

Request for Waiver of Rules - Seeking Reimbursement of Approved 2015-16 Cat 2 Funding denied in Administrator's Decision on Implementation Extension Request dated May 24, 2017. Barberton City Schools, BEN 129522 - 201516 Cat 2 (CDWg) FRN #2814433 on 471 #1034332. (*Attachment A - 2015-16 Form 471 #1034332 Cat2*)

Richard Kevern – richardkevern@e-rateconnection – [330-686-2061](tel:330-686-2061)
Barberton City Schools, 479 Norton Avenue, Barberton, Ohio 44203 – [330-753-1025](tel:330-753-1025)

Background:

Barberton City Schools 2015-16 Cat 2 FRN #2814433, on 471 #1034332 for Internal Connections with CDW was approved for \$373,987.20 on an August 14, 2015 FCDL. Part way through the project the school and CDW staff realized the project might take longer than originally anticipated and at that time both the school and CDW staff agreed to ask me to file reimbursement requests in two parts, which CSB Helpline staff informed me we could do on April 19, 2016, Case #78512. (*Attachment B - 2015-16 Form 471 #1034332 Cat2 FCDL*) & (*Attachment C - Page 1 Case 78512*)

After the first part of project was finished and CDW was paid on May 2, 2016, BEAR Form 472 #2379153 for \$163,952.80 was submitted - the reimbursement for which was approved & transacted without difficulty.

The second part of project was completed on September 7, 2016, (23 days before the 15 month deadline on September 30th), invoiced on October 13, 2016, and CDW was paid on October 16, 2016. On October 21, 2016 BEAR Form 472 #2457045 was submitted to request reimbursement for the second part of the project in the after-discount amount of \$200,106.40 on October 21, 2016 - seven days before the October 28, 2016 deadline for submitting BEAR Form 472s. (*Attachment D - Form 472 #2457045*)

With all of these steps having been performed, and performed before all of their respective deadlines, all parties believed this project was coming to a satisfactory conclusion.

However, at this point closure of this project starts to run into confusion and debilitating delays: 1st: Because legacy tools such as the Form 500 tool are taken down in anticipation of them being replaced by EPC "portal" tools – forcing much of the relevant documentation to be submitted "on paper". 2nd: Because PIA and Invoicing reviewers are mandated to use only the new EPC portal communications system and instructed not to use e-mail to communicate with applicant schools, a

rule which reviewers eventually ignore because e-mail is the only way they can do their jobs. 3rd: Because apparently none of the people that ended up dealing with this matter had any way to know what the others were already doing – largely because of the necessity for “paper” documents.

Portal Notification & Communications Problems – Specifics:

Because the EPC portal communications system was not working properly much of the time, even though reviewers had been instructed to use EPC portal communications and not to use e-mail - soon reviewers began to use e-mail anyway because it was the only way they could communicate with applicants reliably to get their jobs done. On the applicants end, responding to EPC portal notifications often resulted in the applicant seeing messages of “No Inquiries Pending”, or pink “Error” messages, and pink boxes with “The Task Could Not Be Submitted”, or “The task has already been submitted”, and pink message boxes stating “The requested entity is not available, you may not have permission to view the entry, or it may have been deleted”, or pink messages stating “An Internal error has occurred. The page could not be loaded. (HTTP Code = 404] (APNX-1-4279-001), or “An Error Has Occurred, The record data does not exist, has been deleted, or you do not have sufficient privileges to access it”.

The confusion resulting from these issues in combination has thus far resulted in an 18-month delay of reimbursement for this approved Barberton project, unwarranted by the project’s merit.

Timeline of Events:

October 24, 2016 - Invoicing Reviewer Carlene Antoine asked (via e-mail) for CDW invoices, which I sent the attachments on Oct 25th as a reply to her e-mail. Again, it is important to keep in mind that reviewers were instructed that they must use the portal messaging & notification system to communicate with applicants, but that they were soon forced to revert to using e-mail anyway because the portal messaging system was not working and using e-mail was the only way they could do their jobs. (*Attachment E - Email Invoice Request*)

January 9, 2017 - Received reviewer Carlene Antoine e-mail stating that if work was performed after the contract expiration date of June 30, 2016, and if the school & service provider agreed to extend their contract - because the online Form 500 tool had been taken down in anticipation of the introduction of the new portal Form 500 tool - I must complete the “Substitute Form 500” (a paper

document) she had attached to her e-mail message and return it to her to extend the contract, which I did on January 12th, requesting the contract be extended to October 30, 2016 because after the start of the new school year the service provider, (CDW), was experiencing difficulty accessing spaces and network equipment & systems being used by students & staff during the school day. (Attachment F - Email Request for "Paper" "Substitute Form 500")

January 23, 2017 - Received "Zero Funded Program Remittance Statement" showing funding of FRN #2814433 as "zero" for the reason "Service Delivered After Contract Expiration. I contacted CSB Helpline and received "guidance" recommending I appeal this decision - which I did. (Attachment G – "Zero Funded" Remittance Statement)

January 27, 2017 - Received "Zero Funded" "Form 472 (BEAR) Notification Letter" denying reimbursement for 472 #2457045 for the reason "Service Delivered After Contract Expiration" (Attachment H – "Zero Funded" BEAR (472))

