

Funding Commitment Decision Letter

Funding Year 2018

Contact Information:

Cathy Benham
CENIC-CORPORATION FOR EDUCATION
NETWORK INITIATIVES IN CALIFORNIA
16700 VALLEY VIEW AVENUE, SUITE 400
LA MIRADA, CA 90638
cbenham@cscentral.com

FCC Form 471: 181006439**BEN:** 225495**Wave:** 54**Application Nickname:** CENIC471FY2018-Dark Fiber Bay Area

Totals

Total Committed	\$0.00
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What is in this letter?

Thank you for submitting your application for Funding Year 2018 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the funding statuses for the FCC Form(s) 471, Services Ordered and Certification Form, that you submitted and referenced above.

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. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying the full cost for the services you receive.
2. Review the [Children's Internet Protection Act \(CIPA\)](#) requirements and file the [FCC Form 486](#) (Service Confirmation and CIPA Certification Form). **The deadline to submit this form is 120 days from the date of this letter or from the service start date (whichever is later).**



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3. Invoice USAC

- **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,** 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, 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).



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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 to assure that committed funds 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 of 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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Funding Commitment Decision Overview

Funding Year 2018

Application Comments for FCC Form 471: #181006439

Per program rules, closed entities are not eligible for funding. The following closed entity was removed from the FCC Form 471 application; R O P - SOUTH SANTA CLARA CO. 144282. The student counts associated with the closed entity have been removed from the application. Removal of these students did not result in a change to your shared discount percentage.

<><><><><> Per program rules, closed entities are not eligible for funding. The following closed entities were removed from the FCC Form 471 application; 16061529 - CONNECT EAST SPECIAL EDUCATION. The student counts associated with the closed entity(ies) have been removed from the application. Removal of these students did not result in a change to your shared discount percentage.

Funding Commitment Decision Overview

Funding Request Number (FRN)	Service Provider Name	Amount Requested	Amount Committed	Status
1899028140	Sunesys, LLC	\$16,127.30	\$0.00	Denied
1899028144	Zayo Group, LLC	\$74,032.17	\$0.00	Denied
1899028155	AMS.NET, Inc.	\$140,654.30	\$0.00	Denied
1899084725	Zayo Group, LLC	\$0.00	\$0.00	Denied



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FRN 1899028140	Service Type Data Transmission and/or Internet Access	Status Denied
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$7,513.20	Total Eligible One Time Charges	\$20,780.30
Total Pre-discount Charges		\$28,293.50	
Discount Rate		57.00%	
Committed Amount		\$0.00	

Dates		Service Provider and Contract Information	
Service Start Date	7/1/2018	Service Provider	Sunesys, LLC
Contract Expiration Date	6/30/2037	SPIN (498ID)	143019764
Contract Award Date	4/11/2017	Contract Number	TBD
Service Delivery Deadline		Account Number	
Expiration Date (All Extensions)		Establishing FCC Form 470	170048934

Consultant Information	
Consultant Name	
Consultant's Employer	CSM Consulting Inc.
CRN	16043564

Funding Commitment Decision Comments

DR1: This FRN is associated with 18990288144 and is denied because applicant failed to select the most cost effective option offered. This FRN requests Maintenance and Operations for Dark Fiber associated with the denied FRN. Therefore, this FRN is also denied. <><><><> MR1: FRN 1899028140 Line Item .001 was for both Fiber Maintenance & Operations service charges and Taxes and Fees and was split to agree with the applicant documentation. The new FRN Line Item for Taxes and Fees is 1899028140.004 for the amount of \$106.10 per month . The product or service remaining in the original FRN 1899028140.001 is Fiber Maintenance & Operations



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charges for the amount of \$520.00 per month. <><><><><> MR2: Based on the member entity review , #ALMADEN HEAD START#FOOD PRODUCTION CENTER# Parkway Special Education#CONNECT EAST SPECIAL EDUCATION # OYA Conxion# MILPITAS HEAD START #EDGE PROGRAM # Allen Preschool# STORY ROAD HEAD START # RAINBOW HEAD START # FRANKLIN HOUSE HEAD START # ROSE HEAD START have been removed from the Recipients of Service on the FRN's Product. <><><><><> MR3: The entity R O P - SOUTH SANTA CLARA CO 144282 has closed as a school site and has been removed from the Recipients of Service on the FRN's Product and Service Details.



