

**Morrow and Morrow, Inc.
188 Clear Creek Valley Drive
Ellijay, GA 30536**

**Robert Morrow
President
(706) 636-4283**

(706) 636-5227 fax

**Georgia Morrow
Vice President
(706) 636-4286**

June 25, 2016

FCC Appeal of USAC Decision

CC Docket No. 02-6

**Appellant: Barrow County School District (BEN 127390)
Contact Person Name: Robert Morrow
Contact Mailing Address: 188 Clear Creek Valley Drive, Ellijay, GA 30536
Contact Phone Number: 706-636-4283
Contact FAX Number: 706-636-5227
Contact E-mail: bobmorrow@earthlink.net**

We are appealing the Notification of Improperly Disbursed Funds Recovery Letter dated April 11, 2016.

**Applicant Name: Barrow County SD
Applicant BEN: 127390
Form 471 Application Number: 888048
FRN: 2502931
Funding Year: 2013-14**

The reduction in funding of this FRN is based on two findings:

- 1. The Wide Area Network services covered by this FRN were used by Pre-K teachers and students. Pre-K is not eligible in Georgia.**
- 2. The total amount disbursed by USAC is higher than the documentation provided.**

We only contest the first finding, for the following reasons:

Each elementary school in Barrow County averages 344 computers, of which 6 are used by Pre-K programs. That's 1.7 percent. If we apply that percentage to the approximately \$145,000 funded by the elementary schools in that year, the figure comes to \$2,465, not the \$6,758 calculated by USAC. And even the lower figure assumes that a four-year old Pre-K student uses a computer the same amount as an eight or nine-year old, an assumption that really stretches the imagination.

Further, The FCC's Sixth Report and Order established that non-eligible community groups like adult education and poll workers could use district community facilities after hours as long as no increased costs were involved. Pre-K does not add costs, but obviously does not meet the "after hours" requirement.

That being said, Pre-K use of WAN facilities is so minimal that we ask the FCC to waive the after-hours requirement and reduce the funds to be returned to the \$867.56 amount that was overpaid by USAC. If that cannot be done, we ask the FCC to reduce the amount of funds to be returned to \$3,332.56, an amount that more accurately reflects the actual use of WAN facilities by Pre-K.

I am ready to provide any additional information you may require,

Sincerely,

A handwritten signature in black ink, appearing to read "Robert O. Johnson". The signature is written in a cursive style with a large initial "R".

Attachment A: USAC Appeal Denial Letter

Attachment B: Letter of Agency



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

June 14, 2016

Bob Morrow
Morrow & Morrow, Inc.
188 Clear Creek Valley Drive
Ellijay, GA 30536

Re: Applicant Name: BARROW COUNTY SCHOOL DISTRICT
Billed Entity Number: 127390
Form 471 Application Number: 888048
Funding Request Number(s): 2502931
Your Correspondence Dated: June 04, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Notification of Improperly Disbursed Funds Recovery Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2502931
Decision on Appeal: **Denied**
Explanation:

- During the previous PQA review, it has been determined that funds were improperly disbursed for this funding request. Services were installed or delivered to Auburn Elementary School; Ben#31989, Bethlehem Elementary School; Ben# 33507, Bramlett Elementary School; Ben# 31988, County Line Elementary School; Ben# 33586, Holsenbeck Elementary School; Ben# 33587, Kennedy Elementary School; Ben# 33588, Statham Elementary School; Ben# 33568 and Yargo Elementary School; Ben# 211093. These entities are ineligible to receive E-rate discounts. FCC rules require that discounts are to be provided only to entities eligible to receive funding. Telecomm Services was delivered to the eligible schools that included ineligible Pre-Kindergarten students. Since services were delivered or the equipment was installed at an ineligible entity, the program

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rules have been violated. Accordingly, USAC will seek recovery of \$6,758.45 of improperly disbursed funds from the applicant.

Also during the same PQA review, it was determined that funds were improperly disbursed for this funding request. Funds were disbursed in excess of the actual cost of the products and/or services actually delivered to the applicant. Specifically, the applicant invoiced USAC in excess of the amount billed for the services provided by the service provider. FCC rules authorize USAC to disburse funds to service providers for providing supported services to eligible entities. These rules are violated if the Administrator is invoiced and funds are disbursed in excess of the services and/or products delivered to the eligible entity. In this situation, the applicant certified on the BEAR Form that discount amounts for which the applicant is seeking reimbursement represent charges for eligible services delivered to and used by eligible entities. Additionally, the applicant made a certification on the BEAR form stating that the discount amounts listed on the form were already billed by the service provider and paid by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities. Therefore appeal is denied. Accordingly, USAC will seek recovery of \$867.56 of improperly disbursed funds from the applicant.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: John St. Clair

ATTACHMENT B



Wanda Creel, Ed. D.
Superintendent

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Barrow County School System

Boldly Committed to Student Success

Letter of Agency

Robert Morrow and Georgia Morrow of Morrow and Morrow, Inc. have authority to represent the Barrow County School District in all matters concerning E-rate filings before the Schools and Libraries Division for Funding Years 14, 15 and 16. This will include, but is not limited to, filings, reviews, Selective Reviews, audits and appeals.

They are also granted authority to obtain information from Barrow County School District's service providers and to represent the district to these service providers in all E-rate matters. The information they may obtain will be limited to account and billing information pertinent to E-rate funding.

John St. Clair
Technology Director
Barrow County School District

Date: January 22, 2013