RFCDL for Appeals 132845 - #133907

Summary | Associated FRNs | Appeal Reviewers Summary | Documents | Comments | Review History | Review Note History | Related Requests | News | Related Actions

In-Review | Outreach | Wave Ready | Committed

Appeal Information

View Statuses (+)

Funding Year 2017

Submitting Organization JANESVILLE SCHOOL DISTRICT (BEN: 132953)

Created By Stephanie Erb

Created On 3/14/2019 12:51 PM EDT

Main Contact

Name Stephanie Erb

Phone Number 715-986-2020

Email stephaniee@cesa11.k12.wi.us

Narrative

I would like to appeal the decision on the attached RFCDL. This RFCDL is related to the appeal (#131352, attached) I filed to increase the funding of FRN 1799101364. As you can see this appeal was denied as the appeal was filed over 60 days after the FCDL was issued. This FCDL was issued on 12/29/17 but because the ground was frozen, the vendor was not able to start working on the fiber project until the spring of 2018 (more than 60 days after the FCDL was issued). Additional costs were determined necessary as work was being completed (see attached change orders 1-7). There was no way to know these additional costs would be incurred until the work was being completed - more than 60 days after the FCDL was issued. You will note that these change orders are dated June of 2018 through November of 2018. I filed the appeal in December 2018 to ask for an increase in funds related to these change orders.
I ask that you reconsider approving this appeal, as the timing of these change orders and the subsequent appeal date was out of the control of the school district. Without these change orders the vendor would not have been able to complete the approved work.

Appeal Details

Decision appealed by applicant Revised Funding Commitment Decision Letter

Type FCC Referral

Category Data Entry Errors

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

View Supporting Documentation (-)

Supporting Documentation

Document ID	Document	Description	Upload Stage	Uploaded By	Uploaded On
52203	1799101364 - ADDITIONAL COSTS - #131352.pdf	Appeal 131352	Intake	Stephanie Erb	3/14/2019 12:51 PM EDT
52204	Change Orders #1 - 7.pdf	Change Orders	Intake	Stephanie Erb	3/14/2019 12:51 PM EDT
52202	RFCDL 1799101364.pdf	RFCDL 1799101364	Intake	Stephanie Erb	3/14/2019 12:51 PM EDT

Universal Service Administrative Co.

March 12, 2019

Revised Funding Commitment Decision Letter

Funding Year 2017

Contact Information:
Jamie Hubbard
JANESVILLE SCHOOL DISTRICT
527 S FRANKLIN ST
JANESVILLE, WI 53548
jamie.hubbard@cesa11.k12.wi.us

BEN: 132953
Post Commitment Wave: 50

Totals

Original Commitment Amount	$1,359,757.60
Revised Commitment Amount	**$1,359,757.60**

What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2017 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **File the FCC Form 486,** Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).

- **If USAC approved funding on an FRN in your original FCDL,** the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
- **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL,** the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).

2. **Invoice USAC,** if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
   - **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the FCC Form 472, the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
   - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the FCC Form 474, the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an FCC Form 473, the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
   - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time,** USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC,** visit the Appeals section in the E-rate Productivity Center (EPC) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's website for additional information on submitting an appeal to USAC, including step-by-step instructions.

- **To request a waiver of the FCC's rules or appeal USAC's appeal decision,** please submit it to the FCC in proceeding number CC Docket No. 02-6 using the Electronic Comment Filing System (ECFS). Include your contact information, a statement that your filing is a waiver request,

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

BEN Name: JANESVILLE SCHOOL DISTRICT
BEN: 132953
Post Commitment Wave: 50

Revised Funding Commitment Decision Overview

Funding Year 2017

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1799101364	Underground Systems, Inc	Appeals	$1,359,757.60	**Denied**

BEN Name: JANESVILLE SCHOOL DISTRICT
BEN: 132953
Post Commitment Wave: 50

Post Commitment Request Number:	Post Commitment Request Type:	Post Commitment Decision:
131352	Appeals	Denied

FRN:	Service Type:	Original Status:	Revised Status:
1799101364	Data Transmission and/or Internet Access	Funded	Funded
FCC Form 471: 171044514			

