



ABC Unified School District

16700 Norwalk Boulevard, Cerritos, CA 90703 (562) 926-5566

BOARD OF EDUCATION

Chris Apodaca • Maynard Law • Leticia Mendoza
Ernie Nishii • Dr. Olga Rios
Sophia Tse • Soo Yoo

**Superintendent
Dr. Mary Sieu**

**Before the
Schools and Libraries Division
Washington, D.C.**

In the Matter of:

)	
Request for Review of a decision)	
by the Schools and Libraries Division)	Administrator Correspondence Dated
for A B C Unified School District,)	April 17, 2018
Cerritos, CA)	
)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Requestor: A B C Unified School District

Billed Entity Number: 143519

FCC Registration Number: 0011614542

Form 471: 161006823

Funding Request Numbers: 1699083076, 1699083123, 1699083260, 1699083632, 1699083647, 1699083664, 1699083686, 1699083709, 1699083726, 1699083748, 1699083772, 1699083802, 1699083817, 1699083834, 1699083858, 1699083896, 1699083922, 1699083948, 1699083975, 1699083999, 1699084020, 1699084045, 1699084062, 1699084083

Appeal

In accordance with Sections 54.719 through 54.721 of the Commission's Rules, A B C Unified School District, (ABC or the district), appeals a decision on Appeal by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).

In correspondence dated April 17, 2018¹, the Administrator issued a Revised Funding Commitment Decision Letter (RFCDL) denying Appeal #88475 submitted by the applicant on January 24, 2018². The District feels that it clearly cited circumstances beyond the service provider's control and is appealing the Administrator's decision to deny a Service Delivery Deadline Extension. This appeal is timely submitted within 60 days of the Administrator's decision.

Background

ABC posted FCC Form 470 #160034466 and, after a fair and open bidding process, awarded a contract to GA Technical Services, SPIN #143034351, on May 5, 2016. The district filed Form 471 #161006823 on May 25, 2016, and received a Funding Commitment Decision Letter (FCDL) on January 28, 2017. The FCDL came nearly nine months after the district signed the contract, eight months after submission of the Form 471, and seven months into the actual funding year. The late FCDL decision left the District only eight months to install cabling and wireless LAN gear in twenty-four schools. This cabling and equipment project was contingent upon E-rate funding, so the District had to wait until receipt of a Funding Commitment Decision Letter (FCDL) to begin scheduling installation. The massive scope of work of the project would have been challenging to complete even if they had the entire funding year to perform work. The delay in funding, which was beyond the service provider's control, is the first reason for the need for a Service Delivery Extension.

A residual effect of the late funding decision on USAC's behalf was that some of the equipment part numbers were no longer available or viable. The District and Service Provider identified the need to submit a Service Substitution Request in anticipation of installation during

¹ ABC USAC Appeal Denial

² ABC USAC Appeal #88475

the summer months. GA Technical reached out to Cisco and Ruckus for refreshed part numbers and pricing for the new “to” equipment. Cisco could not determine the service provider’s status as a certified reseller and was delaying providing pricing and part numbers. The district decided, after several months’ delay by Cisco, that they would purchase and install only the cabling and Ruckus gear and forego the Cisco equipment. The deliberation to reach the decision to move forward, in the light of Cisco’s delay, further postponed installation of the cabling and other equipment and was beyond the service provider’s control. This is the second reason for the need for a Service Delivery Extension.

By early September, the District realized that the cabling and equipment installation could not be completed by September 30, 2017 and were continuing to wait for the new “to” list of Ruckus equipment in order to submit a Service Substitution Request, which needed to be submitted before the last date to deliver service September 30, 2017. Subsequently on September 21, 2017 the district submitted FCC Form 500 #69128 requesting a service delivery deadline extension and notifying USAC of a contract extension.

Once they received revised pricing from Ruckus, GA Technical provided the new “to” equipment for completion of the Service Substitution Request the first week of October 2017. Delays in receiving the pricing from the manufacturer prevented the district from filing a service substitution request by September 30, 2017. The delay was beyond the service provider’s control and the third reason for the need for a Service Delivery Extension. If the district had the information to submit the Service Substitution prior to September 30, 2017 the approval of the service substitution would have triggered an automatic one-year extension. The district and vendor were, unfortunately, placed in an awkward spot of not being able to submit the service substitution without first getting approval of the Service Delivery Extension.

Historically, this would be an entirely valid reason to receive a service delivery extension and it is unclear if USAC changed their policy for granting such extension, but the district does not believe it is consistent with FCC precedent or the goals of the program. Ultimately, the district is being penalized because the manufacturer was unable to provide timely service substitution pricing to the vendor. It seems unreasonable for these funds to go unused because of no fault of the vendor or the district.

Discussion

ABC's 2016-17 Category 2 Form 471 #161006823 includes pre-discount requests for \$940,308.96 in eligible wireless access points, network cabling and connectors. The district expected to realize \$683,539.97 in E-rate discounts in FY2016 alone. The cabling component of this application is the foundation to a multi-year technology upgrade and is the cornerstone upon which installation of all equipment is relying. The district requested and has been funded in FY 2017 for network switches. For Funding Year 2018, the district is upgrading to a 10 Gbps broadband Internet connection and it is critical that all school sites be capable of delivering high quality educational broadband to the district's 21,284 students. The network equipment for which ABC was funded in FY2017-18 is currently in flux due to the denial of the FY 2016 Service Delivery Deadline Extension request and all equipment installation is on hold. The district fears that continued delays such as this will derail their greatly needed infrastructure upgrade and hinder the educational process district-wide.

We feel this appeal brings forth compelling facts for approval of a Service Delivery Deadline Extension request, in accordance with the Commission's rules. According to 47 C.F.R. § 54.507(d)(4), "An applicant may request and receive from the Administrator an extension of the

implementation deadline for non-recurring services if it satisfies one of the following criteria: (iii) The applicant's service provider is unable to complete implementation for reasons beyond the service provider's control;"

A B C Unified School District respectfully requests the FCC grant a Service Delivery Deadline Extension for FY 2016 FRNs 1699083076, 1699083123, 1699083260, 1699083632, 1699083647, 1699083664, 1699083686, 1699083709, 1699083726, 1699083748, 1699083772, 1699083802, 1699083817, 1699083834, 1699083858, 1699083896, 1699083922, 1699083948, 1699083975, 1699083999, 1699084020, 1699084045, 1699084062, 1699084083, and subsequently direct USAC to extend the invoicing deadline so that the provider may complete installation of cabling and equipment and be able to receive reimbursement from USAC.

Respectfully Submitted,



Colin Sprigg

Director, Information & Technology

ABC Unified School District