

**FCC Appeal of USAC Decision**  
**East Orange School District - BEN 122663 – FY2016**

April 8, 2019

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554 *(submitted electronically via ECFS)*

**Appeal – CC Docket Nos. 96-45 and 02-6**

**USAC Appeal Decision Date:** March 15, 2019

**Form 471 Number:** 161016348

**Funding Request Number (FRN):** (see table below)

471				Fund Year	Contract	Cmtd R
FRN	Application Number	Service Provider Name	SPIN		Exp or Svc End Date	
1699110585	161016348	MCI Communications Corp	143001197	2016	12/31/16	\$ 106,167.12
1699110656	161016348	MCI Communications Corp	143001197	2016	12/31/16	\$ 10,636.50
1699110704	161016348	MCI Communications Corp	143001197	2016	12/31/16	\$ 4,196.16

**Funding Year:** 2016

**Billed Entity Name:** EAST ORANGE SCHOOL DISTRICT

**BEN:** 122663

**Contact Information:**

Contact Person Name: Don Dietrich  
Contact Person Phone: 314-378-1667  
Contact Person E-Mail: [ddietrich@e-rateprofessionals.com](mailto:ddietrich@e-rateprofessionals.com)

**Decision being appealed:** USAC's Denial of our Appeal #92714 dated 3/15/2019. We are requesting a review of the funding denial. We believe that our appeal was originally approved and subsequently denied based on a point of confusion.

**Text from USAC Denial:** *"After further investigation we found that your appeals have been denied. If you disagree with this decision, we advise filing an appeal with the FCC."*

**Details:** We submitted an appeal #92714 to request a change to the months of service for three FRNs (1699110585, 1699110656 and 1699110704) from the approved 6 months to 12 months - effectively doubling the Approved Pre-Discount Amount. We rec'd an RFCDL (attached) on 6/22/18 showing the correctly doubled new amounts as "Revised Committed Amounts" and we consider this an approval of our appeal, but the RFCDL had some additional confusing text regarding a SPIN change that we did not request on this appeal and the status as DENIED. Also, the 'Last Date to Invoice' was not modified. The new revised amounts show up correctly in the Data Retrieval Tool and we instructed our SP to invoice but they asked us to get verification from SLD that the new Pre-Discount Amount for all three of these FRNs has been APPROVED.

# FCC Appeal of USAC Decision

## East Orange School District - BEN 122663 – FY2016

At the request of our Service Provider we submitted Customer Service Case # 261393 on 1/19/19 and after several requests for updates we received the news that upon “further investigation” our appeal had been denied.

We believe this is a mistake and that our original appeal was approved and should have been approved. What was denied was a request for a SPIN change that was made prior to this current appeal. We are not arguing for the SPIN change, but we think that USAC has confused our appeal of an FRN Extension (approved) with our appeal of a SPIN change (denied). Both appeals were attempts to salvage some additional funding that would allow the school district to recover funds already spent.

**Additional Factors:** We realize that this is a confusing case, but the original request is very straightforward. The District simply wanted to extend the original six months of service to one full year on three FRNs. You can see the details in our original appeal. We believe that we introduced some confusion into this case by originally requesting a SPIN change as the vehicle to address this problem and that request was denied. However, this request for FRN Extensions should have nothing to do with SPIN changes.

**Summary and Requested Action:** We request SLD to re-open the review of our original request and grant the six-month extension to each of the three FRNs in question.

