

August 15, 2018

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

**Contact Name:**

Deborah Sovereign, Consultant  
1101 Stadium Drive  
Ada, OK 74820  
Phone: 580.332.1444, Fax: 580.332.2532  
Email: [dsovereign@kelloggllc.com](mailto:dsovereign@kelloggllc.com)

**Applicant:**

Perkins-Tryon School District  
Billed Entity # 140093  
Form 500# 69751  
FCC Form 471: 161034268  
FRN: 1699071810

Dear Ms. Dortch:

Pursuant to sections 54.719 and 54.722 of the Commission's rules,<sup>1</sup> we request review of the Universal Service Administrative Company's denial of an appeal of USAC's decision to reject a service delivery deadline extension request by Perkins-Tryon School District (Billed Entity Number 140093). Kellogg & Sovereign Consulting, LLC is the consultant for Perkins-Tryon School District for the above-captioned FRN.<sup>2</sup> USAC should have granted the request for a service delivery deadline extension because (1) the extension was timely filed and (2) it was necessary for reasons beyond the service provider's control, consistent with the Commission's rule. We respectfully ask that the Bureau reverse USAC's decision or, in the alternative, waive the service implementation deadline. Additionally, we are requesting a waiver of the invoicing deadline since any approval would be made after the last date to invoice on this FRN of 5/29/2018.

**Background**

Perkins-Tryon is a small school district located in rural Oklahoma. The district only has 6 district staff to support 4 principals, 3 counselors, 8 secretaries/receptionists, 4 media specialists, 111

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<sup>1</sup> 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

<sup>2</sup> Exhibit 1, Letter of Agency.

teachers and 1,543 students in grades K-12. The district has very limited IT staff and must depend on outside help for technology-related work.

On May 10, 2016, Perkins-Tryon submitted an FCC Form 471 for funding year 2016. On August 26, 2016, USAC issued a funding commitment decision letter for FRN 1699071810, committing \$22,581.30 in Category Two funding for network switches, wireless access points and cabling for the district's high school, and switches and access points for the intermediate school. Chickasaw Telecom was the service provider.

Installation of the requested services was delayed mainly because the school district was simultaneously working with another service provider on services requested under a separate FRN (1699071834) for a firewall for the district and switches and cabling at the elementary school, which they needed to install before the equipment requested in FRN 1699071810. On the former FRN, Perkins-Tryon had to request a service substitution, which it did on December 27, 2016. USAC approved the service substitution nearly four months later, on April 18, 2017, after which the work could begin.

The work on FRN 1699071834 was completed in May 2017, near the end of the school year. Because of a variety of other work that was being done in the schools—including hardware failures that had to be addressed over the summer and into September—Perkins-Tryon was unable to schedule installation of the services requested in FRN 1699071810 (the FRN under this appeal) during the summer. For that reason, Perkins-Tryon was unable to send a purchase order for the equipment to Chickasaw Telecom until September 19, 2017—11 days before the service implementation deadline.

At that point, Chickasaw could not complete the work by the service implementation deadline, so on September 22, 2017, Perkins-Tryon submitted an FCC Form 500 requesting an extension of the deadline.<sup>3</sup> In the request Perkins-Tryon explained: "A service substitution was filed for FRN 1699071834 which needed to be filed, approved, and installed before work on this project could begin. The applicant now needs additional time to complete delivery and installation of the equipment on this FRN. This is beyond the service provider's control." On December 27, 2017, USAC denied the extension request and rescinded the funding commitment, stating that "Current deadline guidelines and procedures do not allow approval for the reason submitted."<sup>4</sup>

On January 17, 2018, Perkins-Tryon filed a timely appeal with USAC. In the appeal, we reiterated that the school district had had to focus its limited resources on another FRN and a variety of other projects before authorizing the service provider to begin work on this FRN. As a result, Perkins-Tryon had not ordered equipment from the service provider until after the other work was completed, and that implementation was therefore delayed for reasons beyond the

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<sup>3</sup> Exhibit 2, FCC Form 500.

