive Services:

Check the ONE choice in **5a** that best describes the eligible entities that will receive the services described in this form. You will then list in Item **15** the entity/entities that will pay the bills for these services.

- ☐ Individual School (individual public or non-public school)
- ☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
- ☐ Consortium (intermediate service agencies, states, state networks, consortia of schools and/or libraries)
- ☐ Statewide application for (enter 2-letter state code)

representing (check all that apply)

- ☐ All public schools/districts in the state
- ☐ All non-public schools in the state
- ☐ All libraries in the state

**5b** Recipient(s) of Services - Check all that apply:

- ☐ Private ☒ Public ☐ Charter
- ☐ Tribal ☐ Head Start ☐ State Agency

5c Number of eligible entities for which services are sought: 151

**Block 1: Applicant Address and Information (continued)**

6a Contact Person's Name:

Brad Yohe

If the Contact Person's Street Address is the same as **Item 4a** above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O.Box, or Route Number:

NOTE: USAC will use this address to mail correspondence

780 Grant St

City: Denver State: CO Zip Code: 80203 -2907

Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.

☐ 6c Telephone Number: (720) 423 -2000☐ 6d Fax Number: (720) 423 -3971☒ 6e E-Mail Address: brad\_yohe@dpsk12.org

Re-enter E-mail Address: brad\_yohe@dpsk12.org

**If a consultant is assisting you with your application process, please complete Item 7 below:**

7 Consultant Name:

Name of Consultant's Employer:

Consultant's Street Address:

City: State: Zip Code:

Consultant's Telephone Number: Ext.

Consultant's Fax Number:

Consultant's E-mail Address:

Re-enter E-mail Address:

Consultant Registration Number:

**Entity Number: 142154****Applicant's Form Identifier: 472-Yr15-12/13****Contact Person: Brad Yohe****Phone Number: (720) 423-2000****Block 2: Summary Description of Needs or Services Requested****8 Telecommunication Services***If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at:or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier:

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Service	Quantity and/or Capacity
Fiber or Dark Fiber	151 Sites
Paging Services	680 Employees

Telephone Service	151 Sites
Digital Transmission Services	151 Sites

**9 Internet Access**

*If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

- a** ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at: <http://purchasing.dpsk12.org>  
 or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier:

- b** ☐ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internet Access services you seek. Specify each service (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users).

Service	Quantity and/or Capacity
E-mail Service	151 Centralized Support
Web Hosting	151 Centralized Support
Distance Learning and Video Conference	151 Centralized Support
Other Eligible Internet Access Services	151 Centralized Support
Internet Access	151 Centralized Support

<b>Entity Number: 142154</b>	<b>Applicant's Form Identifier: 472-Yr15-12/13</b>
<b>Contact Person: Brad Yohe</b>	<b>Phone Number: (720) 423-2000</b>

**10 Internal Connections Other Than Basic Maintenance**

*If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at: <http://purchasing.dpsk12.org>  
 or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier:

**b** ☐ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internal Connections services you seek. Specify each service (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students).

Service	Quantity and/or Capacity
Cabling Connections	151 Sites
Circuit Cards Components	151 Sites
Data Distribution	151 Sites
Interfaces, Gateways, Antennas	151 Sites
Servers	151 Sites
Software	151 Sites
Storage Devices	151 Sites
Telephone Components	151 Sites

**11 Basic Maintenance of Internal Connections**

*If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.*

**a** ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at: <http://purchasing.dpsk12.org>  
 or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier:

**b** ☐ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Basic Maintenance services you seek. Specify each service (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers).

Service	Quantity and/or Capacity
Maintenance and Technical Support of Internal Connections	151 Sites

<b>Entity Number: 142154</b>	<b>Applicant's Form Identifier: 472-Yr15-12/13</b>
<b>Contact Person: Brad Yohe</b>	<b>Phone Number: (720) 423-2000</b>

**12** (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This person does not need to be the contact person(s) listed in Item 6 nor the Authorized Person who signs this form.

Name:  
Brad

Title:  
Yohe

Telephone Number: (720) 423 - 2000

Fax Number: (720) 423 - 3971

Email Address: brad\_yohe@dpsk12.org

Re-enter E-mail Address: brad\_yohe@dpsk12.org

**13** ☒ Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures and/or provide an Internet address where they are posted and a contact name and telephone number.

☐ Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.

A Colorado constitutional amendment prohibits public schools and libraries from entering into multiple-year financial obligations, such as multi-year contract, without pre-allocation of the funds unless the local voters have previously approved such an obligation [Colo. Const. Article X, Section 20(4)(b)]. However, funding agreements, including multi-year contracts, that are subject to annual appropriations by a governing board, such as a school board generally are allowed and are not subject to this constitutional provision since the governing board decides each year to make a particular expenditure.

**Block 3:**

14. [Reserved]

<b>Entity Number: 142154</b>	<b>Applicant's Form Identifier: 472-Yr15-12/13</b>
<b>Contact Person: Brad Yohe</b>	<b>Contact Phone Number: (720) 423-2000</b>

**Block 4: Recipients of Service**

**15 Billed Entities**

List the entity/entities that will be paying the bills directly to the provider for the services requested in this form. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your FCC Form 471 is not listed below, funding may be denied for the funding requests associated with this FCC Form 470. Attach additional pages if needed.

Entity Number	Entity Name
142154	DENVER SCHOOL DISTRICT 1

<b>Entity Number: 142154</b>	<b>Applicant's Form Identifier: 472-Yr15-12/13</b>
<b>Contact Person: Brad Yohe</b>	<b>Contact Phone Number: (720) 423-2000</b>



**Block 5: Certifications and Signature**

- 16** I certify that the applicant includes: (Check one or both.)
- a** ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b** ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).
- 17** ☒ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service.
- ☐ Or I certify that no technology plan is required by Commission rules.
- 18** ☒ I certify that I will post my FCC Form 470 and (if applicable) make any applicable RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.
- 19** ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- 20** ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500, and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this form have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
- 21** ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that I have considered what financial resources should be available to cover these costs.
- 22** ☒ I certify that I am authorized to procure eligible services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this form, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
- 23** ☒ I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form may be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.
- 24** ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

**Entity Number: 142154****Applicant's Form Identifier: 472-Yr15-12/13****Contact Person: Brad Yohe****Contact Phone Number: (720) 423-2000****25** Signature of authorized person: ☒**26** Date: 11/16/2011**27a** Printed name of authorized person:

Edward H. Freeman, PhD

**27b** Title or position of authorized person:

CIO/CTO

☐ Check here if the consultant in Item 7 is the Authorized Person.

**27c** Street Address, P.O. Box, Route Number, City, State, Zip Code:

780 Grant St

City: Denver

State: CO

Zip Code: 80203

**27d** Telephone Number of Authorized Person:

(720) 423-3703

**27e** Fax Number of Authorized Person:

(720) 423-3971

**27f** E-mail Address of Authorized Person:

ed\_freeman@dpsk12.org

Re-enter E-mail Address:

ed\_freeman@dpsk12.org

**27g** Name of Authorized Person's Employer:

Denver School District 1

**Service provider involvement with preparation or certification of an FCC Form 470  
can taint the competitive bidding process and result in the denial of funding requests.  
For more information, refer to the Schools and Libraries area of the USAC web site at  
[www.usac.org/sl](http://www.usac.org/sl) or call the SLD Client Service Bureau at 1-888-203-8100.**

<b>Entity Number: 142154</b>	<b>Applicant's Form Identifier: 472-Yr15-12/13</b>
<b>Contact Person: Brad Yohe</b>	<b>Phone Number: (720) 423-2000</b>

**NOTICE:** In accordance with Section 54.503 of the Federal Communications Commission's rules, certain schools and libraries ordering services that are eligible for and seeking universal service discounts must file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.503(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.503. Schools and libraries must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your form without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

FCC Form 470  
October 2010[New Search](#)[Return To Search Results](#)

## Attachment 6

FCC Form 470

Approval by OMB  
3060-0806

## Schools and Libraries Universal Service Description of Services Requested and Certification Form 470

**Estimated Average Burden Hours per Response: 3 hours**

This form is designed to help you describe the eligible services you seek so that this data can be posted on the Fund Administrator Internet Site

and interested service providers can identify you as a potential customer and compete to serve you.

**Please read instructions before beginning this form.**

Form 470 Application Number: 858420001197801 Application Status: CERTIFIED Allowable Contract Date: 03/10/2014	Applicant's Form Identifier: DenverY17Form470P1 Posting Date: 02/10/2014 Certification Received Date: 03/06/2014
--	--

**Block 1: Applicant Address and Information**

1 Name of Applicant:  
DENVER SCHOOL DISTRICT 1

2 Funding Year: 2014 (Funding years run from July 1 through the following June 30)

3 Entity Number: 142154

4a Street Address, P.O.Box, or Route Number:  
900 GRANT STREET

City: DENVER State: CO Zip Code: 80203 -2907

4b Telephone Number: (720) 423 -3200

4c Fax Number: (720) 423 -3444

5a Eligible Entities That Will Receive Services:  
Check the ONE choice in **5a** that best describes the eligible entities that will receive the services described in this form. You will then list in Item **15** the entity/entities that will pay the bills for these services.

☐ Individual School (individual public or non-public school)

☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, consortia of schools and/or libraries)

☐ Statewide application for (enter 2-letter state code)

representing (check all that apply)

☐ All public schools/districts in the state

☐ All non-public schools in the state

☐ All libraries in the state

5b Recipient(s) of Services - Check all that apply:

<input type="checkbox"/> Private	<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Charter
<input type="checkbox"/> Tribal	<input type="checkbox"/> Head Start	<input type="checkbox"/> State Agency

5c Number of eligible entities for which services are sought: 189

**Block 1: Applicant Address and Information (continued)**

6a Contact Person's Name:  
Alex Sund

If the Contact Person's Street Address is the same as **Item 4a** above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O.Box, or Route Number:  
NOTE: USAC will use this address to mail correspondence

780 Grant St.

City: DENVER State: CO Zip Code: 80203

Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.

☒ 6c Telephone Number: (720) 423 -3993

☐ 6d Fax Number: (720) 423 -3444

☐ 6e E-Mail Address: alex\_sund@dpsk12.org

Re-enter E-mail Address: alex\_sund@dpsk12.org

**If a consultant is assisting you with your application process, please complete Item 7 below:**

7 Consultant Name: Kim Friends

Name of Consultant's Employer: CSM, Inc.

Consultant's Street Address: CSM, Inc.

3130-C Inland Empire Blvd.

City: Ontario State: CA Zip Code: 91764

Consultant's Telephone Number: (909) 944-7798 Ext. 0

Consultant's Fax Number: (909) 481-7410

Consultant's E-mail Address: kfriends@csmcentral.com

Re-enter E-mail Address: kfriends@csmcentral.com

Consultant Registration Number: 16043564

**Entity Number: 142154**

**Applicant's Form Identifier: DenverY17Form470P1**

**Contact Person: Alex Sund**

**Phone Number: (720) 423-3993**

Block 2: Summary Description of Needs or Services Requested

8 Priority One Services (Telecommunications and/or Internet Access)

If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: <http://purchasingts.dpsk12.org/bids/>  
or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier: BD 1626 or BD 1627 - see below

b ☐ NO, I have not released and do not intend to release an RFP for any of these services.

Whether you check YES or NO, you must list below the Priority One Services you seek. Specify each service or function (e.g., voice service, monthly Internet access service, etc) and quantity and/or capacity (e.g., for voice service, 20 existing lines plus 10 new ones, or for monthly Internet access service, for 500 users).

Service	Quantity and/or Capacity
Cellular Service	See RFP for details (BD 1626)
Paging service	Paging service for 500 - 600 users of paging devices (NO RFP)
Dark Fiber Access	See RFP for details (BD 1627)

9 [Reserved]

**Entity Number: 142154**

**Applicant's Form Identifier: DenverY17Form470P1**

**Contact Person: Alex Sund**

**Phone Number: (720) 423-3993**

10 Internal Connections Other Than Basic Maintenance

If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☐ YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at:  
or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier:

b ☐ NO, I have not released and do not intend to release an RFP for any of these services.

Whether you check YES or NO, you must list below the Internal Connections services you seek. Specify each service (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students).

#### 11 Basic Maintenance of Internal Connections

If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☐ YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at:

or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier:

b ☐ NO, I have not released and do not intend to release an RFP for any of these services.

Whether you check YES or NO, you must list below the Basic Maintenance services you seek. Specify each service (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers).

**Entity Number: 142154**

**Contact Person: Alex Sund**

**Applicant's Form Identifier: DenverY17Form470P1**

**Phone Number: (720) 423-3993**

12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This person does not need to be the contact person(s) listed in Item 6 nor the Authorized Person who signs this form.

Name:

Title:

Telephone Number:

Fax Number:

Email Address:

Re-enter E-mail Address:

13 ☒ Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures and/or provide an Internet address where they are posted and a contact name and telephone number.

☐ Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.

Please follow instructions on applicable RFP

Block 3:

14. [Reserved]

**Entity Number: 142154**

**Contact Person: Alex Sund**

**Applicant's Form Identifier: DenverY17Form470P1**

**Contact Phone Number: (720) 423-3993**

Block 4: Recipients of Service

#### 15 Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this form. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this FCC Form 470. Attach additional pages if needed.

Entity Number	Entity Name
---------------	-------------

142154	DENVER SCHOOL DISTRICT 1
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**Entity Number: 142154****Applicant's Form Identifier: DenverY17Form470P1****Contact Person: Alex Sund****Contact Phone Number: (720) 423-3993**

- 16** I certify that the applicant includes: (Check one or both.)
- a** ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b** ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).
- 17** ☐ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service.
- ☒ Or I certify that no technology plan is required by Commission rules.
- 18** ☒ I certify that I will post my FCC Form 470 and (if applicable) make any applicable RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.
- 19** ☒ I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- 20** ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500, and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this form have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
- 21** ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that I have considered what financial resources should be available to cover these costs.
- 22** ☒ I certify that I am authorized to procure eligible services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this form, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
- 23** ☒ I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form may be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.
- 24** ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

**Entity Number: 142154****Applicant's Form Identifier: DenverY17Form470P1****Contact Person: Alex Sund****Contact Phone Number: (720) 423-3993**

25 Signature of authorized person: <input checked="" type="checkbox"/>	26 Date: 02/24/2014
27a Printed name of authorized person: David Hart	
27b Title or position of authorized person: Chief Financial Officer	
<input type="checkbox"/> Check here if the consultant in Item 7 is the Authorized Person.	
27c Street Address, P.O. Box, Route Number, City, State, Zip Code: 900 Grant Street City: Denver State: CO Zip Code: 80203	
27d Telephone Number of Authorized Person: (720) 423-3490	
27e Fax Number of Authorized Person: (720) 423-4229	
27f E-mail Address of Authorized Person: david_hart@dpsk12.org Re-enter E-mail Address: david_hart@dpsk12.org	
27g Name of Authorized Person's Employer: Denver School District 1	

**Service provider involvement with preparation or certification of an FCC Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the Schools and Libraries area of the USAC web site at [www.usac.org/sl](http://www.usac.org/sl) or call the SLD Client Service Bureau at 1-888-203-8100.**

**Entity Number: 142154****Applicant's Form Identifier: DenverY17Form470P1****Contact Person: Alex Sund****Phone Number: (720) 423-3993**

**NOTICE:** In accordance with Section 54.503 of the Federal Communications Commission's rules, certain schools and libraries ordering services that are eligible for and seeking universal service discounts must file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.503(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.503. Schools and libraries must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your form without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

FCC Form 470  
July 2014

[New Search](#)[Return To Search Results](#)

## Attachment 7

## Attachment 7A

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$15,545.38**

**Total amount to be recovered: \$15,545.38**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
645029	1815318	\$15,545.38	\$15,545.38	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.





