

**REQUEST FOR REVIEW AND/OR WAIVER BY THE
HOOKS (TEXAS) INDEPENDENT SCHOOL DISTRICT
OF A FUNDING DECISION BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

July 3, 2018

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Docket No. 02-6
Request for Review and/or Waiver of Hooks Independent School District;
BEN: 140646; FY2017, Form 471 #171039984

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 54.719(a), Hooks Independent School District (Hooks ISD) hereby respectfully submits this appeal of its Hooks ISD's funding request for funding year 2017:

Funding Year	Form 471#	FRN#	FCDL
2017	171039984	1799089848	Nov. 22, 2017

Summary

At the time of Hooks ISD's funding year 2017 application, the State of Texas had not yet finalized and implemented its matching fund program. Because the program was not established until after the May 11 E-rate application deadline, Hooks did not indicate on its FCC Form 471 that it was requesting state matching funds. Hooks applied for and was awarded state matching funds in September; however, Hooks did not receive actual notification of its award from the Texas Education Agency until November 28—a few days after USAC issued Hooks ISD's funding commitment decision letter (FCDL).

Because Hooks could have received the state matching fund discount on its FY 2017 application if it had notified USAC prior to the issuance of its FCDL, Hooks hereby requests that the Commission allow Hooks to amend its application now, add the state matching funding request, and increase its discount for its special construction project from 80 percent to 90 percent. Hooks respectfully seeks a waiver of section 54.504 of the Commission's rules, and any other rules the Commission deems necessary, to effectuate the relief requested.

Background

Hooks Independent School District is located in the small East Texas town of Hooks, Texas. Hooks is a small community located in the northeast corner of Bowie County, just a few miles

west of the city of Texarkana. Hooks ISD has three campuses: Hooks Elementary is for grades pre-K through 4, Hooks Junior High campus is for grades 5 through 8, and Hooks High School serves grades 9 through 12.

In the *Second Modernization Order* adopted by the Commission in December 2014, the Commission adopted a rule increasing an applicant's discount rate for special construction charges up to an additional 10 percent in order to match state funding the applicant receives on a dollar-to-dollar basis.¹

During the E-rate application and review process in spring 2017, the state of Texas was considering legislation so that its schools could use the Federal Communications Commission's new rule matching state funding for special construction projects. Hooks ISD submitted its FY 2017 E-rate application #171039984 on May 9, 2017.² The legislation was adopted on May 23, 2017—just a few days after the close of the E-rate funding window and after Hooks filed its funding year 2017 application. The legislation was effective July 1, 2017—consistent with the beginning of E-rate funding year 2017.³

Because its E-rate application had to be submitted prior to the legislative approval of the Texas state match program, Hooks did not request the state matching funds on its Form 471 application.

While its E-rate application was under review, as soon as the state program began accepting applications for the matching funds, Hooks ISD submitted a letter to the State of Texas State Match Program on September 15, 2017. On September 22, 2017, the Texas Education Agency (TEA) representative e-mailed the approval letter to Hooks ISD.⁴ Unfortunately, the e-mail went directly into the District's e-mail filtering system, and was not received by either the superintendent or the director of technology.

Hooks ISD's application was approved by USAC with slight modifications to its funding requests on November 22, 2017.⁵ Hooks ISD was not aware its state match had been approved until November 28, 2017—a few days after USAC's approval of Hooks ISD's application. Hooks ISD believes this change could have been made to its FCC Form 471, if only it had known about the state match approval before the FCDL was issued.⁶

¹ *Modernizing the E-rate Program for Schools and Libraries, Connect America Fund*, WC Docket Nos. 13-184 and 10-90, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538 (2014) at ¶ 56 (*Second E-rate Modernization Order*).

² Exhibit 1, FCC Form 471.

³ <http://www.usac.org/sl/applicants/beforeyoubegin/state-matching-provision.aspx>.

⁴ Exhibit 2, Texas Education Agency state match award letter.

⁵ Exhibit 3, FCDL.

⁶ <http://www.usac.org/sl/applicants/step01/clerical-errors.aspx> (incorrect discount calculation).