<sup>4</sup> Exhibit 3, USAC Denial of Service Implementation Deadline Extension Request.

service provider's control. Notably, the District filed its request for an extension before the deadline.

USAC denied our appeal on June 22, 2018, stating: "During the appeal review you did not provided any new information to neither [*sic*] reverse the decision nor demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied."<sup>5</sup> This appeal is timely filed.<sup>6</sup>

## **Discussion**

The Commission's rule governing service implementation extensions states that an applicant may obtain an implementation extension from USAC if "[t]he applicant's service provider is unable to complete implementation for reasons beyond the *service provider's* control."<sup>7</sup> In this case, as we have explained, the reason for delay was that the school district had to devote its limited resources to other projects first, and thus didn't authorize Chickasaw Telecom to begin work until just before the deadline. This was completely beyond the service provider's control. Accordingly, Perkins-Tryon's extension request did satisfy section 54.507(d)(4)(iii) and should have been granted.

USAC gave as its reason for denying Perkins-Tryon's service implementation extension request that "Current deadline guidelines and procedures do not allow approval for the reason submitted." This language makes it difficult to determine exactly why USAC denied the request. The extension request was filed before the service implementation deadline, so late filing was not the basis of USAC's denial. But if USAC denied the extension request because the delay was outside the service provider's control but may have been at least partially caused by some delay on the part of the applicant, we respectfully argue that this approach is inconsistent with the rule and with Commission precedent.

As noted above, section 54.507(d)(4)(iii) of the Commission's rules is explicitly limited to reasons beyond the *service provider's* control. And the 2001 Commission order that adopted the rule also makes it clear that the Commission intended the rule to be limited to the service provider's control.<sup>8</sup> We know of no Commission-level order that interprets the rule to require

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<sup>5</sup> See Exhibit 4, USAC Appeal Denial, at 5.

<sup>6</sup> See 47 C.F.R. § 54.720(a).

<sup>7</sup> 47 C.F.R. § 54.507(d)(4)(iii) (emphasis added).

<sup>8</sup> See, e.g., *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 01-195, ¶ 12 (2001) (authorizing extensions for "applicants whose service providers are unable to complete implementation for reasons beyond the service provider's control"); *id.* ¶ 16 ("Circumstances beyond the service provider's control may include manufacturing delays and natural disasters.").

that the cause of the delay be beyond the *applicant's* control as well.<sup>9</sup> And subsequent Bureau orders and public notices routinely describe the rule as allowing extensions for delays that are “beyond the service provider’s control.”<sup>10</sup>

Specifically, the Wireline Competition Bureau routinely relies upon its *Accelerated Charter Order*, in which the Bureau granted two service implementation extension requests after finding that those applicants had been “unable to complete implementation on time for reasons beyond the *service providers’* control.”<sup>11</sup> The Bureau also denied “*late-filed extensions* of the deadline for service implementation when applicants failed to demonstrate they were unable to complete implementation on time for reasons beyond the *service providers’* control.”<sup>12</sup>

In this case, Perkins-Tryon filed its extension request on time, consistent with the Commission’s rule and the Bureau’s holding in the *Accelerated Charter Order*. Perkins-Tryon also demonstrated that the failure to meet the deadline was beyond its service provider’s control. Perkins-Tryon’s request therefore satisfies the criteria of the rule itself, the Commission order adopting the rule, and Bureau precedent applying the rule. Accordingly, we respectfully request that the Bureau grant this appeal.

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<sup>9</sup> Consistent with the Administrative Procedure Act, the Commission must change its rule in a notice and comment rulemaking and provide rationale for changing the rule before applying a new standard to deny applicants’ funding.

<sup>10</sup> See, e.g., *Streamlined Resolution of Requests Related to Actions By the Universal Service Administrative Company*, CC Docket Nos. 02-6, 96-45, Public Notice, DA 17-385, n.12 (2017); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, Public Notice, DA 16-472 (Wireline Comp. Bur. 2016); *Request for Waiver of Section 54.507(d) of the Commission’s Rules by Harvest Preparatory School*, CC Docket No. 02-6, Order, DA 10-886, ¶ 2 (Wireline Comp. Bur. 2010).