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FRN 1899028144	Service Type Data Transmission and/or Internet Access	Status Denied
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$113,251.28
Total Pre-discount Charges		\$113,251.28	
Discount Rate		57.00%	
Committed Amount		\$0.00	

Dates		Service Provider and Contract Information	
Service Start Date	7/1/2018	Service Provider	Zayo Group, LLC
Contract Expiration Date	6/30/2026	SPIN (498ID)	143023855
Contract Award Date	4/14/2016	Contract Number	C00-165
Service Delivery Deadline		Account Number	
Expiration Date (All Extensions)		Establishing FCC Form 470	160008827

Consultant Information	
Consultant Name	
Consultant's Employer	CSM Consulting Inc.
CRN	16043564

Funding Commitment Decision Comments

DR1: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): Dark Fiber Special Construction. <><><><><> DR2: This FRN is a duplicate request of FY 2016 FCC Form 471 # 161059379, FRN # 1699138580 and FY 2017 FCC Form 471# 171021897, FRN 1799060913. Previous year FRN was denied due to FCC Rules requiring applicants to evaluate the cost effectiveness of all bids received and to choose the most cost effective solution. Documentation provided failed to demonstrate that the selected Dark Fiber solution from Zayo Group, LLC is the most cost effective option in comparison to Lit Fiber solution offered by



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Zayo Group, LLC based on the vendor responses to the FCC Form 470 associated with this FRN. Previous year FRN 1699138580 and 1777060913 were denied as the applicant did not select the most cost effective solution. As a result, this year's FRN is also denied for the same reason. <><><><><> MR1: This FRN is for both Dark Fiber (No Special Construction) and Fiber Maintenance & Operations and was split in order to conduct an independent review of these respective services. The new FRN for Dark Fiber (No Special Construction) is 1899084725 and the service provider is Zayo Group, LLC (143023855). The product(s)/service(s) remaining in the original FRN are Fiber Maintenance & Operations. <><><><><> MR2: FRN 1899028144 was for both Dark Fiber (No Special Construction) and Fiber Maintenance & Operations and was split to agree with the applicant documentation. The new FRN# for Dark Fiber (No Special Construction) is 1899084725 for the amount of \$1,385.81 recurring. The product or service remaining in the original FRN Line Item # is Fiber Maintenance & Operations for the amount of \$113,251.30 nonrecurring. <><><><><> MR3: Based on the member entity review , #ALMADEN HEAD START#FOOD PRODUCTION CENTER# Parkway Special Education#CONNECT EAST SPECIAL EDUCATION # OYA Conxion# MILPITAS HEAD START #EDGE PROGRAM # Allen Preschool# STORY ROAD HEAD START # RAINBOW HEAD START # FRANKLIN HOUSE HEAD START # ROSE HEAD START have been removed from the Recipients of Service on the FRN's Product. <><><><><> MR4: The entity R O P - SOUTH SANTA CLARA CO 144282 has closed as a school site and has been removed from the Recipients of Service on the FRN's Product and Service Details.



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FRN 1899028155	Service Type Data Transmission and/or Internet Access	Status Denied
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$246,761.93
Total Pre-discount Charges		\$246,761.93	
Discount Rate		57.00%	
Committed Amount		\$0.00	

Dates		Service Provider and Contract Information	
Service Start Date	7/1/2018	Service Provider	AMS.NET, Inc.
Contract Expiration Date	9/30/2019	SPIN (498ID)	143005880
Contract Award Date	4/20/2017	Contract Number	C45-373
Service Delivery Deadline		Account Number	
Expiration Date (All Extensions)	9/30/2022	Establishing FCC Form 470	170049859

Consultant Information	
Consultant Name	
Consultant's Employer	CSM Consulting Inc.
CRN	16043564

Funding Commitment Decision Comments

DR1: This FRN is associated with 1899028144. This FRN requests Network Equipment associated with the denied FRN. Therefore, this FRN is also denied. <><><><> MR1: Based on the member entity review , #ALMADEN HEAD START#FOOD PRODUCTION CENTER# Parkway Special Education#CONNECT EAST SPECIAL EDUCATION # OYA Conxion# MILPITAS HEAD START #EDGE PROGRAM # Allen Preschool# STORY ROAD HEAD START # RAINBOW HEAD START # FRANKLIN HOUSE HEAD START # ROSE HEAD START have been removed from the Recipients of Service on the FRN's Product. <><><><> MR2: The entity R O P - SOUTH



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SANTA CLARA CO 144282 has closed as a school site and has been removed from the Recipients of Service on the FRN's Product and Service Details.



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FRN 1899084725	Service Type Data Transmission and/or Internet Access	Status Denied
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$16,629.72	Total Eligible One Time Charges	\$0.00
Total Pre-discount Charges		\$16,629.72	
Discount Rate		57.00%	
Committed Amount		\$0.00	

Dates		Service Provider and Contract Information	
Service Start Date	7/1/2018	Service Provider	Zayo Group, LLC
Contract Expiration Date	6/30/2019	SPIN (498ID)	143023855
Contract Award Date	4/14/2016	Contract Number	C00-165
Service Delivery Deadline		Account Number	
Expiration Date (All Extensions)		Establishing FCC Form 470	160008827

Consultant Information	
Consultant Name	
Consultant's Employer	CSM Consulting Inc.
CRN	16043564

Funding Commitment Decision Comments

DR1: This FRN is associated with 18990288144 and is denied because applicant failed to select the most cost effective option offered. This FRN requests recurring leased dark fiber service associated with the denied FRN. Therefore, this FRN is also denied. <><><><><> MR1: This is a new FRN. It was split from FRN 1899028144. The new FRN contains the following product(s)/service(s): Dark Fiber (No Special Construction).