

Before the  
Federal Communications Commission  
Washington, DC 20554

|   |   |                    |
|---|---|--------------------|
| In the Matter of                            | ) |                    |
|   | ) |                    |
| Petition for Review of                      | ) |                    |
| FCC Form 471 161014520 Funding Decision     | ) |                    |
|   | ) |                    |
| Mendon Upton Regional School District       | ) | CC Docket No. 02-6 |
| (Mendon Upton Regional District, BEN 120285 | ) |                    |
|   | ) |                    |
| Schools and Libraries Universal Service     | ) |                    |
| Support Mechanism                           | ) |                    |

**Petition for review of**  
**FCC Form 471 Funding Decision for Funding Year 2016**  
**RE: FCC Form 471 161014520**

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**I. INTRODUCTION AND SUMMARY**

The Mendon Upton Regional School District (“MURSD”) serves low income pre-kindergarten through Grade 12 children spanning two towns in Massachusetts. Since the 1990’s, the Mendon Upton Regional School District has been a very small but successful participant of the E-Rate program.

The Mendon Upton Regional School District submitted and certified their Funding Year 2016 FCC Form 471, 161014520, in the “Apply Online” portal of the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company’s (“USAC”) website, on March 22, 2016.

SLD informed the MURSD on July 14, 2018 that after further review, the Form 471 in question did not meet the criteria for approval and adjusted to \$0.00. The MURSD reviewed the Form 470 and Form 471 and found them to be adequate for funding. The MURSD Informed the SLD reviewer that the FRN in question was valid, and therefore eligible. The MURSD disagrees with the SLD's denial decision as the funding request in question meets the criteria for funding.

## **II. Request**

The Mendon Upton Regional School District respectfully petitions the Commission to instruct Universal Service Administrative Company, Schools Libraries Division to accept the previously filed form as correct, and dismiss any demand letters issued to the Mendon Upton Regional School District regarding this matter.

Respectfully submitted,



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Joseph S Leacu  
Mendon Upton Regional School District  
150 North Avenue  
Mendon, MA 01756  
508-634-1585  
jleacu@mursd.org

**Dated:** October 30, 2018



## Second Demand Payment Letter

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JOSEPH LEACU  
MENDON-UPTON REG SCH  
DISTRICT  
150 NORTH AVENUE  
MENDON, MA 01756

10/23/2018

### **Second Demand for Payment of a Debt Owed to the United States**

This letter is a second demand for payment of a debt owed to the United States. On 09/19/2018, USAC sent MENDON-UPTON REG SCH DISTRICT a letter demanding repayment of a \$13,245.01 overpayment of Universal Service Funds to MENDON-UPTON REG SCH DISTRICT (the "Debt"). A copy of the first demand payment letter can be found in the E-rate Productivity Center (EPC).

Our records indicate that you have not paid the Debt or responded to USAC's demand letter. The Debt is now 31-60 days past due. As we informed you in our first demand letter, USAC may assess interest, penalties and administrative costs on the Debt in accordance with the Debt Collection Improvement Act, 31 U.S.C. §3701, et seq. Until the Debt and any charges which may have accrued are paid in full, all MENDON-UPTON REG SCH DISTRICT applications and requests for benefits pending before the FCC and USAC, including funding commitments and payment requests, will be dismissed pursuant to the FCC's Red Light Rule. For more information on the FCC's Red Light Rule, please see

<https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>. In determining whether an entity is delinquent for purposes of the FCC's Red Light Rule, the Commission matches the FCC Registration Number of the Debtor to its database of debts; the Debtor's FCC Registration Number will be linked to all other FCC Registration Number's associated with the same Taxpayer Identification Number (TIN).

In addition, the FCC may instruct USAC to offset or recoup the Debt and accrued charges against any monies, including Universal Service Fund disbursements, USAC or the FCC may owe MENDON-UPTON REG SCH DISTRICT.

Further, unless an appeal of the Debt is pending, USAC will refer the delinquent Debt and accrued charges to the United States Treasury within 90 days of the date of the First Demand Payment Letter for further collection action. If referred, the United States Treasury will impose an additional surcharge (currently 28% of the Debt). The United States Treasury may offset the Debt and all accrued charges against monies owed to you by the United States. In addition, the United States Treasury may report MENDON-UPTON REG SCH DISTRICT's delinquency to credit bureaus and MENDON-UPTON REG SCH DISTRICT may be denied federal financial assistance.

You previously received information regarding your appeal rights in the Commitment Adjustment Letter [a copy of which can be found in the E-rate Productivity Center (EPC)].

Payment of the Debt and all accrued charges should be made at [www.usac.org/pay](http://www.usac.org/pay).

If you have questions, or believe that you received this notification in error, please [Contact Us](#) or call the USAC Client Service Bureau at (888) 203-8100 for further assistance.