<sup>11</sup> *Requests for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.*, CC Docket No. 06-2, Order, DA 14-1607, ¶ 2 (Wireline Comp. Bur. 2014) (emphasis added) (*Accelerated Charter Order*).

<sup>12</sup> *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, DA 18-561, n.16 (2018) (emphasis added) (applying the *Accelerated Charter Order* precedent); see also, e.g., *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, DA 18-299, n.14 (2018); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, DA 18-175, n.12 (2018).

## **Request for Waiver**

In the alternative, we respectfully request that the Bureau waive section 54.507(d) to the extent necessary to grant the requested relief.<sup>13</sup> A waiver in this case would advance the E-rate program's goals and would be in the public interest.

Any of the Commission's rules may be waived if good cause is shown.<sup>14</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>15</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>16</sup> The Bureau has waived section 54.507(d) where it has found that the applicants "attempted in good faith to comply in a timely manner in seeking an extension of the deadline."<sup>17</sup>

In this case, a waiver of section 54.507(d) would be in the public interest. Both the school district and its service provider acted in good faith at all times, and there was no waste, fraud, or abuse. Indeed, once it was given the green light, Chickasaw Telecom got to work immediately and completed the work by November 28, 2017—less than 60 days after the deadline. Indeed, USAC's four-month delay in approving the service substitution request on the earlier project was longer than it took for Perkins-Tryon to complete its work installing this equipment. The work has already been done, and the delay was beyond the service provider's control. Neither the district nor the service provider had any reason to believe the service implementation request would not be granted, given that it was timely filed and met the standard articulated by the Commission's rules. We respectfully contend that denying E-rate funding under these circumstances is unjust, and that waiving the rule to the extent necessary would be consistent with the public interest.

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<sup>13</sup> We also request that the Bureau waive other rules as necessary to effectuate this relief, such as, for example, the invoicing deadline.

<sup>14</sup> 47 C.F.R. § 1.3.

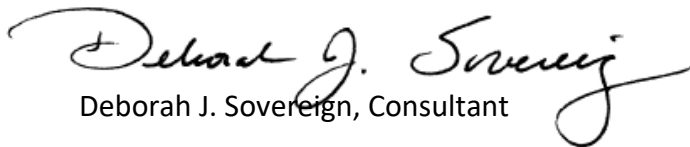
<sup>15</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>16</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>17</sup> *Requests for Review of the Decision of the Universal Service Administrator by Lancaster School District*, CC Docket No. 02-6, Order, DA 11-741, ¶ 3 (Wireline Comp. Bur. 2011).

USAC's denial of Perkins-Tryon's extension request undermines E-rate statutory and Commission program goals rather than advancing them. The effect of USAC's denial is to punish a school district that did the best it could to comply with the E-rate rules with very limited resources. We urge the Bureau to recognize that in the real world, projects sometimes take longer than planned, even when a school district makes every effort to meet implementation deadlines. This is especially true in rural areas where staffing resources are limited. Granting the instant appeal not only would cause no harm to the Fund as the \$22,581 in funding is already committed; it would actually further the goals of the E-rate program. As such, it is in the public interest for the Bureau to grant the requested relief.

Respectfully submitted,



Deborah J. Sovereign, Consultant

ATTACHMENTS:

Affidavit of Robert Sprott

Exhibit 1, Letter of Agency

Exhibit 2, FCC Form 500

Exhibit 3, USAC Denial of Service Implementation Deadline Extension Request

Exhibit 4, USAC Appeal Denial

### **CERTIFICATE OF SERVICE**

This is to certify that on this 15th day of August, 2018, a true and correct copy of the foregoing Request for Review was sent via email to:

SLD, Universal Service Administrative Company, Appeals@sl.universalservice.org

/s/ Deborah J. Sovereign

Affidavit of Robert Sprott

STATE OF Oklahoma )  
 ) SS  
COUNTY OF Payne )

I, Robert Sprott, swear:

1. That I am the IT Supervisor for the Perkins-Tryon School. I was hired by the district for that position in 2010.
2. That I have read the foregoing appeal and avow the information stated therein is true and correct to the best of my knowledge and belief.