3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Gloria Morris

USA Mobility Wireless, Inc.



## Adjustment Report

FCC Form 471 Application Number: 645029  
 Funding Request Number: 1815318  
 Commitment Adjustment: \$15,545.38  
 Total Amount to Be Recovered: \$15,545.38  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2009  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: USA Mobility Wireless, Inc.  
 SPIN: 143018525  
 Original Funding Commitment: \$15,545.38  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$15,545.38

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: any Request for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of 15,545.38 in improperly disbursed funds from the applicant.

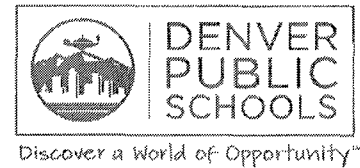
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 645029
Funding Request Numbers	FRN 1815318
SPIN:	143018525

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$15,545.38 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #1815318.

1. As indicated on the Form 470 Application Number 254160000703111, no. 8(b), DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 645029  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2009-2010**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 91764

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 645029  
Funding Request Number(s): 1815318  
Your Correspondence Dated: August 06, 2018

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 2009 Notification of 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): 1815318  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: any Request for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a

noncompliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment was rescinded in full and USAC will seek recovery of 15,545.38 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for, receipt and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon a request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 7B



Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$30,856.70**

**Total amount to be recovered: \$24,702.15**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
685045	1873641	\$30,856.70	\$24,702.15	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Stacey Wallop

Verizon Wireless (Cellco Partnership)



## Adjustment Report

FCC Form 471 Application Number: 685045  
 Funding Request Number: 1873641  
 Commitment Adjustment: \$30,856.70  
 Total Amount to Be Recovered: \$24,702.15  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2009  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: Verizon Wireless (Cellco Partnership)  
 SPIN: 143000677  
 Original Funding Commitment: \$30,856.70  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$24,702.15

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$24,702.15 in improperly disbursed funds from the applicant.

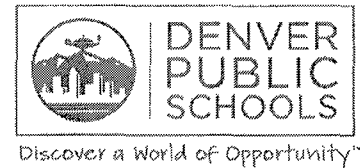
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 685045
Funding Request Numbers	FRN 1873641
SPIN:	143000677

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$24,702.15 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #1873641.

1. As indicated on the Form 470 Application Number 254160000703111, no. 8(b), DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

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WEB [www.dpsk12.org](http://www.dpsk12.org)



Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 685045  
Form 486 Application Number:





**Universal Service Administrative Company**  
Schools & Libraries Division

### **Administrator's Decision on Appeal – Funding Year 2009-2010**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 685045  
Funding Request Number(s): 1873641  
Your Correspondence Dated: August 06, 2018

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 2009 Notification of 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): 1873641  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and

auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative / an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$24,702.15 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for, receipt and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon a request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 7C

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$67,291.22**

**Total amount to be recovered: \$67,291.22**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
685299	1890078	\$67,291.22	\$67,291.22	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

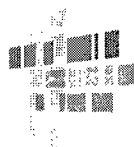
As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of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

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

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

Schools and Libraries Division

cc: Christina Halley  
Sprint Spectrum, L.P.



**Universal Service  
Administrative Co.**

## Adjustment Report

FCC Form 471 Application Number: 685299  
 Funding Request Number: 1890078  
 Commitment Adjustment: \$67,291.22  
 Total Amount to Be Recovered: \$67,291.22  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2009  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: Sprint Spectrum, L.P.  
 SPIN: 143006742  
 Original Funding Commitment: \$67,291.22  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$67,291.22

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$67,291.22 in improperly disbursed funds from the applicant.



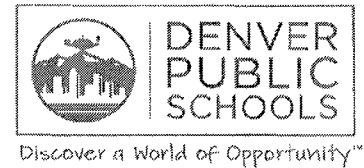
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 685299
Funding Request Numbers	FRN 1890078
SPIN:	143006742

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$67,291.22 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #1890078.

1. As indicated on the Form 470 Application Number 254160000703111, no. 8(b), DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

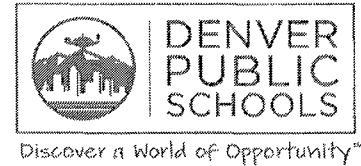
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 685299  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

### **Administrator's Decision on Appeal – Funding Year 2009-2010**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 685299  
Funding Request Number(s): 1890078  
Your Correspondence Dated: August 06, 2018

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 2009 Notification of 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): 1890078  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and

auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative / an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$67,291.22 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for, receipt and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon a request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 7D

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$11,195.52**

**Total amount to be recovered: \$11,195.52**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
771621	2114832	\$11,195.52	\$11,195.52	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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





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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Gloria Morris

USA Mobility Wireless, Inc.



## Adjustment Report

FCC Form 471 Application Number: 771621  
 Funding Request Number: 2114832  
 Commitment Adjustment: \$11,195.52  
 Total Amount to Be Recovered: \$11,195.52  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2011  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: USA Mobility Wireless, Inc.  
 SPIN: 143018525  
 Original Funding Commitment: \$11,195.52  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$11,195.52

## Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,195.52 in improperly disbursed funds from the applicant.

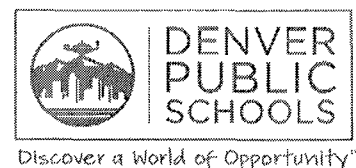
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 771621
Funding Request Numbers	FRN 2114832
SPIN:	143018525

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,195.52 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2114832.

1. As indicated on the Form 470 Application Number 715350000884545, no. 8(b), DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203

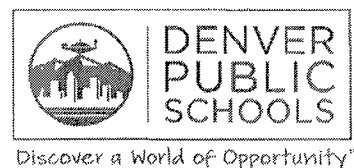
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools



**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2011-2012**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 771621  
Funding Request Number(s): 2114832  
Your Correspondence Dated: August 06, 2018

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 2011 Notification of 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): 2114832  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and

auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information /documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative / an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,195.52 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 7E



Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



Universal Service  
Administrative Co.

## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$11,333.52**

**Total amount to be recovered: \$11,333.52**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
823323	2243757	\$11,333.52	\$11,333.52	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

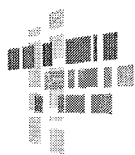
### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



Universal Service  
Administrative Co.

3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Gloria Morris

USA Mobility Wireless, Inc.



## Adjustment Report

FCC Form 471 Application Number: 823323  
 Funding Request Number: 2243757  
 Commitment Adjustment: \$11,333.52  
 Total Amount to Be Recovered: \$11,333.52  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2012  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: USA Mobility Wireless, Inc.  
 SPIN: 143018525  
 Original Funding Commitment: \$11,333.52  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$11,333.52

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,333.52 in improperly disbursed funds from the applicant.

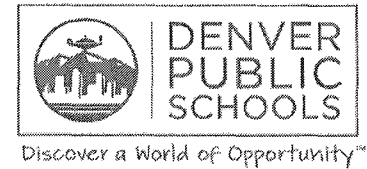
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 771621
Funding Request Numbers	FRN 2243757
SPIN:	143018525

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,333.52 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2243757.

1. As indicated on the Form 470 Application Number 715350000884545, no. 8(b), DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203

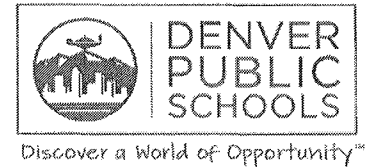
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 823323  
Form 486 Application Number:





**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2012-2013**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 823323  
Funding Request Number(s): 2243757  
Your Correspondence Dated: August 06, 2018

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 2012 Notification of 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): 2243757  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and

auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,333.52 in improperly disbursed funds from the applicant. As a result, your funding commitment has been rescinded in full. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. See 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. See 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 7F

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$285,864.71**

**Total amount to be recovered: \$0.00**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
840676	2286959	\$285,864.71	\$0.00	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text of the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

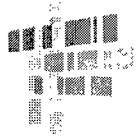
As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of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

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

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

Schools and Libraries Division

cc: Stacey Wallop  
Verizon Wireless (Cellco Partnership)



Universal Service  
Administrative Co.

## Adjustment Report

FCC Form 471 Application Number: 840676  
 Funding Request Number: 2286959  
 Commitment Adjustment: \$285,864.71  
 Total Amount to Be Recovered: \$0.00  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2012  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: Verizon Wireless (Cellco Partnership)  
 SPIN: 143000677  
 Original Funding Commitment: \$285,864.71  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$0.00

## Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full.



# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 771621
Funding Request Numbers	FRN 2286959
SPIN:	143018525

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2286959.

1. As indicated on the Form 470 Application Number 715350000884545, no. 8(b), DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

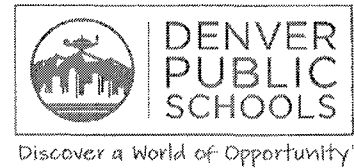
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

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WEB [www.dpsk12.org](http://www.dpsk12.org)



Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 840676  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2012-2013**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 840676  
Funding Request Number(s): 2286959  
Your Correspondence Dated: August 06, 2018

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 2012 Notification of 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): 2286959  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and

auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information / documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative / an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

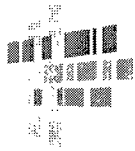
Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the 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

## Attachment 7G

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



Universal Service  
Administrative Co.

## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$6,760.45**

**Total amount to be recovered: \$0.00**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
840780	2287124	\$6,760.45	\$0.00	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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





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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Jessica Moritz  
AT&T Mobility



## Adjustment Report

FCC Form 471 Application Number: 840780  
 Funding Request Number: 2287124  
 Commitment Adjustment: \$6,760.45  
 Total Amount to Be Recovered: \$0.00  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2012  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: AT&T Mobility  
 SPIN: 143025240  
 Original Funding Commitment: \$6,760.45  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$0.00

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full.

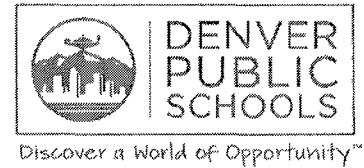
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 771621
Funding Request Numbers	FRN 2287124
SPIN:	143018525

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2287724.

1. As indicated on the Form 470 Application Number 715350000884545, no. 8(b), DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

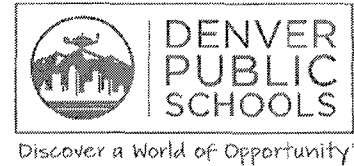
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

**Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764**

**Billed Entity Number: 142154  
Form 471 Application Number: 840780  
Form 486 Application Number:**



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2012-2013**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 840780  
Funding Request Number(s): 2287124  
Your Correspondence Dated: August 06, 2018

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 2012 Notification of 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): 2287124  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and

auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information /documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative / an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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



## Attachment 8

## Attachment 8A

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$241,737.89**

**Total amount to be recovered: \$181,570.68**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
732211	1980165	\$241,737.89	\$181,570.68	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Stacey Wallop  
Verizon Wireless (Cellco Partnership)



## Adjustment Report

FCC Form 471 Application Number: 732211  
 Funding Request Number: 1980165  
 Commitment Adjustment: \$241,737.89  
 Total Amount to Be Recovered: \$181,570.68  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2010  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: Verizon Wireless (Cellco Partnership)  
 SPIN: 143000677  
 Original Funding Commitment: \$241,737.89  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$181,570.68

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$181,570.68 in improperly disbursed funds from the applicant.

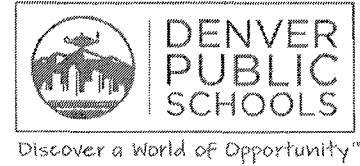
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 732211
Funding Request Numbers	FRN 1980165
SPIN:	143000677

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and any documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$181,570.68 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #1989165.

1. DPS indicated on the Form 470 Application Number 566990000775117 7.a. that these amounts were for tariffed or month-to-month services to be provided without a written contract. However, in response to no. 8(b), DPS incorrectly indicated that an RFP would be released for these services. In fact, however, DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr.

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203



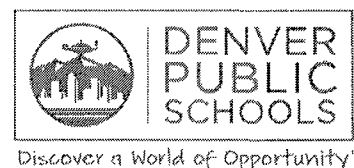
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

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WEB [www.dpsk12.org](http://www.dpsk12.org)



Bullard's email communications were received. It appears that DPS continued to receive the services from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 732211  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

### **Administrator's Decision on Appeal – Funding Year 2010-2011**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 732211  
Funding Request Number(s): 1980165  
Your Correspondence Dated: August 06, 2018

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 2010 Notification of 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): 1980165  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-

compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$181,570.68 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 8B

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$199,559.04**

**Total amount to be recovered: \$113,559.13**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
732292	1980278	\$199,559.04	\$113,559.13	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.





3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Christina Halley  
Sprint Spectrum, L.P.



## Adjustment Report

FCC Form 471 Application Number: 732292  
 Funding Request Number: 1980278  
 Commitment Adjustment: \$199,559.04  
 Total Amount to Be Recovered: \$113,559.13  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2010  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: Sprint Spectrum, L.P.  
 SPIN: 143006742  
 Original Funding Commitment: \$199,559.04  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$113,559.13

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$113,559.13 in improperly disbursed funds from the applicant.

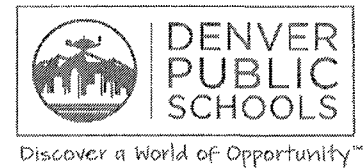
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

## Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 732292
Funding Request Numbers	FRN 1980278
SPIN:	143006742

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$113,559.13 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #1980278.

