

Before the
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

In the Matter of)	
)	
Petition for Waiver of)	
Invoice Deadline Extension)	
)	
Temple Independent School District BEN 141043)	CC Docket No. 02-6
)	
Schools and Libraries Universal Service)	
Support Mechanism)	

**Petition for Waiver of
Invoice Extension Deadline for Funding Year 2016
RE: Invoice Deadline Extension BEN 141043
Application 161047712 FRN 1699108029**

I. INTRODUCTION AND SUMMARY

An original Invoice number 2864525 was submitted against Application 161047712 FRN 1699108029 in the amount of \$226,351.66 by the previous Technology Director, Luann Hughes, for Temple Independent School District (TISD) BEN 141043 on 9/20/2018.

Payment inquiries by TISD were made on 11/19/18, 12/19/18, 1/12/19, 2/13/19, 3/20/19, 5/6/19 and 5/21/19, covering a span of eight (8) months after invoice filing, see case #255944.

A USAC PIA EMail was issued for this FRN and assigned to Luann Hughes who, at that time, was no longer with TISD. The PIA was never received by the new Technology Director, Marc Sivak, due to his email address not being associated with this FRN. This has been resolved through case 274753.

USAC service representative Avila Wimbish stated that the PIA questioned the contract end date. The TISD Purchasing Director has confirmed the Contract and associated Purchase Order remains open until cancelled or fulfilled. Since the FCDL was not issued until 5/18/2017, almost exactly one year after the original contract was signed, the project start date was delayed due to late funding notification. The system last date to invoice was 1/28/2019 well within the range of project completion and invoicing. USAC representative stated that the PIA is requesting an updated contract end date and to please update to 10/28/2018 (90 days prior to last date to invoice). As requested, Form 500 #143901 was submitted on 5/14/2019. USAC also stated that the BEAR form needed to be resubmitted.

As directed by USAC, a follow up Invoice was submitted, 2943765, against Application 161047712 FRN 1699108029 in the amount of \$226,351.66 by the current Technology Director, Marc Sivak, for Temple Independent School District (TISD) BEN 141043 on 6/26/2019 following From 500 #143901 being processed.

A follow up payment status request was made on 8/27/2019, case #282340. USAC client service bureau has now directed the district to file a waiver, which this is as directed.

II. Request

TISD respectfully petitions the Commission to request a waiver of the Funding Year 2016 Invoice Deadline and grant an Invoice Extension and approve payment of invoice 2943765 due to the requests and actions listed above.

Respectfully submitted,

Ed Gifford
Education Partners Solution, Inc.
16107 Kensington Drive; Suite 254
Sugar Land, Texas 77479-4224
(281) 494-0187

Dated: August 27, 2019

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Marc Sivak
TEMPLE INDEP SCHOOL DISTRICT
401 Santa Fe Way
TEMPLE, TX 76501
marc.sivak@tisd.org

BEN: 141043**Post Commitment Wave:** 94

Totals

Original Commitment Amount	\$222,256.49
Revised Commitment Amount	\$222,256.49

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:

- FCC Form 500 - Contract Expiration Date Change

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).



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- 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
1699108029	Netsync Network Solutions	FCC Form 500 - Contract Expiration Date Change	\$222,256.49	Approved



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Post Commitment Request Number: 143901	Post Commitment Request Type: FCC Form 500 - Contract Expiration Date Change	Post Commitment Decision: Approved
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FRN: 1699108029	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161047712			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$246,951.66
Total Pre-Discount Charges		\$246,951.66	
Discount Rate		90.00%	
Revised Committed Amount		\$222,256.49	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	10/28/2018
Contract Award Date	5/18/2016
Service Delivery Deadline	9/30/2018
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Netsync Network Solutions
SPIN (498ID)	143028685
Contract Number	08-16
Account Number	
Establishing FCC Form 470	160011914

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:
The Contract Expiration Date Change request for FRN #1699108029 has been approved and your FRN was modified.