## Description of Services Ordered and Certification Form 471

### FCC Form 471 — Funding Year 2016

Application Number 161014520

#### Application Information

**Nickname** UptonMemorial-aps  
**Application Number** 161014520

**Funding Year** 2016  
**Category of Service** Category 2

#### Billed Entity

MENDON-UPTON REG SCH DISTRICT  
150 NORTH AVENUE MENDON MA 01756-1011

#### Contact Information

JOSEPH LEACU  
508-634-1585  
jleacu@mursd.org

**Billed Entity Number:** 120285  
**FCC Registration Number:** 0012551263

#### Holiday/Summer Contact Information

Joe Leacu 508-488-5123 or jleacu@mursd.org. Email for fastest response.

#### Consulting Firms

| Name | Consultant Registration Number | City | State | Zip Code | Phone Number | Email |
|------|--------------------------------|------|-------|----------|--------------|-------|
|------|--------------------------------|------|-------|----------|--------------|-------|

#### School District

| Name                          | BEN    | Urban or Rural | State LEA ID | State School ID | NCES Code | School District Attributes | Endowment |
|-------------------------------|--------|----------------|--------------|-----------------|-----------|----------------------------|-----------|
| MENDON-UPTON REG SCH DISTRICT | 120285 | Urban          |              |                 |           | Public School District     | None      |

#### Related Child School Entities

| Name                              | BEN | Urban or Rural | State LEA ID | State School ID | NCES Code | Number of Students | Students based on estimate | Alternative Discount | CEP Percentage | School Attributes    | Endowment |
|-----------------------------------|-----|----------------|--------------|-----------------|-----------|--------------------|----------------------------|----------------------|----------------|----------------------|-----------|
| MEMORIAL ELEMENTARY SCHOOL        | 648 | Urban          | 250768001270 | 07100001        |           | 434                | N/A                        | None                 |                | Pre-K; Public School | None      |
| HENRY P. CLOUGH ELEMENTARY SCHOOL | 863 | Urban          | 250768001200 | 07100179        |           | 445                | N/A                        | None                 |                | Pre-K; Public School | None      |
| NIPMUC REGIONAL                   | 864 | Urban          | 250768001202 | 07100510        |           | 615                | N/A                        | None                 |                | Public School        | None      |

|                           |     |       |                     |  |     |     |      |  |  |               |      |
|---------------------------|-----|-------|---------------------|--|-----|-----|------|--|--|---------------|------|
| HIGH SCHOOL               |     |       |                     |  |     |     |      |  |  |               |      |
| MISCOE HILL MIDDLE SCHOOL | 865 | Rural | 2507680012797100015 |  | 798 | N/A | None |  |  | Public School | None |

Discount Rate

| School District Enrollment | School District NSLP Count | School District NSLP Percentage | School District Urban/Rural Status | Category One Discount Rate | Category Two Discount Rate | Voice Discount Rate |
|----------------------------|----------------------------|---------------------------------|------------------------------------|----------------------------|----------------------------|---------------------|
| 2292                       | 252                        | 11.0%                           | Urban                              | 40%                        | 40%                        | 0%                  |

## [Funding Request for FRN #1699024973](#)

**Funding Request Nickname:** COMM-TRACT-MEMORIAL  
**What is the FRN number from the previous year ?**

**Service Type:** Basic Maintenance of Internal Connections

## [Contract Summary - Contract](#)

**Contract Number** COMM-TRACT-MEMORIAL  
**Establishing FCC Form 470** 160027924  
**Award Date** March 22, 2016  
**Expiration Date**

**Account Number** MURSD-MEMORIAL  
**Service Provider** Comm-Tract Corp. (SPN: 143008129)  
**Includes Voluntary Extensions?** No  
**Remaining Voluntary Extensions**  
**Total Remaining Contract Length**

| Document Name   | Document Description                        |
|---|---|
| MURSD Memorial School Wireless<br>Cabling Infrastructure SOW 03-14-16.pdf | Wiring for Access Points at Memorial School |

## [Contract Information \(Additional\)](#)

**What is the service start date?** July 01, 2016

**What is the date your contract expires for the current term of the contract?** June 30, 2017

## [Narrative](#)

Necessary cabling and installation costs for adding wireless access points to school classrooms and teaching areas to support the educational mission. Ineligible amount is to account for PRE-K enrollment. (1%).