January 31, 2017 - I called CSB Helpline to check on status, representative Belinda Hooper (Case #149604) said **"she could not find the Substitute Form 500 I had already submitted for this application"** and she requested I download a blank "Paper" Form 500 PDF, fill it out manually and then upload the completed PDF to the portal – which I did (in red). This PDF "Paper" Form 500 extension request was later assigned the number 1204450 and approved according to Portal notification (Case #155305) on 2.21.2017. (Attachment I - Form 500 #2) & (Attachment C - Page 3 Case 149604 & Page 5 Case 155305)

Note: This extension request was later denied on May 24, 2017. (Attachment J – Extension Request Denied)

February 8, 2017 - I called CSB Helpline to inquire again about this application and was asked by Michael Leonard (Case #151582) that he could not see the Form 500 and to upload (again) the Form 500 I had previously sent to Belinda Hooper along with the screenshot I had made for proof that I had sent it. (Attachment C – Page 4 Case 151582)

February 21, 2017 - Received USAC 2015-16 Form 500 Notification Letter (yellow #1204450) **approving change of contract expiration date to October 30, 2016.** (Attachment K – Extension Request Approval)

February 21, 2017 - Received CSB Case #155305 portal notification from Helpline representative Elizabeth Hovey stating "Form 500 #1204450 was certified on January 31, 2017 changing the contract expiration date to October 30, 2016 - and **"You should be able to re-file your 472 BEAR form to the second half of the project with out any further problems from the contract expiration date"**. (Attachment C – Page 5 Case 155305)

Three Part Portal Notification Case Threads (below) – Case #151582 – Although there was no name associated with this thread, case #151582, originated with Michael Leonard (Attachment C – Page 4 Case 151582)

February 21, 2017 – Received portal thread notification #1 of 3: "We have not received any information regarding your Form 500 in this case. Please provide any additional information so that we may further assist you with your issue. If you have any additional questions, please contact the Schools & Libraries Helpline at [888-203-8100](tel:888-203-8100). Thank You." (Attachment C – Page 4 Case 151582)

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February 23, 2017 – Received portal thread notification #2 of 3: I do not see a Form 500 filed in EPC under BEN 129522 – Barberton City School District. Do you have the Form 500 number? You can find this by checking in Records, then Form 500. The Form number will show up to the right of the name you gave the form.
IMPORTANT NOTE: There never was a Form 500 or an appeal listed in EPC for Barberton, and to this day there are still no Form 500s or Appeals listed in EPC for Barberton. (Attachment C – Page 4 Case 151582)

February 28, 2017 – Received portal thread notification #3 of 3: **Your Form 500 for Funding Request Number 1204450 was successfully processed and is in a Certified status. USAC will issue a Form 500 Notification Letter.** NOTE: This information was incorrect. The number 1204450 is not a FRN number as stated in this Case#151582 notification, but was a Form 500 number assigned to a paper Form 500. (Attachment C – Page 4 Case 151582)

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February 21, 2017 - Submitted an additional (2nd) BEAR Form 472 #2536355 as suggested by CSB Helpline rep Elizabeth Hovey (above) (Case #155305) (Attachment L - 2nd Form 472 #2536355) & (Attachment C – Page 5 Case 155305)

March 16, 2017 – Growing dissatisfied with lack of progress in this matter I

submitted an appeal just to be safe. (Attachment M – Appeal with Supporting Documents)

March 24, 2017 - Received “Administrators Decision on Appeal” approving Barberton’s 2015-16 Cat 2 FRN #2814433. Note: This notification came with an instruction that I must submit a BEAR Form 472. Because I had already submitted two BEAR Forms 472, and because I knew I still had to wait for a decision regarding my appeal to extend the contract, in the confusion of the conflicting communications I did not submit an additional, (third) Form 472. (Attachment N – Decision on Appeal)

May 24, 2017 - Received Denial of Extension Request for Barberton 2015-16 FRN 2814433 on 471 [#31034332](#) for the reason “Request Received After Deadline”. This denial did not list a Form 500 number anywhere in the document. (Attachment O – Denial of Extension Request) (Attachment C – Page 7 Case 180516)

While it is true that this second (denied) Form 500 request for extension, requested January 31, 2017, was submitted well after the deadline, apparently the denier of this second request was unaware that a first Form 500 request for extension, submitted to reviewer Carlene Antoine via the “paper” “Substitute Form 500” extension request she provided on had already been approved. Because it was a “PDF Paper” request that is probably why it was never made a part of the record in the portal.

Summary

- This period of time was apparently one of considerable confusion at USAC. The fact that reimbursement for this project could have been approved by one reviewer but denied by another reviewer should be sufficient cause to question the effectiveness of USAC’s reimbursement approval process during the time the agency was transitioning from it’s “legacy” systems to the as yet unfinished EPC portal system.

The de facto denial of this previously approved project because of systemic difficulties rather than being based on the merits of the project itself is antithesis to the spirit of the E-Rate Program.

It is for these reasons that we request a “Waiver of Rules” approving after-discount reimbursement in the amount of \$200,106.40, the project second half expenses of

Barberton City Schools, (BEN 129522), 2015-16 Cat 2 FRN #2814433, on 471 #1034332 as first requested on BEAR Form 472 #2457045 on October 21, 2016 and repeated on BEAR Form 472 #2536355 on February 2, 2017 at the suggestion of CSB Helpline representative Elizabeth Hovey (Case #155305).

If it is the FCC's purpose to enable E-Rate funding be provided to eligible applicants who are doing their best to navigate what has become a truly burdensome application process, I hope you will consider approving this request.