#255944 - UpdateRequest

Summary News Related Actions

Case Details

Topic	FCC Form 472 - BEAR - Status Inquiry	Form Type	FCC Form 472
Status	Closed	Form Number	2863193, 2864525
Priority	High	Created By	USAC
Inquiry Type	Phone	Created On	11/19/2018 3:38 PM EST
		Organization	TEMPLE INDEP SCHOOL DISTRICT

Case Description

Description checking the sattus of invoices: 2863193, 2864525

Case Artifacts

Documents

Name	Uploaded By	Upload Date
No items available		

Attachments

Attachment	Attachment Type
No items available	

Case Thread

User	Note	Date

User	Note	Date
USAC	<p>Good afternoon,</p> <p>I was able to find that the review for invoice 2864525 was completed on 5/9/2019. This invoice was rejected, citing the invoicing reviewer requested information and did not receive it. If you do not agree with this decision, you may file an appeal with USAC.</p> <p>Any decision made by USAC or the Schools and Libraries Program regarding eligibility, funding, or payment recovery, can be appealed by the impacted party.</p> <p>USAC must receive a complete appeal within 60 days of the issuance of the decision by USAC; e.g., a FCDL must be appealed within 60 days of the date of the FCDL. To allow sufficient time for review, USAC encourages impacted parties to submit appeals as soon as possible following USAC's decision. Failure to provide all required documentation within 60 days of USAC's decision will result in dismissal of the appeal. See 47 C.F.R. Section 54.719-54.725 for the FCC's rules on filing an appeal.</p> <p>There are three paths to beginning an appeal in EPC:</p> <ol style="list-style-type: none"> 1. You can reach it from the Landing Page. Click Appeal in the list of options at the top right, or 2. You can reach it from the top-right drop-down menu on the Entity Summary Page. Click Create Appeal, or 3. You can reach it from the Related Actions section of the Entity Summary Page. Click Create Appeal. <p>The remaining steps are as follows:</p> <ol style="list-style-type: none"> 1. On the first page, enter a Nickname for your appeal and choose the appropriate Funding Year. 2. Select the appropriate options under What type of decision you would like to appeal?, "Appeal Type", and "Appeal Category". 3. Enter the name of the Main Contact Person. Click Continue. 4. On the next page, under Choose Search Method, choose Search by FRN or Search by Post-Commitment Request. <ol style="list-style-type: none"> a. If you chose "Search by FRN, use the filters to find the FRN(s) for which you would like to submit an appeal. <ol style="list-style-type: none"> i. Place a checkmark next to the FRNs and click Add (#) FRNs. ii. To remove an FRN, place a checkmark next to it and select Remove (#) FRNs. iii. After all appropriate FRNs are listed under Selected FRNs, click Continue. b. If you chose Search by Post-Commitment Request, use the filters to find the post-commitment request for which you would like to submit an appeal. <ol style="list-style-type: none"> i. The system will automatically select all of the FRNs associated with the selected post-commitment request. If any FRNs should be excluded, check the box(es) next to the FRN(s) under the section FRNs associated with Post-Commitment Request and click Remove (#) FRNs. ii. Once only the correct FRNs are listed under FRNs associated with Post-Commitment Request click Continue. 5. On the next page, you may enter up to 2000 characters in the Narrative field to describe your appeal. 6. Attach any supporting documentation using the Upload Document section. 7. Click Submit and confirm by clicking Yes in the pop-up. <p>Additional information about appeals appears on the following page on the Schools and Libraries website: http://www.usac.org/si/about/program-integrity/appeals.aspx</p> <p>If you have any question or believe this case was closed incorrectly, please re-open this case or contact us at (888)-203-8100.</p> <p>Thank you,</p> <p>Universal Service Administrative Company (USAC)</p> <p>Client Service Bureau</p> <p>(888) 203-8100</p> 	5/21/2019 4:16 PM EDT
USAC	<p>Good afternoon,</p> <p>I would like to begin by apologizing for the length of time this case has been open without a response. We are working on lowering our customer service case backlog to improve the customer experience.</p> <p>During my investigation I was pleased to find that the review for invoice 2863193 was completed on 4/4/2019. If your payments were not transferred into your account please contact USAC's Finance Department at 888-641-8722, Option 4.</p> <p>I am investigating why invoice 2864525 is still under review with our invoicing management team. We greatly appreciate your patience.</p> <p>If you have additional questions or need assistance, please contact us at (888)-203-8100.</p> <p>Thank you,</p> <p>Universal Service Administrative Company (USAC)</p> <p>Client Service Bureau</p> <p>(888) 203-8100</p>	5/6/2019 5:40 PM EDT

User	Note	Date
Marc Sivak	We have not seen any response to this inquiry since January. Has the case been reviewed? Is there anything else we can provide to assist in getting this case resolved?	3/20/2019 2:13 PM EDT
USAC	<p>Thank you for contacting USAC Client Service Bureau.</p> <p>As advised invoice: 2863193 & 2864525 sre still under review with USAC management.</p> <p>If you have any additional questions, please contact us at (888)-203-8100.</p> <p>Thank you, ShaQuanna M. Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	2/13/2019 2:53 PM EST
USAC	<p>Luann,</p> <p>Your case has been escalated to Customer Service Management at USAC. I would like to begin by apologizing for the length of time this case has been open without a response. We are working on lowering our customer service case backlog to improve the customer experience.</p> <p>I am investigating why invoices 2863193 & 2864525 are still under review with our invoicing management team. We greatly appreciate your patience. USAC is working to serve E-rate participants better by adding extra applicant and service provider support, transitioning our E-rate business process operations and implementing enhancements to create a better experience for the E-rate community.</p> <p>USAC is aware that some E-rate participants have inactive cases pending with the program. These cases will transition to the new team. In order to stay abreast of any further updates we recommend that you sign up for our News Brief by selecting SL News Brief at https://www.usac.org/about/tools/publications/subscription-center.aspx</p>	1/12/2019 10:10 PM EST
USAC	<p>Thank you for contacting USAC Client Service Bureau</p> <p>Your case has been sent to management for further review. If any further information is needed you will be contacted through the case in EPC. Please allow up to 60 days for a response from management. If it has been over that time you may contact us again and we can investigate further for you.</p> <p>If you have additional questions, please contact us at (888)-203-8100.</p> <p>Thank you, Chabri D Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	12/19/2018 4:12 PM EST
USAC	<p>Thank you for contacting USAC Client Service Bureau regarding your invoices.</p> <p>We have escalated your case to USAC customer service management for a response.</p> <p>If you have any additional questions, please contact us at (888)-203-8100.</p> <p>Thank you, Derrick H. Universal Service Administrative Company (USAC) Client Service Bureau (888) 203-8100</p>	11/19/2018 4:00 PM EST
7 items		

Case Contact

Case Contact Luann Hughes

Records / FCC Forms 500

Netsync WAN C1 Electronics to light dark fiber Contract Extension - #143901

Summary Associated FRNs News Related Actions

In-Review Outreach Wave Ready Committed

Funding Commitment Adjustment Request Form

▼FCC Form 500 Details

View Status (-)

Status USAC issued a revised funding decision on 05/29/2019. Check your Newsfeed for the decision.

Funding Year 2016

Submitting Organization TEMPLE INDEP SCHOOL DISTRICT (BEN: 141043)

Created By Ed Gifford

Created On 5/14/2019 7:21 AM EDT

▼Main Contact

Name Marc Sivak

Email marc.sivak@tisd.org

Phone Number 254-214-6828

▼Contract Expiration Date Change

FRN	Application Number	Application Nickname	FRN Nickname	Category of Service	SPIN	SPIN Name	Original CED	New CED
1699108029	161047712	TISD Dark Fiber	TISD Dark Fiber C1 Electronics	Category 1	143028685	Netsync Network Solutions	10/28/2018	10/28/2018

Narrative: Case 274753. A PIA was issued for this FRN and assigned to Luann Hughes who is no longer with TISD. The PIA was never received by the new CTO Marc Sivak due to his email address not being associated with this FRN. This has been resolved through case 274753. USAC service representative Avila Wimbish stated that the PIA questioned the contract end date. The TISD Purchasing Director has confirmed the Contract and associated Purchase Order remains open until cancelled or fulfilled. Since the FCDL was not issued until 5/18/2017, almost exactly one year after the original contract was signed, the project start date was delayed due to late funding notification. The system last date to invoice is 1/28/2019 well within the range of project completion and invoicing. If the PIA is requesting an updated contract end date, please update to 10/28/2018 (90 days prior to last date to invoice).

View Supporting Documentation (+)

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