Sincerely,  
(Filed electronically via ECFS)  
Don Dietrich  
E-Rate Consultant to East Orange School District  
Ph: 314-378-1667  
[ddietrich@e-rateprofessionals.com](mailto:ddietrich@e-rateprofessionals.com)

Included below:

Att 1: USAC Denial of Appeal 92714 – Customer Service Case 261393 dated 3/15/19 – 3 pages  
Att 2: USAC Revised FCDL dated 6/22/18 showing approval - 10 pages  
Att 3: USAC Appeal dated 04-11-18 – 2 pages

[Records](#) / [Customer Service Cases](#)

## #261393 - Appeal 92714 Clarification

[REOPEN CASE](#)[Summary](#) [News](#) [Related Actions](#)

## Case Details

<b>Topic</b>	Appeals - Other	<b>Created By</b>	Don Dietrich
<b>Status</b>	Closed	<b>Created On</b>	1/15/2019 9:45 AM EST
<b>Priority</b>	High	<b>Organization</b>	EAST ORANGE SCHOOL DISTRICT
<b>Inquiry Type</b>	Web		

## Case Description

**Description** We submitted an appeal #92714 to request a change to the months of service for three FRNs (1699110585, 1699110656 and 1699110704) from the approved 6 months to 12 months - effectively doubling the Approved Pre-Discount Amount. We rec'd an RFCDL (attached) on 6/22/18 showing the correctly doubled new amounts as "Revised Committed Amounts" and we consider this an approval of our appeal, but the RFCDL had some additional confusing text regarding a SPIN change that we did not request on this appeal and the status as DENIED. Also the Last Date to Invoice was not modified. The new revised amounts show up correctly in the Data Retrieval Tool and we instructed our SP to invoice but they have asked us to get verification from SLD that the new Pre Discount Amount for all three of these FRNs has been APPROVED. Can you verify that they can invoice against the new amounts. This has nothing to do with a SPIN change - we have not changes Service Providers - we are only asking about the funded amount for three FRNs.

## Case Artifacts

## Documents

Name	Uploaded By	Upload Date
<a href="#">EAST ORANGE SCHOOL DISTRICT Revised Funding Commitment Decision Letter</a>	Don Dietrich	1/15/19 9:45 AM

## Attachments

Attachment	Attachment Type
No items available	

## Case Thread

User	Note	Date
USAC	<p>Don,</p> <p>Your case has been escalated to Customer Service Management at USAC. I would like to begin by apologizing for the length of time this case has been open without a response. We are working on lowering our customer service case backlog to improve the customer experience.</p> <p>After further investigation we found that your appeals have been denied. If you disagree with this decision we advise filing an appeal with the FCC. We have provided the steps below:</p> <p>Parties that are seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may, if they choose, appeal USAC's decision to the FCC. You must submit your appeal to the FCC within 60 days of the date when USAC issued the decision.</p> <p>On all communications with the FCC, be sure to reference the Docket No. 02-6.</p> <p>1. Go to <a href="https://www.fcc.gov/ecfs">https://www.fcc.gov/ecfs</a>. Alternatively,</p>	3/13/2019 6:48 PM EDT

User	Note	Date
	<p>from <a href="https://www.fcc.gov">https://www.fcc.gov</a>, click "ECFS" in the center of the page under "Access Now".</p> <p>2. A page containing a filing search will open. At the top of the page, click "Submit a Filing".</p> <p>3. In the "Proceedings" field, make sure to enter 02-6.</p> <p>4. When filing a waiver request, be sure to choose WAIVER from the "Type of Filing" field. If you are filing an appeal, you may choose APPEAL.</p> <p>5. Complete the rest of the fields as they are relevant. There are certain fields that are not applicable, such as the "Report Number" or "Bureau ID Number."</p> <p>6. Upload your written letter of appeal or request for waiver, and any other applicable documentation.</p> <p>In general, your appeal or waiver request should include:</p> <ol style="list-style-type: none"> <li>1. Your contact information and the entity name and entity number, or service provider name and SPIN of the organization you represent;</li> <li>2. A label of appeal or waiver request;</li> <li>3. Information regarding the USAC decision being appealed and a copy of USAC's decision, if applicable;</li> <li>4. A statement setting forth the party's interest in the matter presented for review;</li> <li>5. A full statement of relevant, material facts with supporting affidavits and documentation;</li> <li>6. The question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and</li> <li>7. A statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought.</li> </ol> <p>Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 AM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via email at <a href="mailto:ecfshelp@fcc.gov">ecfshelp@fcc.gov</a>.</p> <p>For the FCC's rules on appeals, you may also see Sections 54.719-54.72:  <a href="http://www.ecfr.gov/cgi-bin/text-idx?SID=8f7ceac17a80d1abd798eb37023b5b75&amp;no-de=pt47.3.54&amp;rgn=div5#se47.3.54_1719">http://www.ecfr.gov/cgi-bin/text-idx?SID=8f7ceac17a80d1abd798eb37023b5b75&amp;no-de=pt47.3.54&amp;rgn=div5#se47.3.54_1719</a></p> <p>Additional information on filing appeals to USAC and the FCC is found on the Appeals page of the USAC website:  <a href="http://usac.org/about/about/program-integrity/appeals.aspx">http://usac.org/about/about/program-integrity/appeals.aspx</a></p>	
Don Dietrich	We are requesting a status update on this case. Our service provider is ready to re-invoice.	2/6/2019 9:40 AM EST
USAC	<p>Don,</p> <p>Your case has been escalated to Customer Service Management at USAC. We are currently looking into your appeal #92714. Once a resolution has been identified we will update this case.</p>	1/18/2019 1:11 PM EST

