

Jerry Nesland, Executive Director
jnesland@fed.k12.mn.us

Education District 6004

To: FCC Appeal Committee

Date: August 29, 2017

Re: Letter of Appeal *and Request of a Waiver*

The Freshwater Education District #6004, (FED) is filing this letter as an Amendment and addition to our previously filed letter of Appeal, see attached copy of original Appeal letter;

(Confirmation #201708170723300259)

Freshwater is a Minnesota multi-school district consortium with its own school district number (6004) made up of nine (9) School Districts in rural Central Minnesota, serving approximately 9,000 K-12 students. These are small communities ranging in city populations between 400 and 4,000. These nine school districts have student K-12 populations between 450 and 1625.

Freshwater provides direct and indirect services for its member school districts including: Special Education Programs, Staff and Services; Area Learning Centers (ALC) along with Targeted Services and Credit Recovery Programs and Support; Early Childhood Family Education and School Readiness; Community Education; Gifted, Creative and Talented Services; Technology, Internet Access and Support Services; Adult Basic Education and GED Testing; Vocational Rehabilitation, etc.

Jerry Nesland, Executive Director
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Education District 6004

FED itself is governed by a school board made up of representatives of each of the school districts it serves, including both a superintendent and a local school board member from each district.

In July of this year, three (3) of our member districts listed below, received a Notification of Commitment Adjustment Letter for FY-2005.

- Bertha-Hewitt School District #786
 - FRN#466971
- Henning School District # 545
 - FRN#467125
- Menahga School District # 821
 - FRN#467573

Copies of these letters are attached to this Appeal. While reconstructing the events that led to these letters has been a somewhat confusing process, given that they stem from events in 2005 that pre-date the current leadership at FED, and records are somewhat incomplete since E-rate record retention requirements at the time were limited to a five year period.

From what I have been able to reconstruct, in 2005 the Freshwater Ed District provided E-Rate consultant services, as a Consortium Lead, to the above Districts, seeking Priority 2 (Networking) services.

FED assisted these Districts, with the Form 470 and through the bidding process, helping them with the paperwork and in attempting to attract bidders to provide the service being sought. However, no bids were received from outside vendors.

Because of the lack of outside vendors interested in bidding, and the dire need for the these services among the above listed districts, FED's technology group stepped up to provide support to the Districts, unaware

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Education District 6004

that by doing so they might be violating any rules. Now, USAC has obviously disagreed and determined that they believe rules were violated and, despite the lack of any demonstrated harm, determined that the funds need to be returned. These funds, obviously, were spent more than a decade ago, and returning these funds to USAC or the FCC will impose a major financial burden on FED and its member districts.

Therefore, Freshwater Education District is requesting for FCC to reverse the decision of USAC and/or waive the rules and re-instate the funding for these districts involved.

Doing so serves the interests of the public, and is in line with the goals of the E-rate program, which was designed in part to ensure that students in rural areas (like Central Minnesota) receive access to the same kind of technology that their counterparts in more urban areas have. No harm was ever intended with the funds. All reimbursed funding received from USAC were used to cooperatively provide students with the best technology available (which, as the FCC is doubtless aware, was a huge challenge in 2005 and remains a significant challenge today).

I am representing Freshwater Education District, as the technology staff and consulting folks, from 2005, are no longer affiliated with Freshwater

Please contact me at 218-631-3505 Ext 1001 for further conversation.

I look forward to your consideration and telephone call.

Sincerely,



Jerry Nesland, Executive Director
Freshwater Education District

Jerry Nesland, Executive Director
jnesland@fed.k12.mn.us

Education District 6004

To: FCC – Appeal Department CC Docket No. 02-6

From: Jerald Nesland, Executive Director
Freshwater Education District

Date: August 17th, 2017

Re: Appeal of Commitment of Adjustment for Menahga Ind. School District #821 &
Freshwater Education District #6004

To Whom It May Concern:

Freshwater Education District is appealing USAC's decision of denial on the appeal of Menahga District #821, Application Form 471 #467573; Funding Request #1286492; Fiscal Year - 2005.

With reviewing Forms 470 and 471, we found a clerical error on Form 470, Items 6.a -6.e – Contact Person's Name/Information.

USAC suggested the FCC appeal process, with a telephone conversation of explanation, to clear the matter up.

On the Form 470, Dave Skoegen SES Consultant for Freshwater entered his contact information, in error. The contact information should have been: Superintendent Fred Seybert, 216 Aspen Ave SE, Menahga, MN 56464; 218-583-2927; Email = fseybert@menahga.k12.mn.us

Please contact us for any additional information by email; jnesland@fed.k12.mn.us or by phone; 218-894-2439 Ext 1001.

Thank you,


Jerald Nesland
Executive Director, Freshwater Education District

Jerry Nesland, Executive Director
jnesland@fed.k12.mn.us

Education District 6004

To: FCC – Appeal Department CC Docket No. 02-6

From: Jerald Nesland, Executive Director
Freshwater Education District

Date: August 17th, 2017

Re: Appeal of Commitment of Adjustment for Bertha-Hewitt Ind. School District #786 &
Freshwater Education District #6004

To Whom It May Concern:

Freshwater Education District is appealing USAC's decision of denial on the appeal of Bertha-Hewitt District #786, Application Form 471 #466971; Funding Request #1284130; Fiscal Year -2005.