1. DPS indicated on the Form 470 Application Number 566990000775117 7.a. that these amounts were for tariffed or month-to-month services to be provided without a written contract. However, in response to no. 8(b), DPS incorrectly indicated that an RFP would be released for these services. In fact, however, DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203

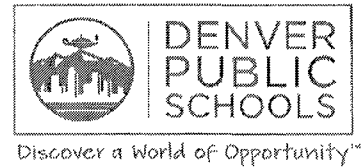
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

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from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

**Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764**

**Billed Entity Number: 142154  
Form 471 Application Number: 732292  
Form 486 Application Number:**



**Universal Service Administrative Company**  
Schools & Libraries Division

### **Administrator's Decision on Appeal – Funding Year 2010-2011**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 732292  
Funding Request Number(s): 1980278  
Your Correspondence Dated: August 06, 2018

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 2010 Notification of 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): 1980278  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-

compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$113,559.13 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 8C



Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$5,925.89**

**Total amount to be recovered: \$4,574.68**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
732339	1980409	\$5,925.89	\$4,574.68	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Jessica Moritz  
AT&T Mobility



## Adjustment Report

FCC Form 471 Application Number: 732339  
 Funding Request Number: 1980409  
 Commitment Adjustment: \$5,925.89  
 Total Amount to Be Recovered: \$4,574.68  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2010  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: AT&T Mobility  
 SPIN: 143025240  
 Original Funding Commitment: \$5,925.89  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$4,574.68

## Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$4,574.68 in improperly disbursed funds from the applicant.

# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 732339
Funding Request Numbers	FRN 1980409
SPIN:	143025240

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: any Requests for Proposals, copies of all bids received and any documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$4,574.68 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #1980409.

1. DPS indicated on the Form 470 Application Number 566990000775117 7.a. that these amounts were for tariffed or month-to-month services to be provided without a written contract. However, in response to no. 8(b), DPS incorrectly indicated that an RFP would be released for these services. In fact, however, DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

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WEB [www.dpsk12.org](http://www.dpsk12.org)



from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 732339  
Form 486 Application Number:





**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2010-2011**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 732339  
Funding Request Number(s): 1980409  
Your Correspondence Dated: August 06, 2018

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 2010 Notification of 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): 1980409  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-

compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$4,574.68 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 8D

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$11,195.52**

**Total amount to be recovered: \$11,195.52**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
703149	2007737	\$11,195.52	\$11,195.52	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text of the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Gloria Morris

USA Mobility Wireless, Inc.



## Adjustment Report

FCC Form 471 Application Number: 703149  
 Funding Request Number: 2007737  
 Commitment Adjustment: \$11,195.52  
 Total Amount to Be Recovered: \$11,195.52  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2010  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: USA Mobility Wireless, Inc.  
 SPIN: 143018525  
 Original Funding Commitment: \$11,195.52  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$11,195.52

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,195.52 in improperly disbursed funds from the applicant.



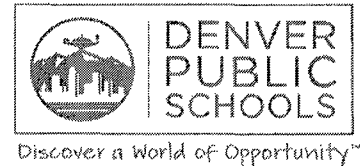
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 703149
Funding Request Numbers	FRN 2007737
SPIN:	143018525

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: any Requests for Proposals, copies of all bids received and any documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,195.52 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2007737.

1. DPS indicated on the Form 470 Application Number 566990000775117 7.a. that these amounts were for tariffed or month-to-month services to be provided without a written contract. However, in response to no. 8(b), DPS incorrectly indicated that an RFP would be released for these services. In fact, however, DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

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from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 703149  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2010-2011**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 703149  
Funding Request Number(s): 2007737  
Your Correspondence Dated: August 06, 2018

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 2010 Notification of 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): 2007737  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-

compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$11,195.52 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 8E

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$28,997.66**

**Total amount to be recovered: \$28,997.66**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
728450	2020701	\$28,997.66	\$28,997.66	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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





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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Jacqueline Means  
Comcast Business Communications



## Adjustment Report

FCC Form 471 Application Number: 728450  
 Funding Request Number: 2020701  
 Commitment Adjustment: \$28,997.66  
 Total Amount to Be Recovered: \$28,997.66  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2010  
 Billed Entity Number: 142154  
 Services Ordered: INTERNAL CONNECTIONS MNT  
 Service Provider Name: Comcast Business Communications  
 SPIN: 143003990  
 Original Funding Commitment: \$28,997.66  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$28,997.66

## Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$28,997.66 in improperly disbursed funds from the applicant.

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

## Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on September 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 728450
Funding Request Numbers	FRN 2020701
SPIN:	143003990

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: any Requests for Proposals, copies of all bids received and any documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$28,997.66 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2020701.

1. DPS indicated on the Form 470 Application Number 566990000775117 7.a. that these amounts were for tariffed or month-to-month services to be provided without a written contract. However, in response to no. 8(b), DPS incorrectly indicated that an RFP would be released for these services. In fact, however, DPS did not release and did not intend to release an RFP for these services. As DPS has indicated in the past, the individual who was in charge of this process, Bud Bullard, is no longer an employee of DPS. However, Mr. Bullard's email communications were retained and reviewed. This finding assumes additional documentation was received and not retained whereas based on our exhaustive research, there were no indications that any vendor(s) responses to the Form 470 in Mr. Bullard's email communications were received. It appears that DPS continued to receive the services

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203

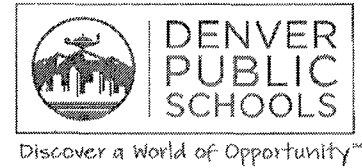
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

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WEB [www.dpsk12.org](http://www.dpsk12.org)



from the incumbent vendor. Therefore, there is would be no additional documentation regarding the competitive bidding process beyond the Form 470.

Currently, DPS issues formal RFPs for all month-to-month services and retains all documentation. However, in Funding Year 2012, DPS reasonably believed that the Form 470 was sufficient with regards to month-to-month services.

We respectfully request that the Commitment Adjustment Letter issued by USAC on September 8, 2017 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 728450  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2010-2011**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 728450  
Funding Request Number(s): 2020701  
Your Correspondence Dated: August 06, 2018

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 2010 Notification of 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): 2020701  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of any Requests for Proposals, copies of all bids received, and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-

compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$28,997.66 in improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that the schools and libraries retain all documents related to the application for and receipt and delivery of discounted Telecommunications and other supported services for at least five years after the last day of service delivered in a particular funding year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808,15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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



## Attachment 9

## Attachment 9A

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$89,280.00**

**Total amount to be recovered: \$89,280.00**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
740390	2001078	\$89,280.00	\$89,280.00	Comp. Bidding Violation; Price Not a Primary Factor	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

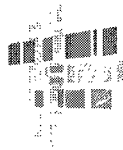
As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of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

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

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

Schools and Libraries Division

cc: James Christiano  
SHOUTPOINT, INC.



**Universal Service  
Administrative Co.**

## Adjustment Report

FCC Form 471 Application Number: 740390  
 Funding Request Number: 2001078  
 Commitment Adjustment: \$89,280.00  
 Total Amount to Be Recovered: \$89,280.00  
 Explanation(s): Comp. Bidding Violation; Price Not a Primary Factor

Party to Recover From: Applicant  
 Funding Year: 2010  
 Billed Entity Number: 142154  
 Services Ordered: INTERNET ACCESS  
 Service Provider Name: SHOUTPOINT, INC.  
 SPIN: 143032646  
 Original Funding Commitment: \$89,280.00  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$89,280.00

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The price of eligible products and services was not the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of \$89,280.00 in improperly disbursed funds from the applicant.

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

## Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on June 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 740390
Funding Request Numbers	FRN 2001078
SPIN:	143032646

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The price of eligible products and services was not the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment \$89,180.00."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2001078.

1. The bid was awarded to CIC and CIC was the lowest price bid. Denver Public Schools ("DPS") regrets that the individuals involved in preparation of this RFP are no longer employed by or available to DPS and, therefore, DPS does not have any information or documentation beyond what was provided to USAC.

However, since DPS ultimately selected the most cost-efficient bidder, DPS seeks a waiver of the E-rate rules, specifically Section 54.503(c)(2)(ii)(B) and 54.511(a) bidding factor requirements, for this FRN. The FCC recognizes a waiver exception for instances when it is unclear whether an applicant evaluated bids without assigning price as the primary evaluation bid factor, but the applicant selected the lowest priced option regardless of the bid evaluation process and there was no evidence of waste, fraud, or abuse. *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Allendale Country School District Cedar Mountain, North Carolina ("Allendale County")*, DA 11-723, 26 FCC Rcd. 6109, at ¶¶ 10-12 (Wireline Competition Bureau 2011). The FCC has granted a waiver of its bidding factor requirements a number of times. See *STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE*

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203



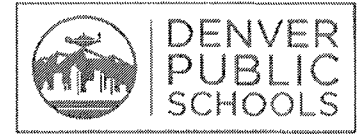
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



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*COMPANY, Public Notice, WC Docket No. 06-122, DA 16-1320, 31 FCC Rcd 12697, at \*12703 n.24 (F.C.C. 2016); In the Matter of Petition for Reconsideration by Fall River Public School District Fall River, MA; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 13-2055, 28 FCC Rcd 14650, at ¶ 4 (Wireline Competition Bureau 2013) (granting a waiver in the public interest); In the Matter of Requests for Review and Waiver of Decisions of the Universal Service Administrator by Colorado Springs School District Colorado Springs, CO Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 12-962, 27 FCC Rcd 7022, at ¶ 1 (F.C.C. 2012). DPS believes such a waiver is applicable for this FRN.*

We respectfully request that the Commitment Adjustment Letter issued by USAC on June 8, 2018 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

/s/ Molly Ferrer

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

**Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764**

**Billed Entity Number: 142154  
Form 471 Application Number: 740390  
Form 486 Application Number:**



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2010-2011**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 740390  
Funding Request Number(s): 2001078  
Your Correspondence Dated: August 06, 2018

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 2010 Notification of 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): 2001078  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The price of eligible products and services was not the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment was rescinded in full and USAC will seek recovery of \$89,280.00 in improperly disbursed funds from the applicant. 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.

- FCC rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. *See* 47 C.F.R. sec. 54.511(a); also, Request for Review by Ysleta Independent School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26429, FCC 03-313 para. 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. *See* Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Rcd 16570, DA 98-1110 (rel. Jun. 11, 1998).

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

## Attachment 9B

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$72,312.00**

**Total amount to be recovered: \$72,312.00**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
778244	2108581	\$72,312.00	\$72,312.00	Comp. Bidding Violation; Price Not a Primary Factor	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.





3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: James Christiano  
SHOUTPOINT, INC.



## Adjustment Report

FCC Form 471 Application Number: 778244  
 Funding Request Number: 2108581  
 Commitment Adjustment: \$72,312.00  
 Total Amount to Be Recovered: \$72,312.00  
 Explanation(s): Comp. Bidding Violation; Price Not a Primary Factor

Party to Recover From: Applicant  
 Funding Year: 2011  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: SHOUTPOINT, INC.  
 SPIN: 143032646  
 Original Funding Commitment: \$72,312.00  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$72,312.00

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The price of eligible products and services was not the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery \$72,312.00 in improperly disbursed funds from the applicant.

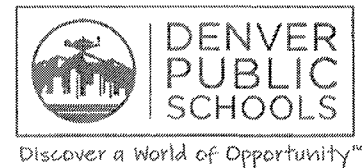
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on June 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 778244
Funding Request Numbers	FRN 2108581
SPIN:	143032646

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. price of eligible products and services was not the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of \$72,312.00 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2108581.

1. The bid was awarded to CIC and CIC was the lowest price bid. Denver Public Schools ("DPS") regrets that the individuals involved in preparation of this RFP are no longer employed by or available to DPS and, therefore, DPS does not have any information or documentation beyond what was provided to USAC.

However, since DPS ultimately selected the most cost-efficient bidder, DPS seeks a waiver of the E-rate rules, specifically Section 54.503(c)(2)(ii)(B) and 54.511(a) bidding factor requirements, for this FRN. The FCC recognizes a waiver exception for instances when it is unclear whether an applicant evaluated bids without assigning price as the primary evaluation bid factor, but the applicant selected the lowest priced option regardless of the bid evaluation process and there was no evidence of waste, fraud, or abuse. *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Allendale Country School District Cedar Mountain, North Carolina ("Allendale County")*, DA 11-723, 26 FCC Rcd. 6109, at ¶¶ 10-12 (Wireline Competition Bureau 2011). The FCC has granted a waiver of its bidding factor requirements a number of times. See *STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE*

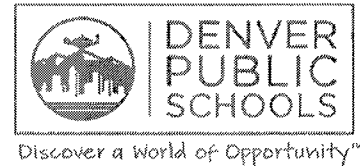
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



*COMPANY, Public Notice, WC Docket No. 06-122, DA 16-1320, 31 FCC Rcd 12697, at \*12703 n.24 (F.C.C. 2016); In the Matter of Petition for Reconsideration by Fall River Public School District Fall River, MA; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 13-2055, 28 FCC Rcd 14650, at ¶ 4 (Wireline Competition Bureau 2013) (granting a waiver in the public interest); In the Matter of Requests for Review and Waiver of Decisions of the Universal Service Administrator by Colorado Springs School District Colorado Springs, CO Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 12-962, 27 FCC Rcd 7022, at ¶ 1 (F.C.C. 2012). DPS believes such a waiver is applicable for this FRN.*

We respectfully request that the Commitment Adjustment Letter issued by USAC on June 8, 2018 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

/s/ Molly Ferrer

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 778244  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

### Administrator's Decision on Appeal – Funding Year 2011-2012

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 778244  
Funding Request Number(s): 2108581  
Your Correspondence Dated: August 06, 2018

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 2011 Notification of 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): 2108581  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The price of eligible products and services was not the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment was rescinded in full and USAC will seek recovery of \$72,312.00 in improperly disbursed funds from the applicant. 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.

- FCC rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. *See* 47 C.F.R. sec. 54.511(a); also, Request for Review by Ysleta Independent School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26429, FCC 03-313 para. 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. *See* Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Rcd 16570, DA 98-1110 (rel. Jun. 11, 1998).

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.

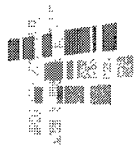
We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

## Attachment 9C



Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203



Universal Service  
Administrative Co.

## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$75,451.50**

**Total amount to be recovered: \$75,451.50**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
838238	2274256	\$75,451.50	\$75,451.50	Comp. Bidding Violation; Price Not a Primary Factor	Applicant

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

### Commitment Adjustment

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



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

### FCC's Red Light Rule

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

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

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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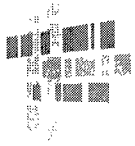
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The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before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

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

Schools and Libraries Division

cc: James Christiano  
SHOUTPOINT, INC.



**Universal Service  
Administrative Co.**

## Adjustment Report

FCC Form 471 Application Number: 838238  
 Funding Request Number: 2274256  
 Commitment Adjustment: \$75,451.50  
 Total Amount to Be Recovered: \$75,451.50  
 Explanation(s): Comp. Bidding Violation; Price Not a Primary Factor

Party to Recover From: Applicant  
 Funding Year: 2012  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: SHOUTPOINT, INC.  
 SPIN: 143032646  
 Original Funding Commitment: \$75,451.50  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$75,451.50

### Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The price of eligible products and services was not the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of \$75,451.50 in improperly disbursed funds from the applicant.

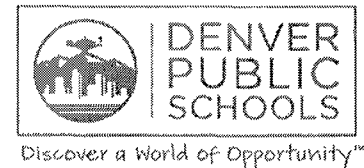
# Denver Public Schools

## OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

### Transmitted via E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on June 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 838238
Funding Request Numbers	FRN 2274256
SPIN:	143032646

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. price of eligible products and services was not the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of \$75,451.50 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #2274256.

1. The bid was awarded to CIC and CIC was the lowest price bid. Denver Public Schools ("DPS") regrets that the individuals involved in preparation of this RFP are no longer employed by or available to DPS and, therefore, DPS does not have any information or documentation beyond what was provided to USAC.

However, since DPS ultimately selected the most cost-efficient bidder, DPS seeks a waiver of the E-rate rules, specifically Section 54.503(c)(2)(ii)(B) and 54.511(a) bidding factor requirements, for this FRN. The FCC recognizes a waiver exception for instances when it is unclear whether an applicant evaluated bids without assigning price as the primary evaluation bid factor, but the applicant selected the lowest priced option regardless of the bid evaluation process and there was no evidence of waste, fraud, or abuse. *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Allendale Country School District Cedar Mountain, North Carolina ("Allendale County")*, DA 11-723, 26 FCC Rcd. 6109, at ¶¶ 10-12 (Wireline Competition Bureau 2011). The FCC has granted a waiver of its bidding factor requirements a number of times. See *STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE*

DENVER PUBLIC SCHOOLS OFFICE OF THE GENERAL COUNSEL  
1860 Lincoln Street • Suite 1230 • Denver, CO 80203

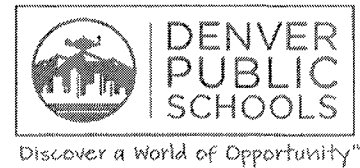
# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



*COMPANY, Public Notice, WC Docket No. 06-122, DA 16-1320, 31 FCC Rcd 12697, at \*12703 n.24 (F.C.C. 2016); In the Matter of Petition for Reconsideration by Fall River Public School District Fall River, MA; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 13-2055, 28 FCC Rcd 14650, at ¶ 4 (Wireline Competition Bureau 2013) (granting a waiver in the public interest); In the Matter of Requests for Review and Waiver of Decisions of the Universal Service Administrator by Colorado Springs School District Colorado Springs, CO Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 12-962, 27 FCC Rcd 7022, at ¶ 1 (F.C.C. 2012). DPS believes such a waiver is applicable for this FRN.*

We respectfully request that the Commitment Adjustment Letter issued by USAC on June 8, 2018 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

/s/ Molly Ferrer

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 838238  
Form 486 Application Number:





**Universal Service Administrative Company**  
Schools & Libraries Division

---

**Administrator's Decision on Appeal – Funding Year 2012-2013**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 838238  
Funding Request Number(s): 2274256  
Your Correspondence Dated: August 06, 2018

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 2012 Notification of 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): 2274256  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The price of eligible products and services was not the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor in the vendor selection process. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment was rescinded in full and USAC will seek recovery of \$75,451.50 in improperly disbursed funds from the applicant. 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.

- FCC rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. *See* 47 C.F.R. sec. 54.511(a); also, Request for Review by Ysleta Independent School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26429, FCC 03-313 para. 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. *See* Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Rcd 16570, DA 98-1110 (rel. Jun. 11, 1998).

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

## Attachment 10

## Attachment 10A

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

## Transmitted via Email and E-rate Productivity Center

Letter of Appeal  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Funding Commitment Decision Letter issued by USAC on June 7, 2018 for the following:

Appellant/Organization Name	Denver School District 1
BEN	142154
Funding Year	2014
Form 471	975021
Funding Request Numbers	2655195
SPIN:	143003990 - Comcast Business Communications

The reasons cited for the decision were:

- No contractual agreement was in place when the FCC Form 471 Certification was filed. FCC Rules require that a contract be signed and dated by the applicant prior to the filing of the FCC Form 471 Certification for the products and services requested. During application review you failed to submit documentation demonstrating that a signed and dated contract was in place. Therefore, this FRN is denied.

Basis for Appeal:

DPS does not agree with USAC's decision to deny FRN 2665195.

The services are part a multiyear contract awarded under BD 1627 commencing in FY2014 under the following terms of a publicly issued and awarded RFP.

**TERM OF CONTRACT:** This contract shall commence on the date of the Purchase Order or Notice of Award and shall remain in effect for sixty (60) months beginning July 1, 2014 subject to three (3) optional one (1) year renewals and until such time as the commodities, equipment and/or services acquired in conjunction with this solicitation have been completed and accepted by the Districts authorized representative. Notwithstanding, it shall be understood and agreed that any required warranty period which exceeds this term shall remain in full force for the duration of the warranty period.

The initial contract/service was accepted via the services quote from Comcast (Attachment: [Dark-2014 Comcast Contract Dark Fiber.pdf](#)) which also falls under the terms of RFP BD1627. The contract is comprised by multiple documents listed below:

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



Initial Term per RFP Terms	FY	FRN	471	Contract Award Date	Contract End Date	Agreement File Name
Initial Term allowed by RFP July 1, 2014 – June 30, 2019	2014	2665195	975021	3/24/2014	6/30/2015	Dark-2014 Comcast Contract Dark Fiber.pdf
	2015	2799216	1015946	03/24/2014	06/30/2019	FY2015 Extension BD1627 Comcast INET through June 30, 2016.pdf  I-Net Agreement Final 071415 through June 30, 2018.pdf

We respectfully request that the Funding Commitment Decision Letter issued by USAC on June 7, 2018 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools

Enclosures: Dark-2014 Comcast Contract Dark Fiber.pdf  
FY2015 Extension BD1627 Comcast INET through June 30, 2016.pdf  
I-Net Agreement Final 071415 through June 30, 2018.pdf

Rosy Campos  
CSM Central  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 975021  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2014-2015**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 975021  
Funding Request Number(s): 2655195  
Your Correspondence Dated: August 06, 2018

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 2014 Funding Commitment Decision 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): 2655195  
Decision on Appeal: **Denied**  
Explanation:

- The record shows that USAC denied funding on the grounds that no contractual agreement was in place when Denver School District 1 (the District) filed the FCC Form 471 Certification for the above listed application. FCC Rules require that a contract be signed and dated by the applicant prior to the filing of the FCC Form 471 Certification for the products and services requested. During application review, the District failed to submit documentation demonstrating that a signed and dated contract was in place. Consequently, the funding request was denied.
- USAC has determined, that at the time you submitted your FCC Form 471 application, you did not have a contract with your service provider(s), which met your state and local or the FCC's definition of a contract. 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 signing a contract for eligible services." The services you requested are not non-contracted tariff or month-to-month services. *See* 47 C.F.R. sec. 54.504(a). 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.

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

## Attachment 10B



March 24, 2014

**VIA EMAIL**

Brad Yohe  
IT Analyst  
Denver Public Schools  
Dept. of Technology Services  
780 Grant St.  
Denver, CO 80203

RE: Denver Public Schools, 2014 - 2015 Fiscal Year Monthly I-Net Invoicing

Dear Brad,

Denver Public Schools is responsible for paying Comcast a monthly Wide Area Network service and co-location. Below is a breakdown of the invoice amounts for fiscal year 2014 - 2015, assuming there are no changes to the number or location of I-net sites during this time-frame.

Month	Co-Location	WAN Service	TOTAL
July 2014	\$350.37	\$3,009.30	\$3,359.67
August 2014	\$350.37	\$3,009.30	\$3,359.67
September 2014	\$350.37	\$3,009.30	\$3,359.67
October 2014	\$350.37	\$3,009.30	\$3,359.67
November 2014	\$350.37	\$3,009.30	\$3,359.67
December 2014	\$350.37	\$3,009.30	\$3,359.67
January 2015	\$350.37	\$3,009.30	\$3,359.67
February 2015	\$350.37	\$3,009.30	\$3,359.67
March 2015	\$350.37	\$3,009.30	\$3,359.67
April 2015	\$350.37	\$3,009.30	\$3,359.67
May 2015	\$350.37	\$3,009.30	\$3,359.67
June 2015	\$350.37	\$3,009.30	\$3,359.67

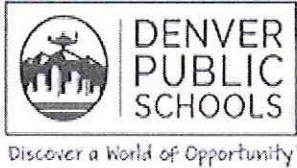
Should you have any questions regarding this information, please feel free to contact me at

303-603-2012.

Sincerely,

Glenn Walker  
Government Affairs Manager  
8000 E. Iliff Ave.  
Denver, CO 80231

## Attachment 10C



Strategic Sourcing Department  
780 Grant Street  
Denver, Colorado 80203

January 16<sup>th</sup>, 2015

Comcast Business  
Attn: Robert Timmons  
1601 Mile High Stadium Circle  
Denver, CO 80204

In March of 2014 School District No. 1 issued a Request for Proposal to Lease Dark Fiber Services for the period of July 1, 2014 – June 30, 2015. You were awarded this contract as a result of your response to RFP BD#1627.

This is to advise you that School District No. 1 in the City and County of Denver, State of Colorado, wishes to extend the agreement with Comcast Business for the period July 1, 2015 through June 30, 2016. If this request meets with your approval, please sign below and return a copy at your earliest convenience.

Sincerely,



Ryan Harter, Senior Manager of Strategic Sourcing

The signature below indicates that Comcast agrees to the extension of the contract for the period July 1, 2015 through June 30, 2016, under Denver Public Schools' specification number BD1627. All conditions of the RFP, including prices, are to remain the same.

---

Signature of Authorized Official

---

Typed or Printed Name

---

Title and Date

## Attachment 10D

## INSTITUTIONAL NETWORK ("I-NET") MAINTENANCE AND COLOCATION AGREEMENT

THIS INSTITUTIONAL NETWORK MAINTENANCE AND COLOCATION AGREEMENT (the "**Agreement**") is made and entered into, to be effective as of the date set out on the signature page below (the "**Effective Date**"), by and between School District No. 1 in the City and County of Denver, State of Colorado, (hereinafter "**DPS**"), and Comcast Cable Communications Management, LLC, on behalf of itself and its affiliates (hereinafter "**Comcast**").

WHEREAS, effective January 1, 2000, the City of Denver granted to Comcast's affiliate Mile High Cable Partners a cable television franchise by Ordinance No. 617, Series 1999 (together with any renewals or extensions, the "**Franchise**") which provided, among other things, for the building and maintenance of an Institutional Network (the "**I-Net**", as further defined in Section I.B. and Appendix A) for DPS; and

WHEREAS, the parties mutually agree (1) to separate the terms and conditions regarding the I-Net for DPS from any agreement between Comcast and the City of Denver, and (2) to establish the framework for the annual payment of maintenance fees and expenses by DPS for Comcast's continued support of the I-Net for DPS.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN, THE PARTIES AGREE AS FOLLOWS:

### **I. I-Net Scope and Definitions**

**A. Defined Terms.** All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Franchise.

**B. Private Network.** The I-Net is a communications network owned, built and maintained by Comcast, and consists of the circuits and interconnections described on Appendix A. Comcast grants DPS the right to access and use the I-Net during the Term (as defined in Section VI.A. below) only by employees, contractors and officials of DPS, and certain business and legal representatives of DPS (together "Qualified I-Net Users"). Subject to Section I.C. below, and unless expressly prohibited by State or federal law, Qualified I-Net Users shall have the right to provide for the internal switching, routing and/or cross connection to telecommunications carriers of its choice, for DPS's normal voice and data communications operations, including without limitation the following uses:

- (1) High-speed transmission of data to and from DPS departments and to and from other Qualified I-Net Users;
- (2) Transmitting live and stored instructional materials (whether in the form of data, video or otherwise) for distance learning and staff training purposes to and from Qualified I-Net Users;
- (3) Providing video conferencing among DPS locations and to other locations for DPS purposes;
- (4) Providing for remote origination of local origination programming to the extent permitted by the Franchise;
- (5) Facilitating connections for telephone systems, security systems and other



communications applications for DPS, so long as such systems are not providing telecommunications services to any person or entity other than Qualified I-Net Users.

**C. Prohibited Uses.** The I-Net is for DPS's business operations, and may not be used to provide commercial services to any third party. Neither DPS nor any Qualified I-Net Users may resell or re-lease access to the I-Net. In addition, the I-Net will not be used in any way that will intentionally or unreasonably interfere with the signal quality and the normal operation of Comcast's subscriber network. DPS agrees to require all Qualified I-Net Users to stipulate and agree to these limitations.

**D. Network Equipment.** Working in cooperation, DPS and Comcast shall determine the network equipment that is necessary for the operation of the I-Net from the Comcast headend to the demarcation point at each I-Net site (excluding end user electronics), and Comcast shall install this equipment at appropriate points on the I-Net. Comcast shall not install or be responsible for any I-Net end user equipment past the demarcation point, unless through a separate agreement with DPS; provided, however, that Comcast shall provide technical expertise as necessary to ensure that the end user equipment is compatible with the I-Net.

## **II. I-Net Service and Performance Standards**

Comcast shall be responsible for meeting these service and performance standards on the I-Net:

### **A. Service Response.**

(1) **Maintenance.** As more fully described in Section II. C of this Agreement, Comcast shall be responsible for the ongoing maintenance and performance of the I-Net from the demarcation point within a facility through the I-Net, including the headend. Routine and preventative maintenance shall be performed on the I-Net to ensure that it meets all performance criteria detailed herein. Comcast will provide DPS's Technical Contact with at least ten (10) business days advance notice of routine and preventative maintenance activities that may affect operation of the I-Net circuits.