On January 17, 2018, Hooks ISD filed an appeal with USAC requesting that USAC (1) increase the E-rate discount for FRN 1799089848 from 80 percent to 90 percent based upon State of Texas E-rate state match approval and (2), consistent with that change, increase the E-rate committed amount from \$322,268.00 to \$362,551.50. USAC denied the appeal on May 16, 2018, stating that USAC cannot change funding request after an FCDL is issued.⁷ USAC also noted that an applicant's request to remove entities from its application to increase its discount rate above the funding threshold is not justifiable as a ministerial or clerical error.⁸

Appeal

Hooks ISD respectfully requests a waiver of section 54.504 to revise its application to change its discount calculation consistent with the approval of state matching funds for its special construction project.

Any of the Commission's rules may be waived if good cause is shown.⁹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹⁰ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹¹

As noted above, Hooks ISD did not receive notice of the state's decision to award it matching funds until after its FCDL was issued by USAC. Although Hooks ISD did not have the opportunity to make the change, it appears that it could have made such a change if it had notified USAC before the FCDL was issued.¹² USAC's website notes that applicants can change their discounts that were incorrectly stated on the application.¹³ Once the state approval was received, Hooks ISD was entitled to claim a higher discount percentage than it had originally indicated it was eligible for on its application.

Waiving the "complete-as-filed" rule for applications to allow Hooks ISD to revise its discount rate furthers the Commission policy to break down barriers to high-speed broadband in rural

⁷ Exhibit 4, USAC Appeal Denial (FRN Status Tool Spreadsheet with Post Commitment Rationale).

⁸ *Id.*

⁹ 47 C.F.R. § 1.3.

¹⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

¹¹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

¹² USAC included a sentence in its appeal denial that noted applicants cannot remove entities from an application to increase its discount above the funding threshold. It is not clear if USAC believes that this rule applies in this case, but it does not. The category 2 funding thresholds are no longer relevant when the program's cap does not require their use. Furthermore, Hooks ISD did not remove any entities to increase its discount rate, as prohibited in that Bureau decision. The Bureau was trying to prohibit applicants from "gaming" the discount calculation matrix by trying to include only schools with high discounts on their applications after the discount threshold was announced. That order, therefore, is not relevant to the situation for this funding request.

¹³ <http://www.usac.org/sl/applicants/step01/clerical-errors.aspx> (incorrect discount calculation).

areas and is therefore in the public interest. In the *Second Modernization Order* adopted by the Commission in December 2014, the Commission adopted a rule increasing an applicant's discount rate for special construction charges up to an additional 10 percent in order to match state funding the applicant receives on a dollar-to-dollar basis.¹⁴ The Commission stated it was adopting this rule to "encourage state participation" in spurring broadband connectivity.¹⁵ The state of Texas stepped up to the plate and passed legislation to provide additional matching funds, consistent with the Commission's goal as stated in the *Second Modernization Order*.

The \$40,000 in additional E-rate funds (along with the additional \$40,000 in state funding) is a drop in the bucket for the E-rate program, yet it will make a big difference to Hooks ISD. The requested application change is necessary only because of an issue of timing. Due to the Texas legislative process, the state of Texas could not notify its state applications of the state match prior to the E-rate application deadline. Further, an email error outside of its control prevented Hooks ISD from requesting the change during USAC's review process.

Conclusion

For these reasons, we respectfully request that the Bureau grant this appeal, waive whatever rules the Commission deems necessary, and instruct USAC to (1) increase the E-Rate discount for FRN 1799089848 from 80 percent to 90 percent based upon State of Texas E-rate state match approval and (2) increase the E-rate committed amount from \$322,268.00 to \$362,551.50.

Contact:

/s/ Russell Neal

Russell Neal
VST Services, LP
905 Trophy Club Drive # 202
Trophy Club, TX 76262
rneal@vstservices.com
(682) 237-7670

¹⁴ *Second E-rate Modernization Order* at ¶¶ 55-56.

¹⁵ *Id.*

EXHIBIT 1



Description of Services Ordered and Certification Form 471

FCC Form 471

Application Information

Nickname Hooks ISD - Fiber WAN Build - 2017 **Application Number** 171039984
Funding Year 2017 **Category of Service** Category 1

Billed Entity

HOOKS INDEP SCHOOL DISTRICT
100 EAST 5TH. STREET HOOKS TX 75561
903-547-6077

Contact Information

Russell Neal
682-237-7670
rneal@vstservices.com

Billed Entity Number 140646
FCC Registration Number 0011957016
Applicant Type School District

Holiday/Summer Contact Information

Russell Neal / 682-237-7670

Consulting Firms

Name	Consultant Registration Number	City	State	Zip Code	Phone Number	Email
COLLECT-ED LLC	16062522	Mustang	OK	73064	405-830-2200	collect-ed@hotmail.com
VST Services LP	16043688	Trophy Club	TX	76262	682-237-7670	RNeal@vstservices.com