User	Note	Date
USAC	<p>Thank you for contacting USAC Client Service Bureau regarding RFCDL. We have escalated your case to USAC customer service management for a response. If you have additional questions, please contact us at (888)-203-8100.</p> <p>Thank you, Jasmine A. Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	1/17/2019 4:25 PM EST

## Case Contact

**Case Contact** Don Dietrich



June 22, 2018

# Revised Funding Commitment Decision Letter

## Funding Year 2016

**Contact Information:**

CRAIG SMITH  
 EAST ORANGE SCHOOL DISTRICT  
 199 FOURTH AVENUE  
 EAST ORANGE, NJ 07017  
[craig.smith@eastorange.k12.nj.us](mailto:craig.smith@eastorange.k12.nj.us)

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## Totals

Original Commitment Amount	\$643,328.03
<b>Revised Commitment Amount</b>	<b>\$1,286,656.06</b>

## What is in this letter?

Thank you for submitting your post-commitment request for **Funding Year 2016 Schools and Libraries Program (E-rate) funding**. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals
- Appeals
- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

## Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



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- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
  - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
  - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
  - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

## How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

**Note:** The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



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identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

## Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

## Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.





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## Revised Funding Commitment Decision Overview

### Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699110585	MCI Communications Corp	Appeals	\$1,146,604.90	Denied
1699110656	MCI Communications Corp	Appeals	\$114,874.20	Denied
1699110704	MCI Communications Corp	Appeals	\$25,176.96	Denied



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<b>Post Commitment Request Number:</b> 92714	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Denied
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<b>FRN:</b> 1699110585	<b>Service Type:</b> Data Transmission and/or Internet Access	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161016348</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$1,274,005.44	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$1,274,005.44	
Discount Rate		90.00%	
Revised Committed Amount		\$1,146,604.90	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2017
Contract Award Date	
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	MCI Communications Corp
SPIN (498ID)	143001197
Contract Number	
Account Number	
Establishing FCC Form 470	160025074

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

<b>Revised Funding Commitment Decision Comments:</b>
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<b>Post Commitment Rationale:</b>
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Your SPIN Change request was dated after the established deadline for the receipt of SPIN Change requests. SPIN changes must be postmarked no later than the last date to submit an invoice for the applicable FRN(s). Since your SPIN Change request was dated after the invoice deadline date of 2/27/2018 for this FRN your request is denied. USAC records indicate that the remaining commitment for the FRN listed in your SPIN change request is less than \$5.00. As a result, your SPIN Change cannot be processed and has been dismissed. Your request to increase the funding request from 6 months to 12 months was received after the associated FCC Form 471 161016348 was



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committed and as such could not be processed. Consequently, your appeal is denied. [The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. [See Ministerial & Clerical Errors posted in the Reference Area of the SLD section of the USAC website. Per the FCC's directive, applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010). An applicant's request to remove entities from its application, when such removal would raise the average discount percentage for the relevant funding request above the funding threshold for that year, is not justifiable as a ministerial or clerical error. See Request for Waiver and Review of Decisions of the Universal Service Administrator by Alexander County School District, Taylorsville, North Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-827833 et al., CC Docket No. 02-6, Order, DA 13-1383 para. 2 (rel. June 14, 2013).