(2) **Demand Maintenance/Service and Repair.** Response to I-Net Problems shall occur at all hours (24 X 365). Appropriate Comcast technical support shall respond and actively begin working on I-Net Problems within one (1) hour of either (a) Comcast identifying such I-Net Problem; or (b) Comcast receiving a call from DPS's Technical Contact reporting an I-Net Problem. Comcast shall work continuously until the problem is resolved. If it is determined that the I-Net Problem is caused by the Qualified I-Net User's equipment or software, then the Qualified I-Net User shall correct the problem such that other Qualified I-Net Users are no longer affected. If the Qualified I-Net User does not correct the problem, then Comcast may disconnect the affected site from the I-Net until such time as the equipment or software is repaired.

(3) **Staff Support.** Comcast shall provide an appropriate complement of administrative, headend and field personnel at all times to meet the performance criteria detailed herein.

(4) **Service Call Processing and Tracking.** Comcast will establish mechanisms and procedures for all Qualified I-Net Users to quickly and easily report I-Net Problems. All trouble or service calls will be documented, processed and completed in an expedient manner. Comcast will provide in-house and/or contractor staff; spare and backup headend and distribution equipment; test and maintenance equipment; and additional support as necessary to ensure that the I-Net performs reliably in accordance with all standards detailed herein.

**B. Performance Testing.** Comcast will conduct proof of performance testing on the I-Net two



times per year, no less frequently than every six months. A minimum of one (1) test point location per twenty (20) I-Net sites will be established for the I-Net which are representative of worst-case performance of the I-Net. A representative sampling of activated upstream and downstream bandwidth shall be tested at each test point location. Testing shall be performed to ensure compliance with the I-Net performance specifications herein. All tests will be documented and, upon request, filed with DPS. At DPS's request, all testing processes will be conducted under the observation of a representative from DPS.

**C. Maintenance; Service Trouble Calls and Escalation.** Comcast will perform routine maintenance, non-emergency and emergency repairs upon the I-Net fiber optic circuits and associated facilities and equipment from the Comcast side of the demarcation point. DPS will appoint a designated person (the "**DPS's Technical Contact**") to serve as the point person for troubleshooting and notifying Comcast of any I-Net Problems. DPS acknowledges that Comcast does not actively monitor the signal transmission upon DPS-utilized I-Net fiber, and would have no notice of a service outage but for DPS-initiated notification. In the event of a system failure, DPS's Technical Contact will notify Comcast by calling (720) 535-8841. This line shall be staffed at all hours (24 hours per day, 365 days per year). Comcast shall not be obligated to respond to maintenance or troubleshooting calls from any Qualified I-Net User other than DPS's Technical Contact.

Response to I-Net problems shall occur at all hours (24 hours per day, 365 days per year) as set forth below.

In the event of a disruption or trouble with respect to any portion of the I-Net, Comcast shall provide maintenance and repairs in accordance with the response times set forth below (the "**Dispatch Period**"). Comcast shall notify DPS's Technical Contact within the Dispatch Period that Comcast has dispatched its personnel or contractors to effect restoration and repair and shall provide DPS with updates concerning the status of restoration at reasonable intervals.

Severity Level	Network Condition	Response Time	Commitment
CRITICAL	Network is down. No workaround is available.	1 hour	Comcast and DPS work to resolve situation 24 x 7.
HIGH	Network functionality is severely limited. No workaround is available.	2 hours	Comcast and DPS work to resolve situation 24 x 7.
MEDIUM	Limited functionality. Workaround is available.	12 hours	Comcast and DPS work to resolve situation during named business hours.
LOW	General questions, system enhancements, and/or documentation issues in the ordinary course of business.	24 hours	Comcast and DPS work to resolve situation during normal business hours.

For problems with a "High" or "Critical" severity level, the following escalation procedure will be followed:

1 -2 Hours	Comcast system engineer or equivalent will be notified, will contact DPS and roll crews to begin repairs. Comcast Director or equivalent will be notified.
------------	--

### **III. Colocation of DPS Equipment for Use with I-Net**

**A. Colocation License.** Comcast grants DPS the right and license to place Equipment in the Sites as described on Appendix B to this Agreement (the "**Leased Premises**"). Comcast shall provide the Leased Premises fully conditioned for use and powered with adequate electrical power. Pursuant to the terms and conditions contained herein, Comcast shall allow pre-approved DPS-specified personnel access into the Leased Premises and to the Equipment. For installation, tune-up, and testing, and ongoing maintenance, and/or relocation activities of or with respect to the Equipment, DPS-specified personnel shall be escorted by Comcast at all times. When emergency maintenance is required, DPS will make best efforts to dispatch pre-approved personnel to the I-Net location. However, depending on circumstances, that cannot always be guaranteed, and DPS shall always dispatch qualified personnel to the I-Net location where they shall be escorted by Comcast at all times.

#### **B. Colocation Term.**

(1) The colocation license shall begin on the Effective Date and shall continue in full force and effect until terminated or expired for any particular Site according to Section VI.D. of this Agreement.

(2) If either party elects to terminate this Agreement with respect to any Site pursuant to Section E, DPS shall pay Rent on a pro-rated basis up to and until such time as all of DPS's Equipment has been removed from the Leased Premises and the space is returned to its original condition, normal wear and tear excepted.

#### **C. Obligations of DPS.**

(1) DPS shall arrange access to any and all Sites and the Leased Premises by contacting Comcast, as set forth below, not less than 24 hours in advance, except in the case of emergency repair to DPS Equipment. In no event shall DPS personnel have access to the Leased Premises or DPS's I-Net equipment without a representative of Comcast present. In emergency repair situations when 24 hours advance notice is not possible, Comcast headend staff shall grant immediate verbal approval to DPS for access to any and all Sites and Leased Premises, and notify the General Manager at the earliest opportunity for formal approval. DPS staff will contact the Comcast headend at 720-535-8841 in emergency situations to obtain the verbal approval, and Comcast agrees that authorized staff people will be available at that telephone number seven days a week, 24 hours a day.

(2) DPS shall be responsible for any installation, tune-up, and testing, on-going and emergency maintenance of the Equipment, and Comcast-directed relocation of the Equipment. Any relocation of DPS Equipment shall be coordinated through Comcast.

(3) DPS shall not perform any construction, repairs, alterations or modifications of the Equipment or the Sites ("**Construction**") without the prior written approval of Comcast, which shall



not be unreasonably withheld, delayed or conditioned. In the case of Critical or High-level emergency repair, verbal permission shall be sufficient to allow access to Sites and Leased Premises. Written approval shall be obtained at the earliest opportunity after verbal approval is given. DPS shall pay all costs and expenses of Construction caused by DPS. If any liens or claims shall be filed against the Leased Premises as a result of Construction caused by DPS, DPS promptly shall pay and discharge all such liens or claims. If any of Comcast's equipment or facilities are damaged in any way because of negligent or willful misconduct by DPS staff or contractors, then DPS shall promptly pay all costs to repair and/or replace if necessary.

(4) DPS shall communicate directly and exclusively through Comcast for any required contact or communication with the property manager, owner or lessor of any of the Leased Premises.

(5) Upon termination or expiration of the Colocation Term for any Site, DPS shall be responsible for removal of the Equipment from the Leased Premises within thirty (30) days, at DPS's sole cost and expense. Comcast shall provide DPS with access to all Sites and Leased Premises for such removal of the Equipment.

**D. Interruption of Use.** In the event of any interruption of use by DPS of any Site or power source, unless such interruption is solely caused by Comcast's willful misconduct or negligence, Comcast's sole obligation shall be to provide credit on a pro rata basis against DPS's obligation to make payments of Rent pursuant to Section IV.B. of this Agreement. Comcast's obligation to apply a credit shall not apply to any interruptions due to the fault of DPS.

#### **IV. Fees for Use and Maintenance of I-Net**

**A. Annual Maintenance Fee.** For all maintenance and technical support provided hereunder, DPS shall pay Comcast an all-inclusive annual maintenance fee of \$500 per mile of I-Net fiber or other circuits. The Maintenance Fee shall be due and payable on a monthly basis on the 1st day (or the next business day if not a business day) of each calendar month in installments of 1/12 the annual maintenance fee.

**B. Colocation Fee.** DPS shall pay Comcast, in consideration for its use of the Leased Space as provided in this Agreement, a lease rate of \$1,051.00 per rack per year ("**Rent**") per Site (for a total payment of \$4,204.00 per year assuming the current racks remain the same). Rent shall include all costs for utilities, electricity, and telephone line usage. Rent shall be due and payable monthly on the 1st day (or the next business day if not a business day) of each calendar month. Rent shall be pro-rated for any portion of a month for Sites that are terminated by DPS.

**C. Payment of Bills.** Comcast will invoice DPS in advance for the I-Net maintenance and colocation fees arising under the Agreement. The Parties shall negotiate in good faith to resolve any billing dispute. Comcast will refund/credit all valid disputes resolved in DPS's favor as of the date the disputed charges first appeared on the Customer's invoice.

#### **D. Taxes and Government-Related Costs and Fees.**

(1) Except to the extent DPS provides a valid tax exemption certificate, DPS shall be responsible for the payment of any and all applicable local, state, and federal taxes or fees (however designated).



(2) Comcast reserves the right to invoice DPS for any fees or payment obligations in connection with I-Net or its colocation services imposed by governmental or quasi-governmental bodies in connection with the sale, installation, use, or provision of I-Net or colocation services provided to DPS pursuant to this Agreement, including, without limitation, applicable franchise fees, right of way fees and Universal Service Fund charges (if any), regardless of whether Comcast or its affiliates pay the fees directly or are required by an order, rule, or regulation of a taxing jurisdiction to collect them from DPS. Taxes and other government-related fees and surcharges may be changed with or without notice. In the event that any newly adopted law, rule, regulation or judgment increases Comcast's costs of providing its services, Comcast will provide DPS notice of such change and DPS shall pay Comcast's additional costs of providing its services under the new law, rule, regulation or judgment.

## **V. General Obligations of DPS and Comcast**

**A. Access.** In order to deliver certain services to DPS, Comcast may require access, right-of-way, conduit, and/or common room space ("Access"), both inside and/or outside each location to which service is being provided. DPS shall provide an adequate environmentally controlled space and such electricity as may be required for installation, operation, and maintenance of the Comcast Equipment (as defined below) used to provide the services within each such location(s). DPS shall be responsible for securing, and maintaining on an initial and ongoing basis, such Access within each location unless Comcast has secured such access prior to this Agreement. In the event that DPS, fails to secure or maintain such Access within a particular location, Comcast may cancel or terminate affected service at such location, without further liability, upon written notice to DPS. Any other failure on the part of DPS to be ready to receive and Comcast service, or any refusal on the part of DPS to receive such service, shall not relieve DPS of its obligation to pay charges for any service that is otherwise available for use.

**B. Hazardous Materials.** If the presence of asbestos or other hazardous materials exists or is detected at a location or within the building where DPS requests service, Comcast may immediately stop providing services until such a time as such materials are removed. Alternatively DPS may notify Comcast to install the applicable portion of the service in areas of any such location not containing such hazardous material. Any additional expense incurred by Comcast as a result of encountering hazardous materials, including but not limited to, any additional equipment shall be borne by DPS.

**C. Comcast Equipment.** As used herein, "Comcast Equipment" means any and all facilities, equipment or devices provided by Comcast or its authorized contractors that are used to deliver any of the Services under this Agreement, including, but not limited to, all terminals, wires, modems, lines, circuits, ports, routers, gateways, switches, channel service units, data service units, cabinets, and racks. Notwithstanding the above, inside telephone wiring within DPS's premises, whether or not installed by Comcast, shall not be considered Comcast Equipment. At any time Comcast may remove or change Comcast Equipment in its sole discretion in connection with providing the services. DPS shall not move, rearrange, disconnect, remove, attempt to repair, or otherwise tamper with any Comcast Equipment or permit others to do so, and shall not use the Comcast Equipment for any purpose other than that authorized by the Agreement. Comcast shall maintain Comcast Equipment in good operating condition during the term of this Agreement; provided, however, that such maintenance shall be at Comcast's expense only to the extent that it is related to and/or resulting from the ordinary and proper use of the Comcast Equipment. DPS is responsible for damage to, or loss of, Comcast Equipment caused by its acts or omissions, and its noncompliance with this Agreement, or by fire, theft or other casualty at DPS's service location(s), unless caused by the gross negligence or willful misconduct of Comcast.

**D. Ownership, Impairment and Removal of Network.** The Comcast Equipment, facilities, fiber optic cable associated with electronics and other equipment used to provide the services hereunder (the "Network") is and shall remain the property of Comcast regardless of whether installed within or upon



DPS's premises or property and whether installed overhead, above, or underground, and shall not be considered a fixture or an addition to the land or the buildings on which it is located. DPS agrees that it shall take no action that directly or indirectly impairs Comcast's title to the Network, or any portion thereof, or exposes Comcast to any claim, lien, encumbrance, or legal process, except as otherwise agreed in writing by the Parties. Nothing in this Agreement shall preclude Comcast from using the Network for services provided to other Comcast customers as long as service to DPS remains within the contracted specifications or service levels. For a period of twelve (12) months following Comcast's discontinuance of any service to any DPS location, Comcast retains the right to remove the Network including, but not limited to, that portion of the Network that is located in such location. To the extent Comcast removes such portion of the Network it shall be responsible for returning the location(s) to its prior condition, reasonable wear and tear excepted.

**E. DPS-Provided Equipment.** As used herein, "DPS Equipment" means any and all facilities, equipment or devices supplied by DPS for use in connection with the services provided by Comcast hereunder. Comcast shall have no obligation to install, operate, or maintain DPS Equipment. DPS shall have sole responsibility for providing maintenance, repair, operation and replacement of all DPS Equipment, inside telephone wiring and other DPS Equipment. Comcast shall not move, rearrange, disconnect, remove, attempt to repair, or otherwise tamper with any DPS Equipment or permit others to do so, without prior authorization from DPS, and shall not use the Comcast Equipment for any purpose other than that authorized by the Agreement. Comcast is responsible for damage to, or loss of, DPS Equipment caused by its acts or omissions, and its noncompliance with this Agreement, or by fire, theft or other casualty at DPS's service location(s), unless caused by the gross negligence or willful misconduct of DPS.

DPS Equipment shall at all times be compatible with the Network as determined by Comcast in its sole discretion. In addition to any other service charges that may be imposed from time to time, DPS shall be responsible for the payment of service charges for visits by Comcast's employees or agents to a service location when the service difficulty or trouble report results from the use of DPS Equipment or facilities provided by any party other than Comcast.