## [Line Item # 1699024973.001](#)

### [Product and Service Details](#)

**Type of Product Being Maintained** Basic Main  
tenance of Internal  
Connection s

## [Cost Calculation for FRN Line Item # 1699024973.001](#)

| Monthly Cost                       |          | One-Time Cost                                 |               |
|------------------------------------|----------|---|---------------|
| Monthly Recurring Cost             | \$0.00   | One-time Cost                                 | \$33,447.00   |
| Monthly Recurring Ineligible Costs | - \$0.00 | One-time Ineligible Costs                     | - \$334.47    |
| Monthly Recurring Eligible Costs   | = \$0.00 | One-time Eligible Cost                        | = \$33,112.53 |
| Months of Service                  | x 12     | <b>Summary</b>                                |               |
| Total Eligible Recurring Costs     | = \$0.00 |   |               |
|                                    |          |   |               |
|                                    |          | Total Eligible Recurring Costs                | \$0.00        |
|                                    |          | One-time Eligible Costs                       | + \$33,112.53 |
|                                    |          | Pre-Discount Extended Eligible Line Item Cost | = \$33,112.53 |

## [Recipients of Services](#)

| Ben | Name                       | Amount      |
|-----|----------------------------|-------------|
| 648 | MEMORIAL ELEMENTARY SCHOOL | \$33,112.53 |

## [FRN Calculation for FRN #1699024973 -COMM-TRACT-MEMORIAL](#)

| Monthly Charges | Total Requested Amount |
|-----------------|------------------------|
|-----------------|------------------------|

|   |               |   |               |
|---|---------------|---|---------------|
| Total Monthly Recurring Charges               | \$0.00        | Total Eligible Pre-Discount Recurring Charges | \$0.00        |
| Total Monthly Ineligible Charges              | - \$0.00      |   |               |
| Total Monthly Eligible Charges                | = \$0.00      | Total Eligible Pre-Discount One-Time Charges  | + \$33,112.53 |
| Total Number of Months of Service             | x 12          | Total Pre-Discount Charges                    | = \$33,112.53 |
| Total Eligible Pre-Discount Recurring Charges | = \$0.00      | Discount Rate                                 | 40%           |
|   |               | Funding Commitment Request                    | = \$13,245.01 |
| <b>One-Time Charges</b>                       |               |   |               |
| Total One-Time Charges                        | \$33,447.00   |   |               |
| Total Ineligible One-Time Charges             | - \$334.47    |   |               |
| Total Eligible Pre-Discount One-Time Charges  | = \$33,112.53 |   |               |

## [Funding Request for FRN #1699024977](#)

**Funding Request Nickname:** WCA-MEMORIAL

**Service Type:** Internal Connections

**What is the FRN number from the previous year ?**

## [Contract Summary - Contract](#)

**Contract Number** WCA-MEMORIAL2

**Account Number** 1MENP

**Establishing FCC Form 470** 160027924

**Service Provider** Whally Computer Associates, Inc. (SPN: 143004498)

**Award Date** March 22, 2016

**Includes Voluntary Extensions?** No

**Expiration Date**

**Remaining Voluntary Extensions**

**Total Remaining Contract Length**

| Document Name             | Document Description                |
|---------------------------|-------------------------------------|
| Memorial Quote 146397.pdf | Wireless APs and necessary hardware |

## [Contract Information \(Additional\)](#)

**What is the service start date?** July 01, 2016

**What is the date your contract expires for the current term of the contract?** June 30, 2017

## [Narrative](#)

Necessary access points (hardware) and installation/configuration costs for adding wireless access to school classrooms and teaching areas to support the educational mission. Ineligible amount is to account for 1% of school population that is ineligible (Pre-K)

## [Line Item # 1699024977.001](#)

### [Product and Service Details](#)

**Type of Internal Connection** Wireless Data Distribution

**Type of Product** Access Point

**Make** Extreme Networks

**Model** 3825

**Is installation included in Price?** Yes

**Is the hardware for this FRN line item leased?** No

## [Cost Calculation for FRN Line Item # 1699024977.001](#)

| Monthly Cost                            |          | One-Time Cost                                 |               |
|---|----------|---|---------------|
| Monthly Recurring Unit Cost             | \$0.00   | One-time Unit Cost                            | \$43,245.00   |
| Monthly Recurring Unit Ineligible Costs | - \$0.00 | One-time Ineligible Unit Costs                | - \$432.45    |
| Monthly Recurring Unit Eligible Costs   | = \$0.00 | One-time Eligible Unit Cost                   | = \$42,812.55 |
| Monthly Quantity                        | x 0      | One-time Quantity                             | x 1           |
| Units                                   | 0        | Total Eligible One-time Costs                 | = \$42,812.55 |
| Total Monthly Eligible Recurring Costs  | = \$0.00 | <b>Summary</b>                                |               |
| Months of Service                       | x 12     | Total Eligible Recurring Costs                | \$0.00        |
| Total Eligible Recurring Costs          | = \$0.00 | Total Eligible One-time Costs                 | + \$42,812.55 |
|   |          | Pre-Discount Extended Eligible Line Item Cost | = \$42,812.55 |

