Torah Day School of Atlanta Service Provider: Comcast Business Comm.

BEN 32377 Spin #143003990

RE: FRN 1799002391, FY 2017

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**This is a re-submission of a previous Competitive Waiver Reuest, which had an incorrect**

**FRN** #.

In funding year 2015, after completing the required competitive bidding process, we entered into a three year contract with Comcast Business Communications. The service was for 50mgb speed for our internet service and telecommunications. Our 470 application number is #208720001296766 and the Comcast Contract is #GA-391323-031615-01.

For funding year 2016, when I attempted to complete our 471 on the just introduced, new EPC Portal, our application could not be completed. After several attempts, and thinking this was a glitch in the new system, I called E-rate for help. After much research on their part, I was told that USAC was no longer approving 50mgb, that the minimum speed was now 100mgb. We were in a difficult situation as we were in a three year contract with Comcast, for a speed that USAC would no longer approve. We could not break our contract with Comcast, but USAC would not approve our funding request. I opened a customer service case with E-rate on how to resolve the situation\*. At the time, I was told by an E-rate Rep. to approach Comcast to see if they would allow us to increase our speed to 100mgb. They agreed and an amendment was added to our original contract for the increase speed. I was instructed by a representative at E-rate to upload the amendment to the EPC site and then proceed with my 471. We were not seeking to increase our speed; it was mandated by USAC in order for us to receive our funding, which our school depends on. We relied solely on the advice of the E-rate representative.

We were not able to seek competitive bids on this, because we were entering the second year of a three year contract with Comcast. When the E-rate Rep. advised us to file a 470 and I told him/her that we were in a 3 year contract, we were then told that the only alternative was to get an amendment. We were not asking for the increase to 100mgb, but it became a necessary part of the process. We received a positive FCDL for FY2016 and 2017. Presently, in FY 2017, the funds are currently being dispersed to Comcast according to schedule. We would like to avoid what happened in the 2016 FY, where Comcast returned our funding. We are requesting that the SEC upholds the original decision on our 2017 FCDL and we are able to give Comcast documentation to support this.

\*3/14/2016; #63619

3/03/2016; #59424