Further Affiant Sayeth Not.



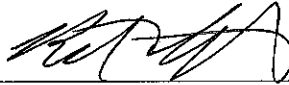
Robert Sprott  
Perkins-Tryon School District I-56  
103 SW 2nd  
Perkins, OK 74059  
(405) 547-5703



VERIFICATION

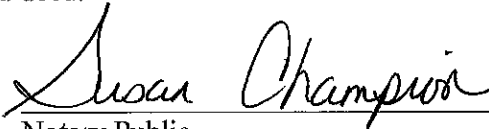
STATE OF Oklahoma )  
 ) SS  
COUNTY OF Payne )

COMES NOW, Robert Sprott, and being first duly sworn upon my oath, state that I have read the foregoing Affidavit, and that the facts contained therein are true and correct to the best of my knowledge, information and belief, and that I sign the same as my free act and deed.



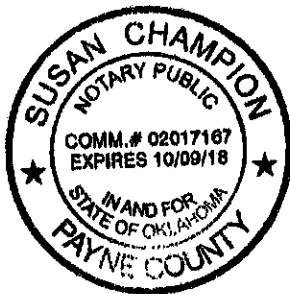
Robert Sprott

On this 15 day of August, 20 18, before me, a Notary Public in and for said state, personally appeared Robert Sprott, known to me to be the person who executed the within Affidavit, and acknowledged to me that he executed the same for the purposes therein stated and that he executed the same as his free act and deed.



Notary Public

My Commission Expires: 10-9-18



## **Exhibit 1**

# Perkins-Tryon Public Schools

P.O. Box 549 • 103 SW 2nd • Perkins, Oklahoma 74059

## **E-RATE LETTER OF AGENCY 2016-17**

**APPLICANT: Perkins-Tryon Dist I-56, Perkins, OK (BEN: 140093)**

("Applicant") hereby authorizes Kellogg & Sovereign® Consulting, LLC or its designated agents or employees ("KSLLC") to act on our behalf during the term of this authorization.

**Employees authorized:** Debi Sovereign, Jane Kellogg, Mel Van Patten, Mandy Wood, Cameron King, Christina Bailey, Mai Fields, Natalie Green, Shea Pierce, Stacy Simpkins, Teagan Vick, Marci White.

Although not exclusive, KSLLC is specifically authorized to conduct the following actions on behalf of the Applicant:

- ♦ Prepare and submit Federal Communications Commission ("FCC") Forms 470, 471, 486, 500, 472 and other forms requested by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC")
- ♦ Prepare and submit documentation to USAC or the FCC in compliance with E-Rate program rules and regulations.
- ♦ Act as our agent in working with representatives of the FCC or USAC to provide information as requested during application review, selective reviews, site visits, audits and any other activity associated with review of our applications.
- ♦ Prepare Requests for Proposal ("RFPs") to be posted to the KSLLC website and distributed to appropriate service providers.
- ♦ Provide information to service providers as needed to clarify information in RFPs and Forms 470.
- ♦ Solicit and receive proposals from service providers for requested services.
- ♦ Prepare comparisons of proposals from service providers.
- ♦ Complete contracts for eligible E-Rate services as specifically directed by the Applicant's authorized representative.

**I also understand that in submitting these forms on our behalf, representatives of Kellogg & Sovereign® Consulting, LLC are making certifications for our school district. By signing this letter of agency under oath, I make the following certifications as required by the FCC<sup>92</sup>:**

I certify that the schools I represent 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(ies) I represent or the entities listed on our applications will secure access, separately or through this program, to all of the resources, including computers, training, software, maintenance, internal connections, and electrical connections 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 to be listed on our application will secure access to all of the resources necessary to pay the discounted charges for eligible services from funds to which access will be secured in the 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).