## **VI. Term and Termination**

**A. Term and Renewal.** This Agreement shall commence upon the Effective Date hereof and, unless otherwise terminated earlier in accordance with this Agreement, shall remain in full force and effect for three (3) years (the "**Initial Term**").

### **B. Termination for Default.**

(1) Either party shall be in default under this Agreement if:

- (a) such party fails to timely perform any material obligation under this Agreement, and such failure continues for a period of thirty (30) days after written notice of such failure given by the other party; or
- (b) such party becomes the subject of any proceedings under any bankruptcy or insolvency laws provided that, in the case of any involuntary proceeding, such proceeding is not dismissed within sixty (60) days.

(2) In addition, Comcast shall be deemed to be in default if any officer or employee of Comcast that negotiated this Agreement or that is directly involved in providing services to DPS hereunder is convicted, pleads *nolo contendere*, enters into a formal agreement in



which he or she admits guilt, enters a plea of guilty or otherwise admits culpability to criminal offenses of bribery, kickbacks, collusive bidding, bid-rigging, antitrust, fraud, undue influence, theft, racketeering, extortion or any offense of a similar nature in connection with Comcast's business related to this Agreement.

(3) Upon default, and at any time thereafter, the non-defaulting party may, at its option, declare this Agreement to be in default, and may terminate this Agreement upon written notice to the defaulting party and may pursue all other available remedies at law and in equity, all of which shall be cumulative. No express or implied waiver by either party of any event of default shall in any way be, or be construed to be, a waiver of any further or subsequent event of default. If the Agreement is terminated, DPS is entitled to and will take possession of all materials, equipment, tools and facilities it owns that are in Comcast's possession, custody, or control by whatever method DPS deems expedient.

**C. Termination of Colocation Services at Individual Sites.** DPS may terminate Comcast's colocation services with respect to any particular Site at any time during the term of this Agreement upon sixty (60) days written notice. Such written notice shall specify the effective date of such termination for each Site.

**D. Termination for Non-appropriations.** If funds are not appropriated, or otherwise become unavailable to fund this Agreement DPS may terminate this Agreement.

## **VII. Warranties; Limitation of Liability; Disclaimers**

**A. Certain Covenants and Warranties of Comcast.** Comcast will perform all services under this Agreement using a degree of skill, care, and judgment consistent with customarily accepted best business practices in the industry. With respect to the Colocation Services, Comcast warrants to DPS the peaceable and quiet possession of the Leased Premises, subject only to the terms of this Agreement, and that (i) Comcast holds valid, enforceable rights to occupy the Leased Premises; (ii) Comcast's execution and delivery of this Agreement does not violate applicable law, rule or regulation or any agreements to which Comcast is a party or by which it is bound, or require any consent, authorization, or approval that has not been validly obtained by Comcast, including but not limited to the consent of the owner of the Leased Premises or any other parties that have granted Comcast any right to occupy the Leased Premises.

### **B. Disclaimer of Warranties.**

(1) I-Net construction, I-Net maintenance, and colocation services shall be provided pursuant to the terms and conditions in this Agreement, and are in lieu of all other warranties, express, implied or statutory, including, but not limited to, the implied warranties of merchantability, fitness for a particular purpose, title, and non-infringement. **TO THE MAXIMUM EXTENT ALLOWED BY LAW, COMCAST EXPRESSLY DISCLAIMS ALL SUCH EXPRESS, IMPLIED AND STATUTORY WARRANTIES.**

(2) Without limiting the generality of the foregoing, Comcast does not warrant that any of its services, Comcast Equipment, software, or DPS's use of the I-Net will be uninterrupted, error-free, or free of latency or delay, or that the services, Comcast Equipment, software or DPS's use of the I-Net will meet the requirements of DPS or its end-users, or that the services, Comcast Equipment, software, or the I-Net will prevent unauthorized access by third-parties.



(3) Comcast's services are not fail-safe and are not designed or intended for use in situations requiring fail-safe performance or in which an error or interruption in the services could lead to severe injury to business, persons, property or environment ("**High Risk Activities**"). These High Risk Activities may include, without limitation, vital business or personal communications, or activities where absolutely accurate data or information is required.

(4) In no event shall Comcast be liable for any loss, damage or claim arising out of or related to: (i) stored, transmitted, or recorded data, files, or software; (ii) any act or omission of DPS, its users or third-parties; (iii) interoperability, interaction or interconnection of the services with applications, equipment, services or networks provided by DPS or third-parties; or (iv) loss or destruction of any DPS Equipment, DPS hardware, software, files or data resulting from any virus or other harmful feature or from any attempt to remove it. DPS is advised to back up all data, files and software at regular intervals.

### C. Limitation of Liability.

(1) THE AGGREGATE LIABILITY OF COMCAST FOR ANY AND ALL LOSSES, DAMAGES AND CAUSES ARISING OUT OF THE AGREEMENT, AND NOT OTHERWISE LIMITED HEREUNDER, WHETHER IN CONTRACT, TORT, IN LAW OR IN EQUITY, OR OTHERWISE, SHALL NOT EXCEED DIRECT DAMAGES EQUAL TO THE SUM TOTAL OF THREE TIMES THE PAYMENTS MADE BY DPS TO COMCAST DURING THE ONE YEAR PERIOD IMMEDIATELY PRECEDING THE EVENT FOR WHICH DAMAGES ARE CLAIMED. IN THE EVENT THAT DPS HAD NOT MADE TWELVE MONTHS OF PAYMENTS TO COMCAST AT THE TIME COMCAST INCURS LIABILITY, THEN THE DAMAGES CAP WILL BE CALCULATED BY AGGREGATING DPS' PRIOR PAYMENTS TO THE EQUIVELANT OF TWELVE MONTHS OF PAYMENTS BY MULTIPLYING ITS AVERAGE MONTHLY PAYMENT TIMES TWELVE. THIS LIMITATION SHALL NOT APPLY TO AMOUNTS PAID BY WAY OF INDEMNITY PURSUANT TO SECTION VIII BELOW, OR TO DPS'S LIABILITY FOR THE FEES DUE FOR THE SERVICES HEREUNDER.

(2) NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, INDIRECT, SPECIAL, COVER, PUNITIVE OR CONSEQUENTIAL DAMAGES, WHETHER OR NOT FORESEEABLE, OF ANY KIND INCLUDING BUT NOT LIMITED TO ANY LOSS REVENUE, LOSS OF USE, LOSS OF BUSINESS, OR LOSS OF PROFIT WHETHER SUCH ALLEGED LIABILITY ARISES IN CONTRACT OR TORT HOWEVER, THAT NOTHING HEREIN IS INTENDED TO LIMIT DPS'S LIABILITY FOR THE FEES DUE FOR THE SERVICES HEREUNDER.

## VIII. Liability

A. Each party (including its officers, employees, agents, contractors, representatives, suppliers, subsidiaries, parents, and affiliated companies) shall be responsible for its own claims, demands, actions, causes of actions, damages, liabilities, losses, and expenses (including reasonable attorneys' fees) ("Claims") by any third party, brought against that party including, without limitation, bodily injury or death of any person or loss or damage to any property infringement or misappropriation of intellectual property or Confidential Information including any damage to the facilities or equipment belonging to, controlled by and in possession of the that party arising out of the gross negligence or willful misconduct of that party, including its directors, officers, employees, agents or representatives, in the performance of this Agreement.

(1) Additional DPS Obligations. If a third party makes a claim against Comcast arising on account of or in connection with any Qualified I-Net User's misuse of the I-Net provided under the Agreement, the content attributed to a Qualified I-Net User's or DPS's use of the I-Net, or DPS's misuse of



other products or services provided hereunder, including without limitation with respect to libel, slander, infringement of copyright, or unauthorized use of trademark, trade name, or service mark arising out of communications via the I-Net or other Comcast services, then DPS shall be responsible for such defense provided that: (i) Comcast promptly notifies DPS in writing after receipt of a potential claim; (ii) DPS may assume sole control of the defense of such claim and all related settlement negotiations; and (iii) Comcast shall, at DPS's request and expense, provide assistance, information and authority necessary to perform DPS's obligations under this Section VIII. DPS will be provided a reasonable opportunity: (i) to cure the breach made by I-Net User or DPS alleged in the Claim; (ii) to dispute its liability to Comcast after the receipt of the written notice; (iii) to negotiate, in good faith, a resolution of any Claim; (iv) to contest, pay, settle or compromise the Claim. Notwithstanding any term to the contrary, the total obligation of DPS is limited to the fees paid to Comcast twelve months preceding the receipt date of the written notice of the Claim.

To the extent provided by the Colorado Governmental Immunity Act, nothing in the Agreement shall be construed to create or constitute any admission of liability and it is specifically understood and agreed that nothing contained in this Agreement shall be construed as an express or implied waiver of DPS governmental immunity or as an express or implied acceptance of liabilities arising as a result of actions which lie in tort or could lie in tort in excess of the damages allowable under the Colorado Governmental Immunity Act nor does it operate as a pledge of the full faith and credit of or as the assumption of a debt, contract or liability by DPS in violation of Article XI, Section 1 of the Constitution of Colorado. The obligations of this Section shall survive termination of this Agreement.

(2) **Additional Comcast Obligations.** If a third party makes a claim against DPS that Comcast has infringed any patent, copyright, or trademark or misappropriated any trade secret or other intellectual property right, Comcast shall be responsible for the DPS against such a claim, including the payment of all costs, damages and expenses (including reasonable legal fees) finally awarded against DPS by a court of competent jurisdiction or agreed to in a written settlement agreement signed by Comcast arising out of such a claim, provided that: (i) DPS promptly notifies Comcast in writing after receipt of a potential claim; (ii) Comcast may assume sole control of the defense of such claim and all related settlement negotiations; and (iii) DPS shall, at Comcast's request and expense, provide assistance, information and authority necessary to perform Comcast's obligations under this Section VIII.

**D. Survival.** This Section VIII shall survive the expiration or earlier termination of this Agreement.

## **IX. Confidential Information and Privacy**

**A. Definition of Confidential Information.** "Confidential Information" shall mean all information regarding either party's business which has been marked or is otherwise communicated as being "proprietary" or "confidential" or which reasonably should be known by the receiving party to be proprietary or confidential information. Without limiting the generality of the foregoing, Confidential Information shall include, even if not marked, the Agreement, promotional materials, proposals, quotes, rate information, discount information, subscriber information, network upgrade information and schedules, network operation information (including without limitation information about outages and planned maintenance) and invoices, as well as the parties' communications regarding such items.

**B. Disclosures and Use.** All Confidential Information disclosed by either party shall be kept by the receiving party in strict confidence and shall not be disclosed to any third-party without the disclosing party's express written consent. Notwithstanding the foregoing, such information may be disclosed (i) to the receiving party's employees, affiliates, and agents who have a need to know for the purpose of



performing this Agreement (provided that in all cases the receiving party shall take appropriate measures prior to disclosure to its employees, affiliates, and agents to assure against unauthorized use or disclosure); or (ii) as otherwise authorized by this Agreement. Each party agrees to treat all Confidential Information of the other in the same manner as it treats its own proprietary information, but in no case using a degree of care less than a reasonable degree of care.

**C. Exceptions.** Notwithstanding the foregoing, each party's confidentiality obligations hereunder shall not apply to information that: (i) is already known to the receiving party without a pre-existing restriction as to disclosure; (ii) is or becomes publicly available without fault of the receiving party; (iii) is rightfully obtained by the receiving party from a third-party without restriction as to disclosure, or is approved for release by written authorization of the disclosing party; (iv) is developed independently by the receiving party without use of the disclosing party's Confidential Information; or (v) is required to be disclosed by law or regulation, including pursuant to DPS's responsibilities under the Colorado Open Records Act.

**D. Remedies.** Notwithstanding any other section of this Agreement, the non-breaching party shall be entitled to seek equitable relief to protect its interests pursuant to this Section VIII, including, but not limited to, injunctive relief.

**E. Monitoring of Services.** Comcast assumes no obligation to pre-screen or monitor DPS's use of the I-Net or its other services, including without limitation postings and/or transmission. However, DPS acknowledges and agrees that Comcast and its agents shall have the right to pre-screen and monitor such use from time to time and to use and disclose such results to the extent necessary to operate its services properly, to ensure compliance with applicable use policies, to protect the rights and/or property of Comcast, or in emergencies when physical safety is at issue, and that Comcast may disclose the same to the extent necessary to satisfy any law, regulation, or governmental request. Comcast shall have no liability or responsibility for content received or distributed by DPS or its users through any use of I-Net or Comcast's other services. For the avoidance of doubt, the monitoring of data described in this Section IX.E refers to aggregate data and types of traffic (protocol, upstream/downstream utilization, etc.). Comcast does not have access to the content of encrypted data transmitted across Comcast networks.

**F. Survival of Confidentiality Obligations.** The obligations of confidentiality and limitation of use described in this Section IX shall survive the expiration and termination of the Agreement for a period of two (2) years (or such longer period as may be required by law).

## **X. Miscellaneous Terms**

**A. Force Majeure.** Neither party (and in the case of Comcast, Comcast affiliates and subsidiaries) shall be liable to the other party for any delay, failure in performance, loss, or damage to the extent caused by force majeure conditions such as acts of God, fire, explosion, power blackout, cable cut, acts of regulatory or governmental agencies, unavailability of right-of-way or materials, or other causes beyond the party's reasonable control, except that DPS's obligation to pay under this Agreement shall not be excused. Changes in economic, business or competitive condition shall not be considered force majeure events.

**B. Publicity.** The Agreement provides no right to use any party's or its affiliates' trademarks, service marks, or trade names, or to otherwise refer to the other party in any marketing, promotional, or advertising materials or activities. Neither party shall issue any publication or press release relating to, or otherwise disclose the existence of, the terms and conditions of any contractual relationship between Comcast and DPS, except as permitted by the Agreement or otherwise consented to in writing by the other



party.

**C. Assignment or Transfer.** Neither party shall assign any right, obligation or duty, in whole or in part, or of any other interest hereunder, without the prior written consent of the other party, which shall not be unreasonably withheld. Notwithstanding the foregoing, Comcast may assign the Agreement without DPS's consent to any affiliate or to any entity that acquires all or substantially all of the assets of Comcast relating to this Agreement (provided that such entity also assumes Comcast's obligations under the Franchise). All obligations and duties of either party under this Agreement shall be binding on all successors in interest and assigns of such party. Nothing herein is intended to limit Comcast's use of third-party consultants and contractors to perform under this Agreement. However, DPS reserves the right to terminate this Agreement with a respective assign if in DPS' reasonable commercial discretion, continuing this Agreement with that assign would be contrary to the best interests of DPS.