Dollars Committed			
Monthly Cost		**One-Time Cost**	
Months of Service	**12**		
Total Eligible Recurring Charges	**$0.00**	Total Eligible One Time Charges	**$1,699,697.00**
Total Pre-Discount Charges		$1,699,697.00	
Discount Rate		**80.00%**	
Revised Committed Amount		**$1,359,757.60**	

Dates	
Service Start Date	**7/1/2017**
Contract Expiration Date	**6/30/2018**
Contract Award Date	**5/10/2017**
Service Delivery Deadline	**6/30/2019**
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	**Underground Systems, Inc**
SPIN (498ID)	**143050125**
Contract Number	
Account Number	
Establishing FCC Form 470	**170079372**

Consultant Information	
Consultant Name	**Jamie Hubbard**
Consultant's Employer	**CESA #11**
CRN	**17000269**

Revised Funding Commitment Decision Comments:

Post Commitment Rationale:

Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 12/28/18. The Funding Commitment Decision Letter was issued on 12/29/17. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

Records / Appeals

1799101364 - ADDITIONAL COSTS - #131352

Summary Associated FRNs Review Inquiries News Related Actions

In-Review Outreach Wave Ready Committed

Appeal Information

View Status (+)

Funding Year 2017

Submitting Organization JANESVILLE SCHOOL DISTRICT (BEN: 132953)

Created By Stephanie Erb

Created On 12/28/2018 2:54 PM EST

Main Contact

Name Stephanie Erb

Phone Number 715-986-2020

Email stephaniee@cesa11.k12.wi.us

Narrative

An increase in funding is needed for FRN 1799101364 (self-provisioned installation & material) due to unexpected costs that arose as this work was being completed, Increase funding is need to cover the costs to cross the Rock River. The attached change orders (1-7) detail what makes up the increased costs. We ask that you consider increasing the funding of this FRN by $83,899.29 to arrive at a new funding commitment amount for FRN 1799101364 of $1,783,596.29.

Appeal Details

Decision appealed by applicant Funding Commitment Decision Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

View Supporting Documentation (-)

Supporting Documentation

Document ID	Document	Description	Upload Stage	Uploaded By	Uploaded On
48254	Change Orders #1 - 7.pdf		Intake	Stephanie Erb	12/28/2018 2:55 PM EST

DJ Change Order Request #7

Fiber Optic Specialists

November 30th, 2018

TO: USI
Mr. Kent Walbeck
6000 Alter Road
Eau Claire, WI 54703

RE: E-RATE CATEGORY 1 DATA TRANSMISSION SERVICES – SELF-PROVISIONED – LABOR, INSTALLATION, & MATERIALS

Item	Description	Adjustment
1	Directional Bore (142') 2" HDPE duct Rock conditions (include duct) Phase 3 @$85.00 per foot, 142' of duct @ $4.00	+ $12,638.00
2	Redeployment of crews and equipment to complete work	2250.00

End Change Order #7

Price Adjustment Summary			
	Total Negative Price Adjustment	-	
	Total Positive Price Adjustment	+	14,618.00
	Grand Total Price Adjustment	+	14,618.00

USI	Multimedia Communications & Engineering, Inc.	School District of Janesville
Signed By:	Signed By: Tom Mineau	Signed By:
Date: 11/30/18	Date: 11/30/2018	Date: 12/5/18

Please contact Tom Mineau (920) 676-3495 with any questions. Return via E-Mail ASAP to tmineau@mcewi.com

DJ Change Order Request #6

Fiber Optic Specialists

November 16th, 2018

TO: USI
Mr. Kent Walbeck
6000 Alter Road
Eau Claire, WI 54703

RE: E-RATE CATEGORY 1 DATA TRANSMISSION SERVICES – SELF-PROVISIONED – LABOR, INSTALLATION, & MATERIALS

Item	Description	Adjustment
1	Directional Bore (307') 2" HDPE duct Cobble/Rocky conditions(include duct) Phase 3 @$40.00 per foot	+ $12,280.00
	End Change Order #6	

Price Adjustment Summary			
	Total Negative Price Adjustment	-	
	Total Positive Price Adjustment	+	$12,280.00
	Grand Total Price Adjustment	+	**$12,280.00**

USI	Multimedia Communications & Engineering, Inc.	School District of Janesville
Signed By:	Signed By: Tom Mineau	Signed By:
Date: 11/19/18	Date: 11/16/2018	Date: 12/5/18