With reviewing Forms 470 and 471, we found a clerical error on Form 470, Items 6.a -6.e – Contact Person's Name/Information.

USAC suggested the FCC appeal process, with a telephone conversation of explanation, to clear the matter up.

On the Form 470, Dave Skoegen SES Consultant for Freshwater entered his contact information, in error. The contact information should have been: Superintendent Larry Werder, Box 8, Bertha, MN 56437; 218-924-2500; Email lwerder@bertha.hewitt.k12.mn.us.

Please contact us for any additional information by email; jnesland@fed.k12.mn.us or by phone; 218-894-2439 Ext 1001.

Thank you,



Jerald Nesland
Executive Director, Freshwater Education District

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jnesland@fed.k12.mn.us

Education District 6004

To: FCC – Appeal Department CC Docket No. 02-6

From: Jerald Nesland, Executive Director
Freshwater Education District

Date: August 17th, 2017

Re: Appeal of Commitment of Adjustment for Henning Ind. School District #545 &
Freshwater Education District #6004

To Whom It May Concern:

Freshwater Education District is appealing USAC's decision of denial on the appeal of Henning District #545, Application Form 471 #467125; Funding Request #1284645; Fiscal Year - 2005.

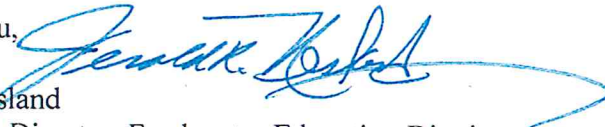
With reviewing Forms 470 and 471, we found a clerical error on Form 470, Items 6.a -6.e – Contact Person's Name/Information.

USAC suggested the FCC appeal process, with a telephone conversation of explanation, to clear the matter up.

On the Form 470, Dave Skoegen SES Consultant for Freshwater entered his contact information, in error. The contact information should have been: Superintendent Deb Wanek, 500 School Ave, Henning, MN 56551; 218-583-2927; Email dwaneckt@henning.k12.mn.us

Please contact us for any additional information by email; jnesland@fed.k12.mn.us or by phone; 218-894-2439 Ext 1001.

Thank you,


Jerald Nesland
Executive Director, Freshwater Education District



Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 2, 2017

Russ Martinson
Freshwater Education District
624 Jefferson Street North
P.O. Box 644
Wadena, MN 56482

Re: SPIN:	143006682
Service Provider Name:	Freshwater Education District
Form 471 Application Number:	466971
Funding Year:	2005
FCC Registration Number:	
Applicant Name	BERTHA HEWITT ELEMENTARY
Billed Entity Number:	164291
Applicant Contact Person:	Dave Skogen

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust the overall funding commitment. The purpose of this letter is to make the required adjustments to the funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the service provider is responsible for all or some of the program rule violations. Therefore, the service provider is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to the applicant for informational purposes. If USAC has determined the applicant is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the applicant detailing the necessary applicant action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or the applicant(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds the Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the service provider is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Kai Hendrickson
BERTHA HEWITT ELEMENTARY

Funding Commitment Adjustment Report
Form 471 Application Number: 466971

Funding Request Number:	1284130
Contract Number:	BHELEM 2005
Services Ordered:	INTERNAL CONNECTIONS MNT
Billing Account Number:	N/A
Original Funding Commitment:	\$33,600.00
Commitment Adjustment Amount:	\$33,600.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$33,600.00
Funds to be Recovered from Service Provider:	\$33,600.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of review it was determined that service provider contact information appeared on the cited Form 470. The contact person on the Form 470 was David Skogen. David Skogen is also contracted with Freshwater Education District as a consultant to act on its behalf in its roles as a Service Provider. Freshwater Education District was selected as a service provider for this FRN pursuant to the posting of this Form 470. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Applicants may not delegate responsibility for any part of the competitive bidding process to a service provider. A competitive bidding violation occurs when the contact person listed on the FCC Form 470 has a connection with one of the applicants service providers, which causes the competitive bidding process to not be fair and open as required by FCC rules. This action results in a tainted Form 470, and all FRNs citing that form are denied. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the service provider and the applicant.