<sup>92</sup> Certifications per FCC Forms 470, 471 and 486. <http://www.usac.org/sl/tools/forms.aspx> 5/20/2014

<sup>1</sup>Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, E-Rate Modernization Order, FCC 14-99A1 Released on 7/23/2014 at p.125-128 . [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2014/db0723/FCC-14-99A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0723/FCC-14-99A1.pdf) (last visited July 31, 2014).

I authorize Kellogg & Sovereign® Consulting, LLC to post my Form 470 and, if applicable, Request for Proposal (RFP). Unless I am purchasing eligible services exempt from the competitive bidding requirement, I certify that a FCC Form 470 will be posted and that any related RFP will be made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the most cost-effective service offering will be selected, with price being the primary factor considered, and the most cost-effective means of meeting educational needs and technology goals.

I certify that I will review all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities I represent will comply 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 our applications have or will not have received anything of value or a promise of anything of value, other than services and equipment sought by means of forms filed with the Schools & Libraries Division, from the service provider, or any representative or agent thereof or any consultant in connection with our request for services.

I certify that I and the entity(ies) I represent will comply with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There will be signed contracts or other legally binding agreements covering all of the services listed on our FCC Forms 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 last day of service delivered. 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 the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

I certify that I am authorized to order supported services for the eligible entity(ies) I represent. I certify that I am authorized to sign this Letter of Agency and all information to be provided to Kellogg & Sovereign® Consulting, LLC for the E-Rate submission will be true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to the associated applications have complied with the terms, conditions, and purposes of this program, that no kickbacks were or will be paid to anyone and that false statements on FCC forms 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 all pricing and technology infrastructure information submitted as part of an FCC Form 471 shall be treated as public and non-confidential by the Administrator unless the applicant specifies a statute, rule, or other restriction, such as a court order or an existing contract limitation barring public release of the information. I certify that contracts and other agreements will not prohibit disclosure of pricing or technology infrastructure information.

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 that will be listed on our application, or any person associated in any way with my entity and/or the entities listed on our 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 listed on our FCC forms are for discounts for products or services that contain both eligible and ineligible components that Kellogg & Sovereign® Consulting, LLC on our behalf will allocate the cost of the contract to eligible and ineligible components as required by the Commission's rules at 47 C.F. R. § 54.504.

I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on the applicable FCC forms will be net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

I certify that prior to the commencement of service, the school(s) I represent will be in compliance with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l) .

I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information and belief, all information provided to KSLLC for E-Rate submission is true. If any of the statements made above are incorrect, fraudulent or misleading, the undersigned and their institution agrees to indemnify, as allowed by state law, KSLLC, its members, employees and agents of any and all liability, legal fees or actions that may arise from the incorrect, fraudulent or misleading statement(s).

Applicant Name, City, State: Perkins-Tryon Dist I-56, Perkins, OK

Signature of Authorized Person: James Ramsey

Date: 6/9/15

Printed Name of Authorized Person: James Ramsey

Title: Superintendent

*This authorization shall remain in effect until KSLLC is notified of its cancellation in writing via certified mail.*

## SWORN AFFIDAVIT

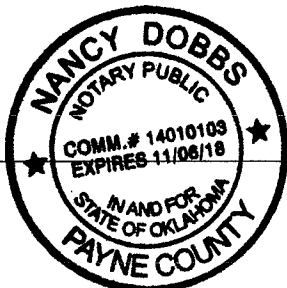
STATE OF Oklahoma )  
 )ss.  
COUNTY OF Payne )

On this 9th day of June, 2015, before me, the subscriber, a Notary Public in and for said State and

County, personally appeared James Ramsey, known or identified to me to be the person whose name is subscribed to this Letter of Agency, and acknowledged that he/she is authorized on behalf of said entity/entities to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said organization.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal



Nancy Dobbs  
(Signature of Notary)

My Commission Expires: 11-6-2018

## **Exhibit 2**

[Records / FCC Forms 500](#)**PERK 2016 SDECED 1699071810 - #69751**[Follow](#)

In-Review

Outreach

Wave Ready

Committed

**Funding Commitment Adjustment Request Form****FCC Form 500 Details**[View Status \(+\)](#)

Funding Year 2016

Submitting Organization [PERKINS-TRYON SCHOOL DIST I-56 \(BEN: 140093\)](#)