Entity Information

School District Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	School District Attributes	Endowment
140646	HOOKS INDEP SCHOOL DISTRICT	Rural		019902		Public School District	None

Related Entity Information

Related Child School Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
86627	HOOKS ELEMENTARY SCHOOL	Rural	019902	019902102	48 - 23490-2381	None	Pre-K; Public School	None
86628	HOOKS HIGH SCHOOL	Rural	019902	019902002	48 - 23490-2382	None	Public School	None

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
86629	HOOKS JUNIOR HIGH SCHOOL	Rural	019902	019902041	48 - 23490-2383	None	Public School	None

Related Child School Entity - Discount Rate Calculation Details

BEN	Name	Urban/ Rural	Number of Students	Students Count Based on Estimate	CEP Percentage
86627	HOOKS ELEMENTARY SCHOOL	Rural	347	N/A	
86628	HOOKS HIGH SCHOOL	Rural	332	N/A	
86629	HOOKS JUNIOR HIGH SCHOOL	Rural	244	N/A	

Related School District NIFs

School District BEN	School District Name	NIF BEN	NIF Name
140646	HOOKS INDEP SCHOOL DISTRICT	16083340	HOOKS INDEP SCHOOL DISTRICT - ADMIN

Discount Rate

School District Enrollment	School District NSLP Count	School District NSLP Percentage	School District Urban/ Rural Status	Category One Discount Rate	Category Two Discount Rate	Voice Discount Rate
923	531	58.0%	Rural	80%	80%	20%

[Funding Request for FRN #1799089848](#)

Funding Request Nickname: Housley - Fiber Build SPF

Service Type: Data Transmission and/or Internet Access

Fiber Request Key Information

Special Construction, Maintenance and Operations, or Network Equipment? Yes

Is this FRN supporting leased lit fiber, dark fiber or self-provisioned new or existing fiber? Self Provisioned

Is this FRN for Special Construction, Network Equipment, Maintenance & Operation or both Network Equipment and Maintenance & Operation? Special Construction

FRN Key Information for Special Construction

Total Project Plant Route Feet 31750

Total Strands 24

Average Cost per foot of outside plant \$12.91

Number of E-rate Eligible Strands 12

Is state or tribal match available for this FRN? No

Does the FRN include an installment payment agreement for special construction charges? No

Does this installment agreement include a balloon payment? No

Agreement Information - Contract

Contract Number 2017 Housley Fiber

Account Number Housley 140646

Establishing FCC Form 470 170066964

Service Provider Housley Communications, Inc. (SPN: 143048203)

Was an FCC Form 470 posted for the product and/or services you are requesting? Yes

Based on State Master Contract? No

Award Date May 09, 2017

Based on a multiple award schedule? No

How many bids were received for this contract? 6

Includes Voluntary Extensions? No

What is the service start date? July 01, 2017

Remaining Voluntary Extensions

Total Remaining Contract Length

What is the date your contract expires for the current term of the contract? June 30, 2019

Document Name	Document Description
Hooks Fiber Construction Contract 2017.pdf	Contract with Housley Communications for the construction of Self Provisioned Fiber to Connect Hooks ISD eligible entities.

Pricing Confidentiality

Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract? No

Narrative

Self Provisioned Fiber for Hooks ISD Eligible Entities. Hooks ISD has already procured the Network Electronics utilizing General Revenue Funds to light the Fiber. Hooks ISD will self maintain the fiber after construction has been completed via local general revenue funds.

Line Item # 1799089848.001

Product and Service Details

Purpose	Internet access service that includes a connection from any applicant site directly to the Internet Service Provider		
Function	Fiber		
Type of Connection	Self-provisioned Fiber (with Special Construction)		
Bandwidth Speed			
Upload Speed	10.0 Gbps	Download Speed	10.0 Gbps

Connection Information

Does this include firewall services?	No	Is this a connection between eligible schools, libraries and NIFs (i.e., a connection that provides a “Wide area network”)?	No
Is this a direct connection to a single school, library or a NIF for Internet access?	No		

Cost Calculation for FRN Line Item # 1799089848.001

Monthly Cost		One-Time Cost	
Monthly Recurring Unit Cost	\$0.00	One-time Unit Cost	\$410,010.00
Monthly Recurring Unit Ineligible Costs	- \$0.00	One-time Ineligible Unit Costs	- \$4,725.00
Monthly Recurring Unit Eligible Costs	= \$0.00	One-time Eligible Unit Cost	= \$405,285.00
Monthly Quantity	x 1	One-time Quantity	x 1
Total Monthly Eligible Recurring Costs	= \$0.00	Total Eligible One-time Costs	= \$405,285.00
Months of Service	x 12	Summary	
Total Eligible Recurring Costs	= \$0.00	Total Eligible Recurring Costs	\$0.00
		Total Eligible One-time Costs	+ \$405,285.00
		Pre-Discout Extended Eligible Line Item Cost	= \$405,285.00

Recipients of Services

BEN	Name
86627	HOOKS ELEMENTARY SCHOOL
86628	HOOKS HIGH SCHOOL
86629	HOOKS JUNIOR HIGH SCHOOL
16083340	HOOKS INDEP SCHOOL DISTRICT - ADMIN

FRN Calculation for FRN #1799089848

One-Time Charges	
Total One-Time Charges	\$410,010.00
Total Ineligible One-Time Charges	- \$4,725.00
Total Eligible Pre-Discount One-Time Charges	= \$405,285.00

Total Requested Amount	
Total Pre-Discount Charges	\$405,285.00
Special Construction State/Tribal Match Percentage	
Special Construction State/Tribal Match Discount Rate*	80%
Funding Commitment Request	= \$324,228.00

Connectivity Questions

District/System-wide Internet Access Questions

Does your school district currently aggregate Internet access for the entire district(as opposed to buying Internet access on a building-by-building basis)? Yes

Download Speed	40.00	Download Speed Units	Mbps
----------------	-------	----------------------	------

Upload Speed	10.00	Upload Speed Units	Mbps
--------------	-------	--------------------	------

Per Entity Basis Questions

Entity Name	HOOKS INDEP SCHOOL DISTRICT	Entity Number	140646
--------------------	-----------------------------	----------------------	--------

BEN	Entity Name	Download	Units	Upload	Units	Connection	Wifi Sufficient	Barriers to Robust Network
86627	HOOKS ELEMENTARY SCHOOL	10.00	Gbps	10.00	Gbps	Fiber	Completely	Equipment too costly
86628	HOOKS HIGH SCHOOL	10.00	Gbps	10.00	Gbps	Fiber	Completely	Equipment too costly
86629	HOOKS JUNIOR HIGH SCHOOL	10.00	Gbps	10.00	Gbps	Fiber	Completely	Equipment too costly

Certifications

I certify that the entities listed in this application are eligible for support because they are schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

Total Funding Summary

Below is a summary of the total line item costs on this FCC Form 471:

Summary	
Total funding year pre-discount eligible amount on this FCC Form 471	\$405,285.00
Total funding commitment request amount on this FCC Form 471	\$324,228.00
Total applicant non-discount share of the eligible amount	\$81,057.00
Total budgeted amount allocated to resources not eligible for E-rate support	\$108,969.00
Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts	\$190,026.00
Are you receiving any of the funds directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year?	No
Has a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds needed to pay your non-discounted share?	No

I certify an FCC Form 470 was posted and that any related RFP was made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology goals.

I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, as prohibited by

the Commission's rules at 47 C.F.R. § 54.503(d), other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts or other legally binding agreements covering all of the services listed on this FCC Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to USAC.

I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

Notice

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to submit an application for such discounts by filing this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the application requirements for universal service discounts contained in 47 C.F.R. § 54.504. Schools and libraries must file this form themselves or as part of a consortium. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving your application for universal service discounts is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application for universal service discounts may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public. If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized. If you do not provide the information we request on the form, the FCC or the Universal Service Administrator may delay processing of your application for universal service discounts or may return your application without action. The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq. Public reporting burden for this collection of information is estimated to average 4.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

Authorized Person

Title:	CEMP	Name:	Russell Neal
Phone:	682-237-7670	Email:	rneal_old@vstservices.com
Address:	100 N. UNIVERSITY DRIVE FORT WORTH TX 76107 - 1360	Employer:	Russell Neal

Certified Timestamp

09-May-2017 16:25:39 EDT

EXHIBIT 2

September 22, 2017

Shane Krueger
Superintendent
Hooks Independent School District
100 5th Street
Hooks, TX 75561

Dear Superintendent Krueger,

The Texas E-rate State Matching Program was made possible by the 85th Texas State Legislature and approved by Governor Abbott by signing SB 1, the General Appropriations Act (GAA). The GAA includes Rider 69, which outlines the Texas E-rate State Matching program.

We are pleased to inform the Hooks Independent School District that the Texas Education Agency (TEA) has approved an initial state award from the E-rate State Matching Program to fund a total of 10% of the eligible special construction charges of \$405,285.00 requested on the E-rate Funding Year 2017 Form 471 if the applicant receives an 80% E-rate discount. The estimated state match award is \$40,528.50. The final award will be based on the amount ultimately approved by USAC following the issuance of a Funding Commitment Decision Letter (FCDL) by USAC and is dependent on funding availability.

Please note that the award can be used *only* for the project(s) and purpose(s) specified in the Form 471 and is subject to the FCC matching grant and final approval by TEA, based upon project specifics.

Prior to the expenditure or draw down of any state awarded funds, you must supply the TEA with a copy of the USAC approved FCDL. All projects are subject to TEA reporting requirements.

We would like to extend our congratulations. If you have any questions, please email classroomconnectivity@tea.texas.gov. The TEA Classroom Connectivity Team looks forward to

working with you on our common goal to provide sufficient connectivity to the classrooms and students of Texas.

Sincerely,

A handwritten signature in black ink that reads "Melody Parrish". The signature is written in a cursive, flowing style.

Melody Parrish
Deputy Commissioner, Technology
Office of Information Technology Services
Texas Education Agency

c: Keith Minter, Technology Director

EXHIBIT 3

FRN	FRN Status	471 Application Number	BEN	Billed Entity Name	Applicant City	Applicant State	471 Consulting Firm Name	Service Provider Name	Fund Year	Orig Funding Request	Cmtd Funding Request	Orig FRN Service Type	Cmtd FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN	FRN Committed Amount
1799089848	Funded	171039984	140646	HOOKS INDEP SCHOOL DISTRICT	HOOKS	TX	COLLECT-ED LLC;VST Services LP	Housley Communications, Inc.	2017	\$324,228.00	\$322,268.00	Data Transmission and/or Internet Access	Data Transmission and/or Internet Access	26	11/22/2017	MR1:The applicant did not submit any RAL corrections.	MR1:Documentation provided indicates that your Funding Request is for unlit Dark Fiber. Do not submit invoices until the fiber is lit. Please provide documentation that it is lit when submitting your invoice. MR2:The amount of the funding request was changed from \$405,285.00 to \$402,835.00 to remove the strands of fiber not being lit this funding year.	\$322,268.00

EXHIBIT 4

FRN	FRN Status	471 Application Number	BEN	Billed Entity Name	Applicant City	Applicant State	471 Consulting Firm Name	Service Provider Name	Fund Year	Orig Funding Request	Cmt'd Funding Request	Orig FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN
1799089848	Funded	171039984	140646	HOOKS INDEP SCHOOL DISTRICT	HOOKS	TX	VST Services LP;COLLECT-ED LLC	Housley Communications, Inc.	2017	\$324,228.00	\$322,268.00	Data Transmission and/or Internet Access	26	11/22/2017	MR1:The applicant did not submit any RAL corrections.	MR1:Documentation provided indicates that your Funding Request is for unlit Dark Fiber. Do not submit invoices until the fiber is lit. Please provide documentation that it is lit when submitting your invoice.¶MR2:The amount of the funding request was changed from \$405,285.00 to \$402,835.00 to remove the strands of fiber not being lit this funding year.

PC Wave Number	Revised FCDL Date	Post Commitment Rationale	RFCDL Comment	FRN Committed Amount
20	05/16/2018	<p>20-Per the FCC's directive, applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010). An applicant's request to remove entities from its application, when such removal would raise the average discount percentage for the relevant funding request above the funding threshold for that year, is not justifiable as a ministerial or clerical error. See Request for Waiver and Review of Decisions of the Universal Service Administrator by Alexander County School District, Taylorsville, North Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-827833 et al., CC Docket No. 02-6, Order, DA 13-1383 para. 2 (rel. June 14, 2013). ¶Your request to amend your Form 471 to add the state matching funding request and increase the discount for your special construction project from 80 percent to 90 percent was received after the associated FCC Form 471 171039984 was committed and as such could not be processed. Consequently, your appeal is denied.</p> <p>The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. See Ministerial & Clerical Errors posted in the Reference Area of the SLD section of the USAC website.</p>		\$322,268.00