

August 30, 2019

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

Applicant:

Wickliffe Elementary School
Billed Entity # 84827
FY 2018
Form 471# 181009144
FRN: 1899082429

Dear Appeals Processor,

Pursuant to sections 54.719 and 54.722 of the Commission's rules,¹ we are seeking a waiver of the Form 471 filing window deadline along with a waiver of the 60 day rule for submitting an appeal for Wickliffe Elementary School's (Wickliffe) FCC Form 471 application # 181009144 that was certified on April 2, 2018. The FY2018 Form 471 filing window deadline was March 22, 2018. The applicant was 11 days late on certifying their application.

Wickliffe's Superintendent of Schools, Melissa Cagle, contacted Kellogg & Sovereign Consulting (KSLLC) for assistance with their E-rate filings in July 2019. Wickliffe granted KSLLC access to their EPC portal on August 15, 2019. At that time, KSLLC started working on their reimbursements for FY2018 and they notified Ms. Cagle that the FY2018 application had not been funded. Upon further inquiries, Ms. Cagle provided further details as to why the FY2018 was filed late and KSLLC recommended that an appeal be filed due to the special circumstances in their case.

We respectfully request that the Commission consider the waivers requested as this small rural school has certainly had some very difficult situations which caused them to miss the filing window deadline under circumstances beyond the control of the applicant.

Ms. Cagle stated the following in an email to Debi Sovereign on August 15, 2019, "As the history shows, our knowledge of how this system [E-Rate] works is very limited. The previous administration has left us with several unresolved issues, and missed deadlines which has put a burden on us financially. My staff has worked to clean up these messes, but none of us have any information on how to do E-Rate. So, if there is a possibility of appealing missing funds, I would greatly appreciate your help."

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

The following timeline shows the events that Wickliffe was dealing with over the past year:

- From February 2018 through May 2018 the Wickliffe School Board held various meetings regarding whether or not to renew the current Superintendent's contract. The indecision resulted in uncertainty for the administrative staff during this time.
- Wickliffe's Superintendent certified the E-Rate Form 471 for FY2018 on April 2, 2018.
- On June 14, 2018, the previous Superintendent's resignation was accepted by the Wickliffe School Board.
- On June 14, 2018, Melissa Cagle was appointed as the Interim Superintendent to complete the year.
- On July 1, 2018, Ms. Cagle restructured office staff, assigned shared responsibilities, and brought positions that had been outsourced back to the central office.
- On July 9, 2018, the Wickliffe School Board appointed Ms. Cagle superintendent. This is Ms. Cagle's first year as a superintendent, which has additional obligations/training outside the district.
- On November 6, 2018, Ms. Cagle was diagnosed with cancer. Ms. Cagle had surgeries in November and December to remove cancer. She was on medical leave until the end of January 2019.
- Ms. Cagle hired KSLLC for assistance with E-rate filings 7/9/2019
- Ms. Cagle granted access to the USAC online portal, EPC, to KSLLC on 8/15/2019
- KSLLC filed FCC waiver for FY2018 E-Rate application on 8/30/2019.

In summary, we respectfully request that the Commission grant a waiver of the Form 471 filing window deadline and the 60 day rule for submitting an appeal due to the special circumstances experienced by Wickliffe Elementary School in filing their Form 471# 181009144 in FY2018.

Respectfully submitted,


Deborah Sovereign, Consultant
Kellogg & Sovereign® Consulting, LLC

Attachments:

- A. Letter of Agency
- B. 471 # 181009144

ATTACHMENT A – Letter of Agency

Wickliffe Public School 46C035

Melissa Cagle, Superintendent
11176 East 470 Rd.
Salina, OK 74365-2655
918-434-5558
Fax: 918-434-3592

E-RATE LETTER OF AGENCY

APPLICANT: Wickliffe Elementary School, Salina, OK (84827)

Funding Years Authorized: 2018-21

("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.

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 online.
- 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 FCC¹:

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 forms will secure access, separately or through this program, to all of the resources, including computers, training, software, maintenance, internal connections, 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 I have considered what financial resources should be available to cover these costs. I certify that the entities I represent or the entities to be listed on our forms 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).

¹ Certifications per FCC Forms 470, 471 and 486. <http://www.usac.org/si/tools/forms.aspx> (OMB Control No. 3060-0806 FCC Forms 470 and 471, OMB Control No. 3060-0853 FCC Form 486).

¹ *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 (last visited July 31, 2014).