Created By Mai Fields

Created On 9/23/2017 3:00 PM EDT

**Main Contact**

Name Mai Fields

Email mfields@kelloggllc.com

Phone Number 580-332-1444

**Contract Expiration Date Change**

FRN	Application Number	Application Nickname	FRN Nickname	Category of Service	SPIN	SPIN Name	Original CED	New CED
1699071810	161034268	PERK 2016 - C2	1. CHICKASAW_NETWORK	Category 2	143028698	Chickasaw Telecom, Inc.	9/30/2017	9/30/2018

**Narrative:** Please change the CED from 9/30/2017 to 9/30/2018, the applicant needs additional time to complete installation. Thank you!**Service Delivery Extension Request**

FRN	Application Number	Application Nickname	FRN Nickname	Category of Service	SPIN	SPIN Name
1699071810	161034268	PERK 2016 - C2	1. CHICKASAW_NETWORK	Category 2	143028698	Chickasaw Telecom, Inc.

**Service Provider Questions**

Was the service provider unable to complete delivery and installation for reasons beyond their control?

☒ Yes✓☐ No

Was the service provider unwilling to complete delivery and installation after USAC withheld payment for more than 60 days on an invoice for those services?

☐ Yes☒ No✓[View Supporting Documentation \(+\)](#)[Download and Print](#)

### **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	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN	PC Wave Number	Revised FCDL Date	Post Commitment Rationale	RFCDL Comment
1699071810	Funded	161034268	140093	PERKINS-TRYON SCHOOL DIST I-56	PERKINS	OK	Kellogg & Sovereign Consulting, LLC	Chickasaw Telecom, Inc.	2016	\$22,581.30	\$22,581.30	10	8/26/2016	MR1:The applicant did not submit any RAL corrections.	MR1: Approved as submitted.	33	12/27/2017	33-Current deadline guidelines and procedures do not allow approval for the reason submitted. [The Contract Expiration Date Change request for FRN 1699071810 has been approved and your FRN was modified.	

## **Exhibit 4**

# Revised Funding Commitment Decision Letter

## Funding Year 2016

**Contact Information:**

James Ramsey  
PERKINS-TRYON SCHOOL DIST I-56  
103 SW 2nd  
PERKINS, OK 74059  
[jeramsey@p-t.k12.ok.us](mailto:jeramsey@p-t.k12.ok.us)

**BEN:** 140093**Post Commitment Wave:** 50

## Totals

Original Commitment Amount	\$22,581.30
<b>Revised Commitment Amount</b>	<b>\$22,581.30</b>

## What is in this letter?

**Thank you for submitting your post-commitment request for Funding Year 2016 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).



**BEN Name:** PERKINS-TRYON SCHOOL DIST I-56

**BEN:** 140093

**Post Commitment Wave:** 50

- o **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).
  - o **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,



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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.



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## Revised Funding Commitment Decision Overview

### Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699071810	Chickasaw Telecom, Inc.	Appeals	\$22,581.30	Denied



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<b>Post Commitment Request Number:</b> 88156	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Denied
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<b>FRN:</b> 1699071810	<b>Service Type:</b> Internal Connections	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161034268</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$32,259.00
Total Pre-Discount Charges		\$32,259.00	
Discount Rate		70.00%	
Revised Committed Amount		\$22,581.30	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	9/30/2018
Contract Award Date	2/2/2016
Service Delivery Deadline	9/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Chickasaw Telecom, Inc.
SPIN (498ID)	143028698
Contract Number	PERK_NETWORK_11205_1617
Account Number	
Establishing FCC Form 470	160003683

Consultant Information	
Consultant Name	Mai Fields
Consultant's Employer	Kellogg & Sovereign Consulting, LLC
CRN	16024809

<b>Revised Funding Commitment Decision Comments:</b>
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<b>Post Commitment Rationale:</b>
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During the appeal review you did not provided any new information to neither reverse the decision nor demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied.