

August 6, 2018

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To whom it may concern:

On June 23, 2018 a Revised Funding Commitment Decision Letter (RFCDL) was generated on the Appeal of the Administrator's Funding decision for FY2017/18 FCC Form 471 # 171023567. However, upon repeated readings of that document we have questions and need clarification of the Administrator's 'Post Commitment Rationale as found on page 6/6 of the document.

I've attached the second half of the rationale (of the RFCDL/Appeal decision) and request for amplification of the ACTUAL THING that resulted in the following narrative that was part of the denial:

Additionally, based on the information provided during our review, we determined that the competitive bidding process that was not fair and open, and therefore, the FRN is denied. FCC rules governing the E-rate Program state that the competitive bidding process must be fair and open. Circumstances should not be present that would give an unfair competitive advantage to any service provider and all bidders must be treated the same. The goal of the competitive bidding process is to have as many bidders as possible respond to an FCC Form 470, RFP, or other solicitation method so that the applicant can receive better service and lower prices. Applicants should not set restrictions that limit the number of prospective bidders and/or deters other service providers from submitting a bid for services which may be more cost effective and interferes with the fair and open competitive bidding process required by FCC Rules. In your appeal, you did not demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied. FCC rules require applicants to submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate and formulate bids. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, FCC 97-157, para. 570, 575 (rel. May 8, 1997). The applicant's FCC Form 470 should inform potential bidders if there is, or is likely to be, an RFP relating to particular services indicated on the form. To the extent that the applicant also relies on an RFP as the basis of its vendor selection, that RFP must also be available to bidders for 28 days. See Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26423-26424, FCC 03-313 para. 39 (rel. Dec. 8, 2003)

I am also attaching a copy of the relevant Revised Funding Commitment Decision Letter for your review. If you have any further questions do not hesitate to contact me.

Thank you,
Al Arauz
Sr. E-Rate Consultant
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#244743 - PalmBeachCoSD_471#171023567_IA_Appeal

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Case Details

Topic Appeals - Other
Status Closed
Priority Medium
Inquiry Type Web

Form Type FCC Form 471
Form Number 17171023567
Created By Al Arauz
Created On 8/6/2018 4:57 PM EDT
Organization PALM BEACH COUNTY SCHOOL DISTRICT

Case Description

Description We urgently need a clarification related to Post Commitment Rationale verbiage as found in Revised Funding Decision Commitment Letter dated 6/23/2018. Please see attached letter for greater detail and for specific passage from the Administrator's Denial rationale.

Thank you.

Al Arauz
Sr. E-Rate Consultant,
CSM Consulting Inc.

Case Artifacts

Documents

Name	Uploaded By	Upload Date
FY2017-18_471#171023567_RFCDL_062318	Al Arauz	8/6/18 4:57 PM
FY2017-18_SCPBCo_IA Denial_ClarRequest_080618	Al Arauz	8/6/18 4:57 PM

Attachments

Attachment	Attachment Type
No items available	

Case Thread

User	Note	Date
USAC	<p>Thank you for contacting USAC Client Service Bureau</p> <p>USAC denied your funding request because the documentation that contained information needed for potential bidders to respond to your RFP was not available for 28 days in the E-Rate productivity portal before selecting your service provider. On 6/2/2017 you uploaded "17C-52J Additional Information Document" that contains significant information for the bidders to be able to respond to the FCC form 470 and RFP. However, this documentation was not available in E-rate productivity Portal for 28 days before you selected the service provider.</p> <p>Program procedures require the FCC form 470, RFP and any documentation providing the additional or modifying the original information in your FCC form 470 and/or Request for Proposal be uploaded into the FCC form 470 in</p>	<p>8/8/2018 5:21 PM EDT</p> <p>USAC's response to our specific inquiry does not answer our specific inquiry. It simply restates the appeal denial language for which we were seeking clarification.</p>

User	Note	Date
	<p>E-rate Productivity Portal and made available for 28 days before selecting a service provider.</p> <p>If you disagree with the decision made on the appeal you may appeal to the FCC.</p> <p>Parties that are seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may, if they choose, appeal USAC's decision to the FCC. You must submit your appeal to the FCC within 60 days of the date when USAC issued the decision.</p> <p>On all communications with the FCC, be sure to reference the Docket No. 02-6.</p> <ol style="list-style-type: none"> 1. Go to https://www.fcc.gov/ecfs. Alternatively, from https://www.fcc.gov, click "ECFS" in the center of the page under "Access Now". 2. A page containing a filing search will open. At the top of the page, click "Submit a Filing". 3. In the "Proceedings" field, make sure to enter 02-6. 4. When filing a waiver request, be sure to choose WAIVER from the "Type of Filing" field. If you are filing an appeal, you may choose APPEAL. 5. Complete the rest of the fields as they are relevant. There are certain fields that are not applicable, such as the "Report Number" or "Bureau ID Number." 6. Upload your written letter of appeal or request for waiver, and any other applicable documentation. <p>In general, your appeal or waiver request should include:</p> <ol style="list-style-type: none"> 1. Your contact information and the entity name and entity number, or service provider name and SPIN of the organization you represent; 2. A label of appeal or waiver request; 3. Information regarding the USAC decision being appealed and a copy of USAC's decision, if applicable; 4. A statement setting forth the party's interest in the matter presented for review; 5. A full statement of relevant, material facts with supporting affidavits and documentation; 6. The question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and 7. A statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought. <p>Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 AM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via email at ecfshelp@fcc.gov.</p> <p>For the FCC's rules on appeals, you may also see Sections 54.719-54.72: http://www.ecfr.gov/cgi-bin/text-idx?SID=8f7ceac17a80d1abd798eb37023b5b75&no-de=pt47.3.54&rgn=div5#se47.3.54_1719</p>	

User	Note	Date
	<p>Additional information on filing appeals to USAC and the FCC is found on the Appeals page of the USAC website: http://usac.org/about/about/program-integrity/appeals.aspx</p> <p>If you have any questions or believe this case was closed incorrectly, please re-open this case or contact us at (888)-203-8100.</p> <p>Thank you, Xavier R Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	

Case Contact

Case Contact Al Arauz