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 forms have or will not have 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 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 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, including FCC Forms 479 where required, 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 form or 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) 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 forms and applications have complied with the terms, conditions, and purposes of the 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, I will authorize Kellogg & Sovereign® Consulting, LLC to allocate the 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: Wickliffe Elementary School

Mailing Address, City, ST, Zip: 11176 EAST 470, SALINA, OK 74365

Signature of Authorized Person:  Date: 7/9/2019

Printed Name of Authorized Person: Melissa Cagle Title: Superintendent

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

ATTACHMENT B – FCC Form 471 # 181009144
Certified April 2, 2018



Description of Services Ordered and Certification Form 471

FCC Form 471

Application Information

Nickname marmalade Application Number 181009144
Funding Year 2018 Category of Service Category 1

Billed Entity

WICKLIFFE ELEMENTARY SCHOOL
11176 EAST 470 SALINA OK 74365 - 2655
918-434-5558

Contact Information

TERESIA KNOTT
918-434-5559
teresia.knott@wickliffeschool.com

Billed Entity Number 84827
FCC Registration Number 0011984374
Applicant Type School

Holiday/Summer Contact Information Teresia Knott teresia.knott@wickliffeschool.com 918-434-5558

Entity Information

School Entity - Details

BEN	Name	Urban/ Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
84827	WICKLIFFE ELEMENTARY SCHOOL	Rural				None	Public School	None

School Entity - Discount Rate Calculation Details

BEN	Name	Urban/ Rural	Number of Students	Students Count Based on Estimate	CEP Percentage
84827	WICKLIFFE ELEMENTARY SCHOOL	Rural	105	No	

Related Entity Information

Discount Rate

School Enrollment	School NSLP Count	School NSLP Percentage	School Urban/ Rural Status	Category One Discount Rate	Category Two Discount Rate	Voice Discount Rate
105	105	100.0%	Rural	90%	85%	10%

Funding Request for FRN #1899082429

Funding Request Nickname: marmalade

Service Type: Data Transmission and/or Internet Access

Agreement Information - Month-to-Month

Establishing FCC Form 470 180025596

Account Number 918-434-5559

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

Service Provider Salina-Spavinaw Telephone Co., Inc. (SPN: 143002397)

How many bids were received for this contract? 2

When will the services end? June 30, 2019

What is the service start date? July 01, 2018

Pricing Confidentiality

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

Narrative Voice service for 6 users & internet accesstransport bundle min. capacity 100 Mbps.

Line Item # 1899082429.001

Product and Service Details

Purpose

Function

Type of Connection

Bandwidth Speed

Internet access service that includes a connection from any applicant site directly to the Internet Service Provider

Fiber

Ethernet

Upload Speed

Download Speed

Burstable Speed

150.0 Mbps

150.0 Mbps

150.0

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?

Yes

Cost Calculation for FRN Line Item # 1899082429.001

Monthly Cost		One-Time Cost	
Monthly Recurring Unit Cost	\$1,100.00	One-time Unit Cost	\$0.00
Monthly Recurring Unit Ineligible Costs	- \$0.00	One-time Ineligible Unit Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$1,100.00	One-time Eligible Unit Cost	= \$0.00
Monthly Quantity	x 1	One-time Quantity	x 0
Total Monthly Eligible Recurring Costs	= \$1,100.00	Total Eligible One-time Costs	= \$0.00
Months of Service	x 12	Summary	
Total Eligible Recurring Costs	= \$13,200.00	Total Eligible Recurring Costs	\$13,200.00
		Total Eligible One-time Costs	+ \$0.00
		Pre-Discout Extended Eligible Line Item Cost	= \$13,200.00

Recipients of Services

BEN	Name
84827	WICKLIFFE ELEMENTARY SCHOOL

FRN Calculation for FRN #1899082429

Monthly Charges	
Total Monthly Recurring Charges	\$1,100.00
Total Monthly Ineligible Charges	- \$0.00
Total Monthly Eligible Charges	= \$1,100.00
Total Number of Months of Service	x 12
Total Eligible Pre-Discount Recurring Charges	= \$13,200.00

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$13,200.00
Total Eligible Pre-Discount One-Time Charges	+ \$0.00
Total Pre-Discount Charges	= \$13,200.00
Discount Rate	90%
Funding Commitment Request	= \$11,880.00

Connectivity Questions

Per Entity Basis Questions

Entity Name WICKLIFFE ELEMENTARY SCHOOL **Entity Number** 84827

What is the total bandwidth speed from this location (including non E-rate supported services)?

Download Speed 10.00 **Download Speed Units** Mbps

Upload Speed 10.00 **Upload Speed Units** Mbps

What is the predominant connection type coming to this location? Fiber **How sufficient is the quality of the Wi-Fi at this location?** Sometimes

What are your biggest barriers to having a robust internal network in your classrooms at this location? Broadband connection speed to building is too slow **If Other, please specify**

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	\$13,200.00
Total funding commitment request amount on this FCC Form 471	\$11,880.00
Total applicant non-discount share of the eligible amount	\$1,320.00
Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts	\$1,320.00
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:	SUPERINTENDENT	Name:	TERESIA KNOTT
Phone:	918-434-5559	Email:	teresia.knott@wickliffeschool.com
Address:	11176 EAST 470 SALINA OK 74365 - 2655	Employer:	TERESIA KNOTT

Certified Timestamp

02-Apr-2018 10:45:43 EDT