Please contact Tom Mineau (920) 676-3495 with any questions. Return via E-Mail ASAP to tmineau@mcewi.com

SDJ Change Order Request #5

Fiber Optic Specialists

September 17th, 2018

TO: USI
Mr. Kent Walbeck
6000 Alter Road
Eau Claire, WI 54703

RE: E-RATE CATEGORY 1 DATA TRANSMISSION SERVICES – SELF-PROVISIONED – LABOR, INSTALLATION, & MATERIALS

Item	Description	Adjustment
1	Provide and Install **(3)** Quazite (Strongwell)/Polymer Concrete (24x36X36) with extra heavy duty cover marked "Fiber Optics". Quazite #PG2436BB36 Base / #PG2436HH21 (ANSI Tier 22) 1 Piece Cover or equivalent	+ 5850.00
2	Provide and Install **(3)** Flush Mount Locate Housing with cast iron housing and collar – Handley Industries 2" Cathodic test station Part Number T2IC5F1LQ, or equivalent.	+ 525.00
3	Provide and Install **(3)** Ground Rod – 5'x1/2" copper clad ground rod. Non-manufacturer specific.	+ 90.00
	End Change Order #5	

Price Adjustment Summary			
	Total Negative Price Adjustment	-	
	Total Positive Price Adjustment	+	6465.00
	Grand Total Price Adjustment	+	6465.00

USI	Multimedia Communications & Engineering, Inc.	School District of Janesville
Signed By:	Signed By: Tom Mineau	Signed By:
Date: 9/18/18	Date: 9/17/2018	Date: 12/3/18

Please contact Tom Mineau (920) 676-3495 with any questions. Return via E-Mail ASAP to tmineau@mcewi.com

SDJ Change Order Request #4b

Fiber Optic Specialists

August 15th, 2018

TO: USI
Mr. Kent Walbeck
6000 Alter Road
Eau Claire, WI 54703

RE: E-RATE CATEGORY 1 DATA TRANSMISSION SERVICES – SELF-PROVISIONED – LABOR, INSTALLATION, & MATERIALS

Item	Description	Adjustment
1	Splice duct on westside of HWY "G" include coupler	+ 150.00
2	Backhoe 15' to existing 2" SDR 11 duct, couple duct on eastside of HWY "G" place duct into Hand Hole include coupler and duct	+ 1500.00
3	Remove and replace 12 strand fiber 2785' from Hand Hole #59-2 to Hand Hole #56-1	+ 5570.00
4	Remove and replace 12 strand fiber 170' fromHand Hole #59-2 to Interior MDF	+ 340.00
5	Provide Commscope A case with tray and splice 12 strands of fiber	+ 1150.00

End Change Order #4b

Price Adjustment Summary			
	Total Negative Price Adjustment	-	
	Total Positive Price Adjustment	+	
	Grand Total Price Adjustment	+	8710.00

USI	Multimedia Communications & Engineering, Inc.	School District of Janesville
Signed By:	Signed By:	Signed By:
Date: 8/16/18	Date:	Date: 8/17/18

Please contact Joel Mikulsky (920) 301-7901 with any questions. Return via E-Mail ASAP to jmikulsky@mcae.biz.

Open P.O.
8-17-18
LPA

PLEASE ADD TO:
8091900002
809-581-295000-000

SDJ Change Order Request #3

Fiber Optic Specialists

August 1st, 2018

TO: USI
Mr. Kent Walbeck
6000 Alter Road
Eau Claire, WI 54703

RE: E-RATE CATEGORY 1 DATA TRANSMISSION SERVICES – SELF-PROVISIONED – LABOR, INSTALLATION, & MATERIALS

Item	Description	Adjustment
1	Provide and Install **(11)** Quazite (Strongwell)/Polymer Concrete (24x36X36) with extra heavy duty cover marked "Fiber Optics". Quazite #PG2436BB36 Base / #PG2436HH21 (ANSI Tier 22) 1 Piece Cover or equivalent	+ 21,450.00
2	Provide and Install **(11)** Flush Mount Locate Housing with cast iron housing and collar – Handley Industries 2" Cathodic test station Part Number T2IC5F1LQ, or equivalent.	+ 1925.00
3	Provide and Install **(11)** Ground Rod – 5'x1/2" copper clad ground rod. Non-manufacturer specific.	+ 330.00
	End Change Order #3	

Price Adjustment Summary			
	Total Negative Price Adjustment	-	
	Total Positive Price Adjustment	+	
	Grand Total Price Adjustment	+	23,705.00

USI	Multimedia Communications & Engineering, Inc.	School District of Janesville
Signed By:	Signed By:	Signed By:
Date: 8/2/18	Date:	Date: 8/6/18
Please contact Joel Mikulsky (920) 301-7901 with any questions. Return via E-Mail ASAP to jmikulsky@mcae.biz.		

PO USI 8-7-18
Add to: PO 8091900002
Acct # 809-581-295000-000

SDJ Change Order Request #2

Fiber Optic Specialists

June 5th, 2018

TO: USI
Mr. Kent Walbeck
6000 Alter Road
Eau Claire, WI 54703

RE: E-RATE CATEGORY 1 DATA TRANSMISSION SERVICES – SELF-PROVISIONED – LABOR, INSTALLATION, & MATERIALS

Item	Description	Adjustment
1	Additional 2" SDR 11 duct and mule tape: 2,275'	+ 13,650.00
2	Additional 2" SDR 11 duct and mule tape for River Crossing: 950'	+ 14,250.00
3	Removal of 2" SDR 11 directional bore, locate wire, and mule tape at ~~2~~ 1 Railroad Crossings: ~~350'~~ 175' (per Conversation w/Joel)	- 2056.25
4	Removal of 2" SDR 11 River Bore at Racine Street (Utilizing Existing City Duct): 870'	- 10,222.50
	Additional 2" SDR 11 duct and mule tape for River Crossing: 950' + $ 9500.00	
	(This will be Qty 3 - 2" Total – Cost for Feasibility Purposes – Do Not Tally for this Change Order)	
	Note: Adding Dirt to bore assumes dirt bore – no rock!	
	Rock Bore: Add 1-2" = 25.00 ft Add. additional 2" = 25.00 ft.	
	**** Please see Drawings – "Attachment A - COJ and SDJ Sharing.pdf"***	
	End Change Order #2	

Price Adjustment Summary		
	Total Negative Price Adjustment	- 12,278.75
	Total Positive Price Adjustment	+ 27,900.00
	Grand Total Price Adjustment	+ 15,621.25

USI	Multimedia Communications & Engineering, Inc.	School District of Janesville
Signed By: [signature]	Signed By:	Signed By: [signature]
Date: 6/14/18	Date:	Date: 7/9/18

Please contact Joel Mikulsky (920) 301-7901 with any questions. Return via E-Mail ASAP to jmikulsky@mcae.biz.

SDJ Change Order Request #1

Fiber Optic Specialists

June 6th, 2018

TO: USI
Mr. Kent Walbeck
6000 Alter Road
Eau Claire, WI 54703

RE: E-RATE CATEGORY 1 DATA TRANSMISSION SERVICES – SELF-PROVISIONED – LABOR, INSTALLATION, & MATERIALS

Item	Description	Adjustment
1	Additional 2" SDR 11 duct and mule tape from ESC to Nearest Handhole: 300'	+ 1800.00
2	Additional 2" Rigid Galvanized Pipe to Building Entry Box (Including sweep): 8'	+ 400.00
3	Additional NEMA 3R Rated Pull Box – 18"x18"x8" screw cover Grey NEMA 3R pull box.	+ 250.00
4	Additional 2" core into building	+ 250.00
5	Remove NEMA 3R Rated Pull Box – 12"x12"x6" screw cover Grey NEMA 3R pull box.	- 200.00

End Change Order #1

Price Adjustment Summary			
	Total Negative Price Adjustment	-	200.00
	Total Positive Price Adjustment	+	2700.00
	Grand Total Price Adjustment	-	2500.00

USI	Multimedia Communications & Engineering, Inc.	School District of Janesville
Signed By:	Signed By:	Signed By:
Date: 6/7/18	Date:	Date: 6/11/18

Please contact Joel Mikulsky (920) 301-7901 with any questions. Return via E-Mail ASAP to jmikulsky@mcae.biz.

2017-2018

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