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<b>Post Commitment Request Number:</b> 92714	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Denied
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<b>FRN:</b> 1699110656	<b>Service Type:</b> Data Transmission and/or Internet Access	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161016348</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$127,638.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$127,638.00	
Discount Rate		90.00%	
Revised Committed Amount		\$114,874.20	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2017
Contract Award Date	
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	MCI Communications Corp
SPIN (498ID)	143001197
Contract Number	
Account Number	
Establishing FCC Form 470	160025074

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

<b>Revised Funding Commitment Decision Comments:</b>
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<b>Post Commitment Rationale:</b>
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Your SPIN Change request was dated after the established deadline for the receipt of SPIN Change requests. SPIN changes must be postmarked no later than the last date to submit an invoice for the applicable FRN(s). Since your SPIN Change request was dated after the invoice deadline date of 2/27/2018 for this FRN your request is denied. USAC records indicate that the remaining commitment for the FRN listed in your SPIN change request is less than \$5.00. As a result, your SPIN Change cannot be processed and has been dismissed. Your request to increase the funding request from 6 months to 12 months was received after the associated FCC Form 471 161016348 was committed and as such could not be processed. Consequently, your appeal is denied. |The FCC's Bishop Perry



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Order directed USAC “to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications” without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. [See Ministerial & Clerical Errors posted in the Reference Area of the SLD section of the USAC website. Per the FCC’s directive, applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010). An applicant’s request to remove entities from its application, when such removal would raise the average discount percentage for the relevant funding request above the funding threshold for that year, is not justifiable as a ministerial or clerical error. See Request for Waiver and Review of Decisions of the Universal Service Administrator by Alexander County School District, Taylorsville, North Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-827833 et al., CC Docket No. 02-6, Order, DA 13-1383 para. 2 (rel. June 14, 2013).



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<b>Post Commitment Request Number:</b> 92714	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Denied
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<b>FRN:</b> 1699110704	<b>Service Type:</b> Voice	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161016348</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$50,353.92	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$50,353.92	
Discount Rate		50.00%	
Revised Committed Amount		\$25,176.96	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2017
Contract Award Date	
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	MCI Communications Corp
SPIN (498ID)	143001197
Contract Number	
Account Number	
Establishing FCC Form 470	160025074

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

**Revised Funding Commitment Decision Comments:**

**Post Commitment Rationale:**

Your SPIN Change request was dated after the established deadline for the receipt of SPIN Change requests. SPIN changes must be postmarked no later than the last date to submit an invoice for the applicable FRN(s). Since your SPIN Change request was dated after the invoice deadline date of 2/27/2018 for this FRN your request is denied. USAC records indicate that the remaining commitment for the FRN listed in your SPIN change request is less than \$5.00. As a result, your SPIN Change cannot be processed and has been dismissed. Your request to increase the funding request from 6 months to 12 months was received after the associated FCC Form 471 161016348 was committed and as such could not be processed. Consequently, your appeal is denied. [The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on



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**BEN:** 122663

**Post Commitment Wave:** 50

their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications” without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. [See Ministerial & Clerical Errors posted in the Reference Area of the SLD section of the USAC website. Per the FCC’s directive, applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010). An applicant’s request to remove entities from its application, when such removal would raise the average discount percentage for the relevant funding request above the funding threshold for that year, is not justifiable as a ministerial or clerical error. See Request for Waiver and Review of Decisions of the Universal Service Administrator by Alexander County School District, Taylorsville, North Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-827833 et al., CC Docket No. 02-6, Order, DA 13-1383 para. 2 (rel. June 14, 2013).

## USAC / SLD Appeal

East Orange School District – FY2016

April 11, 2018

SLD Appeals – *Submitted Electronically*

Schools and Libraries Division — Correspondence Unit

100 South Jefferson Road, P.O. Box 902, Whippany, New Jersey 07981

**Re: Appeal Case # 92714**

Contact Person: Don Dietrich, E-Rate Consultant  
 Contact Phone: 314-378-1667  
 Contact E-Mail: ddietrich@e-rateprofessionals.com

**SLD Actions Being Appealed**

Funding Year: 2016  
 Applicant Name: East Orange School District  
 Billed Entity # : 122663  
 Form 471 Application#'s: See Below  
 FRN #'s: See Below  
 Service Provider Names: See Below

The District is requesting a change in our requested months of service for the three FRNs below. We request that the CED be changed from 12/31/2016 to 6/30/2017 and that the total funding be increased to reflect 12 months at the rates below. The net funding increase to the district would be \$643,328, but with the reduction in the Comcast FRNs the impact to SLD would be significantly less.

471 Application				Fund Year	Contract	Cmt'd R
FRN	Number	Service Provider Name	SPIN		Exp or Svc End Date	Monthly Cost
1699110585	161016348	MCI Communications Corp	143001197	2016	12/31/16	\$ 106,167.12
1699110656	161016348	MCI Communications Corp	143001197	2016	12/31/16	\$ 10,636.50
1699110704	161016348	MCI Communications Corp	143001197	2016	12/31/16	\$ 4,196.16

Once resolved, we intend to cancel the Comcast FRNs below:

471 Application				Fund Year	Contract	Cmt'd R
FRN	Number	Service Provider Name	SPIN		Exp or Svc End Date	Monthly Cost
1699113006	161016348	Comcast Business Commu	143003990	2016	06/30/19	\$ 21,840.00
1699113056	161016348	Comcast Business Commu	143003990	2016	06/30/19	\$ 1,190.00
1699113074	161016348	Comcast Business Commu	143003990	2016	06/30/19	\$ 3,583.00

**Basis for Appeal**

Our Form 471 for FY2016 had two sets (Verizon and Comcast) of three FRNs (Internet, WAN and SIP Trunks). Our plan was to convert all three of these network services from Verizon to Comcast before the end of 2016 but we were not sure if this could be accomplished within that timeframe due to a number of complications with installing the new service.



**USAC / SLD Appeal**  
East Orange School District – FY2016

We applied for the three FRNs for Verizon for 6 months and for Comcast for the full year but PIA forced us to reduce each set of FRNs to 6 months with a cutover date of 12/31/16 (i.e. Verizon funding would end on 12/31/16 and Comcast funding would begin on 1/1/2017). Comcast did not complete their installation during the year and the district was forced to remain on Verizon at the higher cost.

Our current situation is that the Verizon services for FY2016 were more expensive than the monthly amounts for Comcast. We are left with unusable funding for Comcast services that were not delivered and no funding for Verizon services that were necessary.

We are asking SLD to consider our situation and allow us to receive the full 12 months of funding for Verizon on these three Verizon FRNs.

Note: We have previously submitted a SPIN change request for the Comcast FRNs that was denied and we have appealed to FCC. We will be cancelling that request if this is approved.

We request that SLD grant our appeal based on:

1. The district's goal in this cutover effort was to save money for both SLD and the district, while providing reliable services to all students.
2. The delay was beyond our control and the cutover has now been completed.
3. The economic impact to the district is causing significant hardship.

Sincerely,  
(filed electronically)  
Don Dietrich  
E-Rate Consultant to EOSD)  
Telephone: 314-378-1667  
[ddietrich@e-rateprofessionals.com](mailto:ddietrich@e-rateprofessionals.com)