**D. Availability of Funds and Annual Appropriations.** DPS' obligation for payment of any amount herein shall extend only to annual appropriations by DPS's Board of Education as provided in the School District Budget Law of 1964, C.R.S. § 22-44 Part 1 and C.R.S. § 22-32-127, as now or hereafter amended. In the event funds are not so appropriated, DPS shall have no obligation to make such payment, and Comcast shall have no obligation to provide services or access to the I-Net.

**E. Alternative Dispute Resolution.** The parties shall attempt in good faith to resolve promptly any dispute arising out of or relating to this Agreement by negotiation between the parties' chosen representatives who have authority to settle the dispute. The representatives must be at a higher level of management than the persons with direct responsibility for administration of this Agreement. The parties' representatives shall first try in good faith to settle by mediation any dispute arising out of or relating to this Agreement or its breach. If the mediation is unsuccessful, the parties may then resort to non-binding arbitration, litigation or another dispute resolution procedure.

**F. Full Disclosure Required.** DPS cannot nor will it be held liable now or in the future to unknown policies, terms or conditions that have not been fully disclosed, requires incorporation by hyperlink or referral to a website containing said terms and conditions.

**G. Entire Understanding.** The Agreement constitutes the entire understanding of the parties related to the subject matter hereof. The Agreement supersedes all prior agreements, proposals, representations, statements, or understandings, whether written or oral, concerning I-Net or colocation on the Leased Premises or the parties' rights or obligations relating to I-Net or colocation on the Leased Premises, including the Colocation Agreement and any terms contained in the Franchise. Any prior representations, promises, inducements, or statements of intent regarding I-Net or colocation on the Leased Premises that are not embodied in this Agreement are of no effect. No subsequent agreement among the parties concerning I-Net or colocation on the Leased Premises shall be effective or binding unless it is made in writing by authorized representatives of the parties. Terms or conditions contained in any sales orders, or restrictive endorsements or other statements on any form of payment, shall be void and of no force or effect.

**H. Exports.** DPS acknowledges that any products, software, and technical information (including, but not limited to, services and training) provided pursuant to the Agreement may be subject to U.S. export laws and regulations. DPS agrees that it will not use, distribute, transfer, or transmit the products, software, or technical information (even if incorporated into other products) except in compliance with U.S. export regulations. If requested by Comcast, DPS also agrees to sign written assurances and other export-related documents as may be required for Comcast to comply with U.S. export regulations.

**I. Construction.** In the event that any portion of the Agreement is held to be invalid or unenforceable, the parties shall replace the invalid or unenforceable portion with another provision that, as nearly as possible, reflects the original intention of the parties, and the remainder of the Agreement shall remain in full force and effect.

**J. Survival.** The rights and obligations of either party that by their nature would continue beyond the termination or expiration of this Agreement shall survive termination or expiration of this Agreement.

**K. Choice of Law.** This Agreement shall be governed by the laws of the state of Colorado, without regard to the conflicts of laws principles thereof.

**L. No Third-Party Beneficiaries.** This Agreement does not expressly or implicitly provide any third-party (including users) with any remedy, claim, liability, reimbursement, cause of action, or other right or privilege.

**M. Parties' Authority to Contract.** The persons whose signatures appear below are duly authorized to enter into the Agreement on behalf of the parties name therein.

**N. No Waiver; Etc.** No failure by either party to enforce any right(s) hereunder shall constitute a waiver of such right(s). This Agreement may be executed in counterpart copies.

**O. Independent Contractors.** The parties to this Agreement are independent contractors. Neither party is an agent, representative, or partner of the other party. Neither party shall have any right, power, or authority to enter into any agreement for, or on behalf of, or incur any obligation or liability of, or to otherwise bind, the other party. This Agreement shall not be interpreted or construed to create an association, agency, joint venture, or partnership between the parties or to impose any liability attributable to such a relationship upon either party.

**P. Headings.** The article and section headings used herein are for reference only and shall not limit or control any term or provision of this Agreement or the interpretation or construction thereof.

**Q. Compliance with Laws.** Each of the parties agrees to comply with all applicable local, state and federal laws and regulations and ordinances in the performance of its respective obligations under this Agreement.

**R. Notices.** Unless otherwise provided herein, all notices and communications concerning this Agreement shall be in writing and effective when sent by facsimile (confirmed by first-class mail), or when delivered by overnight express or other express delivery service addressed to the other party as follows:

If to Comcast:

Comcast Business

ATTN: Vice President of Business Services

1601 Mile High Stadium Circle | Denver, CO 80204

Office: [303-603-0947](tel:303-603-0947)

With copies to:

Comcast Business



ATTN: Director of Business Operations  
 1601 Mile High Stadium Circle | Denver, CO 80204  
 Office: [303-603-0908](tel:303-603-0908)

and

Comcast Cable Communications Management, LLC  
 Attention: Cable Law Department  
 50<sup>th</sup> Floor,  
 1701 JFK Blvd  
 Philadelphia, PA 19103

If to DPS:

Denver Public Schools  
 Technology Services Department  
 Attention:  
 1860 Lincoln Street  
 Denver, CO 80203  
 Office:


**S. Fraudulent Use of Services.** DPS is responsible for all charges attributable to DPS with respect to its use of I-Net or its use of colocation services on the Leased Premises, even if incurred as the result of fraudulent or unauthorized use; provided that should Comcast detect any unauthorized or fraudulent use of I-Net or colocation services it reports such use to DPS. Comcast reserves the right to restrict, suspend or discontinue providing access and use of the I-Net or its colocation services in the event of fraudulent use.

**T Counterparts and Exchanges.** This Agreement may be executed simultaneously in two (2) or more counterparts, each of which will be considered an original, but all of which together will constitute one and the same instrument. The exchange of a fully executed Agreement (in counterparts or otherwise) electronically shall be sufficient to bind the parties to the terms and conditions of this Agreement.


**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;  
 SIGNATURE PAGES FOLLOW]**

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective on the date first written above.

COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC

By   
Richard C Jennings  
Name: Regional Senior Vice President –  
Cable Management  
Title:  
Date: 8/12/15

DENVER PUBLIC SCHOOLS

By   
Name: David A. Suppes  
Title: COO  
Date: 7/14/15

Approved As To Form: 

General Counsel

Denver Public Schools

ses

**Appendix A****Denver I-Net Maintenance Chart**

Site Number	Site Location Name	Site Location	Total Mileage from Headend to Site Location (Strand x 10%)	Incremental I-Net Miles (Strand Miles)	Network Expense for one year = Strand Mile X \$500
<b>Instructional and Non-Instructional Facilities</b>					
<b>Northwest Quad</b>					
1	TREVISTA AT HORACE MANN ECE-8	4130 Navajo Street	4.48	2.81	\$ 1,405.31
2	LAKE MIDDLE SCHOOL	1820 Lowell Boulevard	0.58	0.36	\$ 181.94
3	SKINNER MIDDLE SCHOOL	3435 W. 40th Avenue	2.18	1.37	\$ 683.83
20	DENVER PUBLIC SCHOOLS SERVICE CENTER	2800 W. 7th Ave.	4.47	1.26	\$ 629.36
21	NORTH HIGH SCHOOL	2960 N. Speer Blvd.	1.59	0.45	\$ 223.87
25	CEC MIDDLE COLLEGE	2650 Eliot St.	1.58	0.44	\$ 222.46
62	DENVER PUBLIC SCHOOLS TRANSPORTATION	2909 W. 7th Ave.	4.58	1.29	\$ 644.85
	DEPARTMENT OF TECHNOLOGY SERVICES	780 Grant St	3.73	1.05	\$ 525.00
	MOREY MIDDLE SCHOOL	840 E. 14th Avenue	4.33	1.23	\$ 615.00
	DENVER CENTER OF INTERNATIONAL STUDIES	574 W. 6th Avenue	3.14	0.90	\$ 450.00
33	DENVER PUBLIC SCHOOLS ADMIN OFFICES	900 Grant Street	3.83	1.09	\$ 545.00
33	EMILY GRIFFITH OPPORTUNITY SCH	1250 Welton Street	3.28	0.93	\$ 465.00
64	WEST HIGH SCHOOL	951 Elati	2.81	0.80	\$ 400.00
66	MANUAL HIGH SCHOOL	1700 E. 28th Avenue	5.36	1.52	\$ 760.00
<b>Southeast Quad</b>					
2	HAMILTON MIDDLE SCHOOL	8600 E. Dartmouth Avenue	3.46	0.98	\$ 488.80
4	MERRILL MIDDLE SCHOOL	1551 S. Monroe Street	2.93	0.83	\$ 413.93
	PLACE BRIDGE ACADEMY	7125 Cherry Creek Drive North	3.78	1.07	\$ 534.01
29	GEORGE WASHINGTON HIGH SCHOOL	655 S. Monaco Parkway	2.89	0.81	\$ 406.91
58	SOUTH HIGH SCHOOL	1700 E. Louisiana Avenue	4.85	1.37	\$ 682.87
67	THOMAS JEFFERSON HIGH SCHOOL	3950 S. Holly Street	3.84	1.08	\$ 540.66
<b>Southwest Quad</b>					
1	GRANT MIDDLE SCHOOL	1751 S. Washington Street	5.79	1.64	\$ 817.97
2	HENRY WORLD SCHOOL	3005 S. Golden Way	3.47	2.86	\$ 1,430.63
3	KEPNER MIDDLE SCHOOL	911 W. Hazel Court	4.69	3.87	\$ 1,933.62
4	KUNSMILLER CREATIVE ARTS ACADEMY	2250 S. Quitman	0.54	0.45	\$ 222.63
5	GRANT RANCH ELEMENTARY	Grant Ranch Boulevard & S. Jay	8.80	7.26	\$ 3,628.11
	MATHEMATICS AND SCIENCE LEADERSHIP ACADEMY	451 S. Tejon Street		3.2	\$ 1,600.00
32	ABRAHAM LINCOLN HIGH SCHOOL	2285 S. Federal Blvd.	2.39	0.67	\$ 336.38
33	JOHN F. KENNEDY HIGH SCHOOL	2855 S. Lamar	3.99	1.12	\$ 561.57
34	DENVER PUBLIC SCHOOLS YUMA CENTER	2320 W. 4th Avenue	8.32	2.34	\$ 1,170.99
<b>Northeast Quad</b>					
	COLE ARTS AND SCIENCE ACADEMY	3240 Humboldt Street	6.43	1.83	\$ 915.00
	MARTIN LUTHER KING JR. MIDDLE COLLEGE	19535 E. 46th Avenue	15.56	4.44	\$ 2,220.00
	NOEL MIDDLE SCHOOL	53rd and Kittredge	15.43	4.34	\$ 2,170.00
	BRUCE RANDOLPH MIDDLE SCHOOL	3955 Steele Street	5.49	1.57	\$ 785.00
	SMILEY MIDDLE SCHOOL	2540 Holly St	4.01	1.14	\$ 570.00
3	HILL CAMPUS OF ARTS AND SCIENCE	451 Clermont Street	4.77	1.35	\$ 673.87
35	EAST HIGH SCHOOL	1545 Detroit Street	6.74	1.92	\$ 960.00
71	MONTBELLO HIGH SCHOOL	5000 Crown Boulevard	11.69	3.33	\$ 1,665.00
	DENVER SCHOOL OF THE ARTS	7111 E Montview Blvd	0.44	0.32	\$ 160.00
	1860 LINCOLN STREET	1860 Lincoln Street Denver, CO	0.79	0.79	\$ 395.00
	Fiber Ring				\$2,635.00
<b>Total:</b>					<b>\$35,670</b>

**Appendix B**  
**Leased Premises and Equipment**

Leased Space at Comcast Hub-Sites (location of DPS Equipment on Comcast racks within Comcast hub Hub-Site facilities): Northwest, Southeast, Southwest, and Northeast

- TCC 1601 Mile High Stadium Circle Denver, CO 80204  
RR13.01 (Rack 13, Row 1) 1 Cisco 6500 router.
- Hub41 2901 W. Dartmouth Ave Denver, CO 80236  
RR05.03 (Rack 5, Row 3) 1 Cisco 6500 router.
- Hub42 5480 E. Evans Ave Denver, CO 80222  
RR05.03 (Rack 5, Row 3) 1 Cisco 6500 router.
- Hub43 7190 E Montview Ave. #A Denver, CO 80220  
RR05.03 (Rack 5, Row 3) 1 Cisco 6500 router.

## Attachment 11



## Attachment 11A

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

## Commitment Adjustment Letter

Brad Yohe  
DENVER SCHOOL DISTRICT 1  
1860 LINCOLN STREET  
DENVER, CO 80203

6/8/2018

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

**Total commitment adjustment: \$1,336,790.72**

**Total amount to be recovered: \$1,265,895.29**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
664694	1814666	\$1,336,790.72	\$1,265,895.29	Comp. Bidding Violation; Documentation Not Provided	Applicant

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

### Commitment Adjustment

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

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

## FCC's Red Light Rule

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

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

## To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

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

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

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.



3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

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

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

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

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

Schools and Libraries Division

cc: Katie Bostick

CenturyLink Qwest Corporation



## Adjustment Report

FCC Form 471 Application Number: 664694  
 Funding Request Number: 1814666  
 Commitment Adjustment: \$1,336,790.72  
 Total Amount to Be Recovered: \$1,265,895.29  
 Explanation(s): Comp. Bidding Violation; Documentation Not Provided

Party to Recover From: Applicant  
 Funding Year: 2009  
 Billed Entity Number: 142154  
 Services Ordered: TELCOMM SERVICES  
 Service Provider Name: CenturyLink Qwest Corporation  
 SPIN: 143005231  
 Original Funding Commitment: \$1,336,790.72  
 Adjusted Funding Commitment: \$0.00  
 Funds Disbursed to Date: \$1,265,895.29

## Funding Commitment Adjustment Explanation

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$1,265,895.29 in improperly disbursed funds from the applicant.

# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



August 6, 2018

## Transmitted via E-rate Productivity Center

Letter of Appeal

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

To Whom It May Concern:

This is a letter of appeal relating to the Commitment Adjustment Letter issued by USAC on June 8, 2018 for the following:

Appellant/Organization Name	Denver Public Schools
BEN	142154
Form 471	471# 664694
Funding Request Numbers	FRN 1814666
SPIN:	143005231

The reason cited was that it was determined that "After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least (five or ten) years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCCs recordkeeping and auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$1,265,895.29 in improperly disbursed funds from the applicant."

We do not agree with this assessment that disbursed funds should be recovered for FRN #1814666.