## [Recipients of Services](#)

| Ben | Name                       | Amount      |
|-----|----------------------------|-------------|
| 648 | MEMORIAL ELEMENTARY SCHOOL | \$42,812.55 |



## FRN Calculation for FRN #1699024977 -WCA-MEMORIAL

| Monthly Charges                               |               | Total Requested Amount                        |               |
|---|---------------|---|---------------|
| Total Monthly Recurring Charges               | \$0.00        | Total Eligible Pre-Discount Recurring Charges | \$0.00        |
| Total Monthly Ineligible Charges              | - \$0.00      | Total Eligible Pre-Discount One-Time Charges  | + \$42,812.55 |
| Total Monthly Eligible Charges                | = \$0.00      | Total Pre-Discount Charges                    | = \$42,812.55 |
| Total Number of Months of Service             | x 12          | Discount Rate                                 | 40%           |
| Total Eligible Pre-Discount Recurring Charges | = \$0.00      | Funding Commitment Request                    | = \$17,125.02 |
| One-Time Charges                              |               |   |               |
| Total One-Time Charges                        | \$43,245.00   |   |               |
| Total Ineligible One-Time Charges             | - \$432.45    |   |               |
| Total Eligible Pre-Discount One-Time Charges  | = \$42,812.55 |   |               |

## Connectivity Questions

### Per Entity Basis Questions

|             |                                      |               |        |
|-------------|--------------------------------------|---------------|--------|
| Entity Name | MENDON-<br>UPTON REG SCH<br>DISTRICT | Entity Number | 120285 |
|-------------|--------------------------------------|---------------|--------|

| Entity Name                 | BEN | Download | Units | Upload | Units | Connection | Wifi Sufficient | Barriers to Robust Network                  |
|-----------------------------|-----|----------|-------|--------|-------|------------|-----------------|---|
| MEMORIAL ELEMENTARY SCHOOL  | 648 | 100.00   | Mbps  | 100.00 | Mbps  | Fiber      | Never           | Outdated equipment                          |
| HENRY P CLOUGH ELEM SCHOOL  | 863 | 100.00   | Mbps  | 100.00 | Mbps  | Fiber      | Never           | Outdated equipment                          |
| NIPMUC REGIONAL HIGH SCHOOL | 864 | 100.00   | Mbps  | 100.00 | Mbps  | Fiber      | Mostly          | No barriers                                 |
| MISCOE HILL MIDDLE SCHOOL   | 865 | 100.00   | Mbps  | 100.00 | Mbps  | Fiber      | Sometimes       | Physical structure or layout of building(s) |

## Certifications

I certify that the entities listed in this application are eligible for support because they are 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.

I certify that the entity I represent or the entities listed on this application have secured 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 the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

### Total Funding Summary

Below is a summary of the total line item costs on this FCC Form 471:

| Summary  |             |
|--|-------------|
| Total funding year pre-discount eligible amount on this FCC Form 471 | \$75,925.08 |
| Total funding commitment request amount on this FCC Form 471         | \$30,370.03 |

|   |             |
|---|-------------|
| Total applicant non-discount share of the eligible amount   | \$45,555.05 |
| Total budgeted amount allocated to resources not eligible for E-rate support  | \$0.00      |
| Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts   | \$45,555.05 |
| Are you receiving any of the funds directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year?                           | No          |
| Has a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds needed to pay your non-discounted share? | No          |

I certify an FCC Form 470 was posted and that any related RFP was made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology goals.

I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

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 application have not received anything of value or a promise of anything of value, as prohibited by the Commission's rules at 47 C.F.R. § 54.503(d), 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.

I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts or other legally binding agreements covering all of the services listed on this FCC Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. 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, and that if audited, I will make such records available to USAC.

I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. 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, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can 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 and civil violations of the False Claims Act.

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. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

## 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 submit an application for such discounts by filing this Services Ordered and Certification Form (FCC Form 471) 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 application requirements for universal service discounts contained in 47 C.F.R. § 54.504. 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 your application for universal service discounts 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 for universal service discounts 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, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public. 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 or the Universal Service Administrator may delay processing of your application for universal service discounts 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 4.5 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. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

### Authorized Person

|                  |                                       |
|------------------|---------------------------------------|
| <b>Name:</b>     | JOSEPH LEACU                          |
| <b>Title:</b>    | Director of Technology                |
| <b>Employer:</b> | JOSEPH LEACU                          |
| <b>Address:</b>  | 150 NORTH AVENUE MENDON MA 01756-1011 |
| <b>Phone:</b>    | 508-634-1585                          |
| <b>Email:</b>    | jleacu@mursd.org                      |

### Certified Timestamp

22-Mar-2016 13:28:42 EDT