1. The individual in charge of the RFP process at the time this RFP was issues was Bud Bullard, who no longer with Denver Public Schools. DPS conducted an exhaustive search of this individual's records and did not find the associated documents. According to DPS records, the contract was reviewed and approved by USAC in July of 2005. Currently, DPS has implemented policies and practices to ensure that all e-rate documentation is retained according to the rules. Therefore, DPS is requesting a waiver of the rule as it relates to this particular FRN.

We respectfully request that the Commitment Adjustment Letter issued by USAC on June 8, 2018 be overturned and that funding for the FRN be approved as it was originally requested.

Sincerely,

*/s/ Molly Ferrer*

Molly Ferrer  
Deputy General Counsel  
Denver Public Schools



Rosy Campos  
CSM Consulting Inc.  
3130-C Inland Empire Blvd.  
Ontario, CA 91764

Billed Entity Number: 142154  
Form 471 Application Number: 664694  
Form 486 Application Number:



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2009-2010**

August 29, 2018

Molly Ferrer  
Denver Public Schools  
Office of the General Counsel  
1860 Lincoln Street, Suite 1230  
Denver, CO 80203

Re: Applicant Name: DENVER SCHOOL DISTRICT 1  
Billed Entity Number: 142154  
Form 471 Application Number: 664694  
Funding Request Number(s): 1814666  
Your Correspondence Dated: August 06, 2018

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 2009 Notification of 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): 1814666  
Decision on Appeal: Denied  
Explanation:

- The record shows that after a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The applicant failed to retain or produce at the request of the Administrator the following documentation pertaining to its competitive bidding process: copies of all bids received and documentation demonstrating the vendor evaluation process. FCC rules require schools and libraries as well as service providers to retain all documents related to the application for, receipt, and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year and to produce such records upon a request of an auditor or other authorized representative. FCC rules further provide that a non-compliance with the FCC's recordkeeping and

auditing rules by failure to retain records or to make available required documentation is a rule violation that warrants recovery of any disbursed funds for the time period for which the information/documentation is being sought. Since you failed to retain the above specified documentation or produce the above specified documentation upon request of an authorized representative/ an auditor, your compliance with competitive bidding requirements could not be determined. As a result, your funding commitment has been rescinded in full and USAC will seek recovery of \$1,265,895.29 in improperly disbursed funds from the applicant. 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.

- FCC rules require that the schools and libraries retain all documents related to the application for, receipt and delivery of discounted telecommunications and other supported services for at least five years after the last day of service delivered in a particular Funding Year. Any document that demonstrates compliance with the statutory or regulatory requirements for the schools and libraries mechanism shall be retained as well. *See* 47 C.F.R. § 54.516(a). The applicants and service providers are further required to produce such records upon a request of any representative (including any auditor) appointed by a state education department, the Administrator, the FCC or any local, state or federal agency with jurisdiction over the entity. *See* 47 C.F.R. 54.516(b). For further guidance on the FCC's recordkeeping requirements *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-15826 paras. 47-50 (rel. Aug. 13, 2004).

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

## Attachment 11B



**Universal Service Administrative Company**  
Schools & Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2005: 07/01/2005 - 06/30/2006)

July 27, 2005

Bud Bullard  
DENVER SCHOOL DISTRICT 1  
780 Grant St.  
Denver, CO 80203-2907

Re: Form 471 Application Number: 471058  
Funding Year 2005: 07/01/2005 - 06/30/2006  
Billed Entity Number: 142154  
Billed Entity FCC RN: 11753191  
Applicant's Form Identifier: 471-YR8/6

Thank you for your Funding Year 2005 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$1,304,570.40 is "Approved."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

**FUNDING COMMITMENT REPORT**

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

**TO APPEAL THIS DECISION:**

If you wish to appeal a decision in this letter, your appeal must be received by the SLD 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 (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,

- Applicant BEN and service provider SPIN,
  - Form 471 Application Number as assigned by the SLD,
  - "Funding Commitment Decision Letter for Funding Year 2005," AND
  - The exact text or the decision that you are appealing.
3. 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 the applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by the SLD's decision.
  5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on our web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

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

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal  
 Schools and Libraries Division  
 Box 125 - Correspondence Unit  
 80 South Jefferson Road  
 Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use either the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. 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.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the Universal Service Administrative Company (USAC) and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD 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 the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
 Universal Service Administrative Company

## Attachment 12



# Denver Public Schools

OFFICE OF THE GENERAL COUNSEL

TEL 720-423-3393

FAX 720-423-3892

WEB [www.dpsk12.org](http://www.dpsk12.org)



February 3, 2017

**Via E-mail and U.S. Mail**

Jeff Walsh

Manager of PIA Operations

Schools and Libraries Programs

Universal Service Administrative Company

2000 L Street N.W., Suite 200

Washington, DC 20036

Re: FY2009-2014 Intent to Deny Notifications

Dear Mr. Walsh:

Thank you for the opportunity to respond to the USAC Intent to Deny Notification, dated January 19, 2017. If you have any questions or require additional information, please do not hesitate to contact me.

1. FY 2009 FCC Form 471# 645029 FRNs 1815033, 1815204, and 1815232:

Based on the documentation provided, FCC Form 471 App # 645029 FRNs 1815033, 1815204, and 1815232 will be denied because the vendor selection documentation you provided during the review did not demonstrate that price of the eligible goods and services was the primary factor. Specifically, there appears to be no specific point value assigned for each of the evaluation factors and the bid evaluation instruction sheet used by the evaluators was merely a "guideline" that was not required to be followed by the bid evaluators. Applicants must select the most cost-effective provider of the desired products or services eligible for support, with price of the eligible goods and services being the primary evaluating factor. For additional guidance on vendor selection, please refer to the USAC website at <http://www.usac.org/sl/applicants/step03/evaluation.aspx>.

**DPS RESPONSE:**

The bid was awarded to Qwest and Qwest was the lowest price bid. Denver Public Schools ("DPS") regrets that the individuals involved in preparation of FCC Form 471 App # 645029 FRNs 1815033, 1815204, and 1815232 are no longer employed by or available to DPS and, therefore, DPS does not have any information or documentation beyond what was provided to USAC.

However, since DPS ultimately selected the most cost efficient bidder, DPS seeks a waiver of the E-rate rules, specifically Section 54.503(c)(2)(ii)(B) and 54.511(a) bidding factor requirements, for these FRNs. The FCC recognizes a waiver exception for instances when it is unclear whether an applicant evaluated bids without assigning price as the primary evaluation bid factor, but the applicant selected the lowest priced option



regardless of the bid evaluation process and there was no evidence of waste, fraud, or abuse. *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Allendale Country School District Cedar Mountain, North Carolina ("Allendale County")*, DA 11-723, 26 FCC Rcd. 6109, at ¶¶ 10-12 (Wireline Competition Bureau 2011). The FCC has granted a waiver of its bidding factor requirements a number of times. See *STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY*, Public Notice, WC Docket No. 06-122, DA 16-1320, 31 FCC Rcd 12697, at \*12703 n.24 (F.C.C. 2016); *In the Matter of Petition for Reconsideration by Fall River Public School District Fall River, MA; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, DA 13-2055, 28 FCC Rcd 14650, at ¶ 4 (Wireline Competition Bureau 2013) (granting a waiver in the public interest); *In the Matter of Requests for Review and Waiver of Decisions of the Universal Service Administrator by Colorado Springs School District Colorado Springs, CO Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, DA 12-962, 27 FCC Rcd 7022, at ¶ 1 (F.C.C. 2012). DPS believes such a waiver is applicable for these FRNs

2. FY 2009 FCC Form 471# 645029 FRN 1815318, FY 2009 FCC Form 471# 664694 FRN 1814666, FY 2009 FCC Form 471# 685045 FRN 1873641, and FY 2009 FCC Form 471# 685299 FRN 1890078: Based on the documentation provided, it was determined that FY 2009 FCC Form 471# 645029 FRN 1815318, FY 2009 FCC Form 471# 664694 FRN 1814666, FY 2009 FCC Form 471# 685045 FRN 1873641, and FY 2009 FCC Form 471# 685299 FRN 1890078 will be denied because you failed to provide Request for Proposal (RFP), all bids, and/or vendor evaluation documentation associated with the funding requests. FCC Rules require applicants to retain all documentation regarding the competitive bidding process for a specified time period.

#### DPS RESPONSE:

FRNs 1815318, 1873641, and 1890078 were for month-to-month services and the Form 470 established the competitive bidding process for this FRN. Therefore, DPS did not issue RFPs for these particular FRNs.

FRN 1814666 was a renewal of a contract that was initially awarded in 2005 after a competitive bidding process. As it was a renewal of a previously bid contract, a new RFP was not issued in 2009. The original award was for a 3-year contract with two 1-year renewals. Of note is that the FRN for the original contract, FRN 1297629 was initially denied by USAC in 2007; however, after further review, USAC approved the funding for the FRN on the original contract. See Exhibit QQ.

3. FY 2010 FCC Form 471# 732211 FRN 1980165, FY 2010 FCC Form 471# 732292 FRN 1980278, FY 2010 FCC Form 471# 732339 FRN 1980409, FY 2010 FCC Form 471# 703149 FRN 2007737, and FY 2010 FCC Form 471# 728450 FRN 2020701:

Based on the documentation provided, it was determined that 2010 FCC Form 471# 732211 FRN 1980165, FY 2010 FCC Form 471# 732292 FRN 1980278, FY 2010 FCC Form 471# 732339 FRN 1980409, FY 2010 FCC Form 471# 703149 FRN 2007737, and FY 2010 FCC Form 471# 728450 FRN 2020701 will be denied because you failed to provide Request for Proposal (RFP), all bids, and/or vendor evaluation documentation associated with the funding requests. FCC Rules require applicants to retain all documentation regarding the competitive bidding process for a specified time period.

DPS RESPONSE:

FRNs 1980165, 1980278, 1980409, and 2007737 were for month-to-month services and the Form 470 established the competitive bidding process for this FRN. Therefore, DPS did not issue RFPs for these particular FRNs.

FRN 2020701 was a contract for the lease and maintenance of a dark fiber network. DPS was offered the opportunity to enter into an agreement to lease and maintain the dark fiber network pursuant to the same terms that were offered to the city and county of Denver.

4. FY 2013 FCC Form 471# 878034 FRN 2398722, FY 2013 FCC Form 471# 878975 FRN 2399580, FY 2013 FCC Form 471# 879969 FRN 2400707, and FY 2013 FCC Form 471# 885621 FRN 2410602: Based on the documentation provided, it was determined that 2013 FCC Form 471# 878034 FRN 2398722, FY 2013 FCC Form 471# 878975 FRN 2399580, FY 2013 FCC Form 471# 879969 FRN 2400707, and FY 2013 FCC Form 471# 885621 FRN 2410602 will be denied because you failed to provide Request for Proposal (RFP), all bids, and/or vendor evaluation documentation associated with the funding requests. FCC Rules require applicants to retain all documentation regarding the competitive bidding process for a specified time period.

DPS RESPONSE:

FRNs 2398722, 2400707, 2410602 were for month-to-month services and the Form 470 established the competitive bidding process for this FRN. Therefore, DPS did not issue RFPs for these particular FRNs.

FRN 2399580 was also a contract for the maintenance of a dark fiber network. DPS was offered the opportunity to enter into an agreement to lease and maintain the dark fiber network pursuant to the same terms that were offered to the city and county of Denver.

5. FY 2010 FCC Form 471# 740390 FRN 2001078, FY 2011 FCC Form 471# 778244 FRN 2108581, and FY2012 FCC Form 471# 838238 FRN 2274256:

Documentation provided demonstrates that the price of the eligible products and services was not the primary bid evaluation factor in selecting the winning bidder. Both "cost" and "design & solution" factors were weighted the same at 30% each. Program rules require that applicants select the most cost-effective provider, with price being the primary evaluation factor. Since you did not meet this requirement, the FRNs will be denied.

DPS RESPONSE:

The bid was awarded to CIC and CIC's was the lowest price bid as explained in the chart below. Acknowledging USAC requirements that price serve as the primary evaluation factor, in the chart, DPS recalculated scores and adjusted "price" to 35% and "design and solution" at 25% of the total score, meeting requirements where price is the primary bid evaluation factor. With the readjustment, it is clear that CIC would have still been the most cost-effective provider. DPS submits that its process resulted in exactly the same award as would have been made if DPS had used a scoring system that USAC would otherwise approve.

Similar to DPS Response 1, since DPS ultimately selected the most cost efficient bidder, DPS seeks a waiver of the E-rate rules, specifically Section 54.503(c)(2)(ii)(B) and 54.511(a) bidding factor requirements, for these FRNs. The FCC recognizes a waiver exception for instances when it is unclear whether an applicant evaluated bids without assigning price as the primary evaluation bid factor, but the

applicant selected the lowest priced option regardless of the bid evaluation process and there was no evidence of waste, fraud, or abuse. *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Allendale Country School District Cedar Mountain, North Carolina* (“Allendale County”), DA 11-723, 26 FCC Rcd. 6109, at ¶¶ 10-12 (Wireline Competition Bureau 2011). DPS believes such a waiver is applicable for these FRNs.

<u>VENDOR</u>	<u>PRICE</u>	<u>ADJ. PRICE</u>	<u>DESIGN</u>	<u>ADJ. DESIGN</u>	<u>EXPERIENCE</u>	<u>INSTALLATION</u>	<u>TOTAL SCORE</u>	<u>ADJ. SCORE</u>
<b><u>TOTAL POINTS AVAILABLE</u></b>	30	35	30	25	15	25	100	100
CIC	30	35	18	15	15	25	88	90
21st Century	20	23	20	17	0	9	49	49
Parlant	28	33	28	23	10	9	75	75
Saf-T-Net	17	20	28	23	12	9	66	64
Reliance	17	20	25	21	13	9	64	63

6. FY2011 FCC Form 471# 782907 FRN 2173438, FY 2011 FCC Form 471# 782862 FRN 2173316, and FY2011 FCC Form 471# 782885 FRN 2173158:

The FCC Form 470 that you indicated established the competitive bidding process for this FRN (FCC Form 470# 715350000884545) did not include service of the type requested in the FRNs, cellular service. Therefore, it does not meet the 28-day competitive bidding requirement and the FRNs will be denied.

DPS RESPONSE:

The services were for cellular service. DPS is aware that the Form 470 must describe the desired services with sufficient specificity to enable potential service providers to submit bids. However, in 2011, DPS thought that it was sufficient to list “telephone services” on the 470.

Sincerely,



Jerome A. DeHerrera  
General Counsel  
Denver Public Schools