Russ Martinson
Freshwater Education District
624 Jefferson Street North
P.O. Box 644
Wadena, MN 56482



Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 02, 2017

Kai Hendrickson
BERTHA HEWITT ELEMENTARY
P.O. Box 8
Bertha, MN 56437

Re: Form 471 Application Number: 466971
Funding Year: 2005
Applicant's Form Identifier: BHET 2005
Billed Entity Number: 164291
FCC Registration Number: 0011953320
SPIN: 143006682
Service Provider Name: Freshwater Education District
Service Provider Contact Person: Russ Martinson

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

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 - Form 471 Application Number,
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30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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FUNDING COMMITMENT ADJUSTMENT REPORT

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Schools and Libraries Program
Universal Services Administrative Company

cc: Russ Martinson
Freshwater Education District

Funding Commitment Adjustment Report for
Form 471 Application Number: 466971

Funding Request Number: 1284130
Services Ordered: INTERNAL CONNECTIONS MNT
SPIN: 143006682
Service Provider Name: Freshwater Education District
Contract Number: BHELEM 2005
Billing Account Number: N/A
Site Identifier: 164291
Original Funding Commitment: \$33,600.00
Commitment Adjustment Amount: \$33,600.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$33,600.00
Funds to be Recovered from Applicant: \$33,600.00
Funding Commitment Adjustment Explanation:

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Russ Martinson

Freshwater Education District

624 Jefferson Street North

P.O. Box 644

Wadena, MN 56482



Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 09, 2017

Jeremiah Olson
HENNING ELEMENTARY SCHOOL
500 School Avenue
Henning, MN 56551

Re: Form 471 Application Number: 467125
Funding Year: 2005
Applicant's Form Identifier: HET05
Billed Entity Number: 174599
FCC Registration Number: 0000000000
SPIN: 143006682
Service Provider Name: Freshwater Education District
Service Provider Contact Person: Russ Martinson

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

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TO APPEAL THIS DECISION:

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 - Billed Entity Name,
 - Form 471 Application Number,
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FUNDING COMMITMENT ADJUSTMENT REPORT

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Schools and Libraries Program
Universal Services Administrative Company

cc: Russ Martinson
Freshwater Education District

Funding Commitment Adjustment Report for
Form 471 Application Number: 467125

Funding Request Number: 1284645
Services Ordered: INTERNAL CONNECTIONS MNT
SPIN: 143006682
Service Provider Name: Freshwater Education District
Contract Number: HET05
Billing Account Number: n
Site Identifier: 174599
Original Funding Commitment: \$33,600.00
Commitment Adjustment Amount: \$33,600.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$28,080.00
Funds to be Recovered from Applicant: \$28,080.00
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of review it was determined that service provider contact information appeared on the cited Form 470. The contact person on the Form 470 was David Skogen. David Skogen is also contracted with Freshwater Education District as a consultant to act on its behalf in its roles as a Service Provider. Freshwater Education District was selected as a service provider for this FRN pursuant to the posting of this Form 470. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Applicants may not delegate responsibility for any part of the competitive bidding process to a service provider. A competitive bidding violation occurs when the contact person listed on the FCC Form 470 has a connection with one of the applicants service providers, which causes the competitive bidding process to not be fair and open as required by FCC rules. This action results in a tainted Form 470, and all FRNs citing that form are denied. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the service provider and the applicant.

Russ Martinson
Freshwater Education District
624 Jefferson Street North
P.O. Box 644
Wadena, MN 56482



Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 9, 2017

Russ Martinson
Freshwater Education District
624 Jefferson Street North
P.O. Box 644
Wadena, MN 56482

Re: SPIN:	143006682
Service Provider Name:	Freshwater Education District
Form 471 Application Number:	467125
Funding Year:	2005
FCC Registration Number:	
Applicant Name	HENNING ELEMENTARY SCHOOL
Billed Entity Number:	174599
Applicant Contact Person:	Dave Skogen

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3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

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To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. ~~USAC is also sending this information to the applicant for informational purposes.~~ If USAC has determined the applicant is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the applicant detailing the necessary applicant action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or the applicant(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds the Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the service provider is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Jeremiah Olson
HENNING ELEMENTARY SCHOOL

Funding Commitment Adjustment Report
Form 471 Application Number: 467125

Funding Request Number:	1284645
Contract Number:	HET05
Services Ordered:	INTERNAL CONNECTIONS MNT
Billing Account Number:	n
Original Funding Commitment:	\$33,600.00
Commitment Adjustment Amount:	\$33,600.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$28,080.00
Funds to be Recovered from Service Provider:	\$28,080.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of review it was determined that service provider contact information appeared on the cited Form 470. The contact person on the Form 470 was David Skogen. David Skogen is also contracted with Freshwater Education District as a consultant to act on its behalf in its roles as a Service Provider. Freshwater Education District was selected as a service provider for this FRN pursuant to the posting of this Form 470. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Applicants may not delegate responsibility for any part of the competitive bidding process to a service provider. A competitive bidding violation occurs when the contact person listed on the FCC Form 470 has a connection with one of the applicants service providers, which causes the competitive bidding process to not be fair and open as required by FCC rules. This action results in a tainted Form 470, and all FRNs citing that form are denied. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the service provider and the applicant.

Russ Martinson

Freshwater Education District

624 Jefferson Street North

P.O. Box 644

Wadena, MN 56482



Schools and Libraries Program

Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 13, 2017

David Lindquist
MENAHA SCHOOL DISTRICT 821
P.O. Box 160
Menahga, MN 56464-0160

Re: Form 471 Application Number:	467573
Funding Year:	2005
Applicant's Form Identifier:	Ment 2005
Billed Entity Number:	133953
FCC Registration Number:	0002607646
SPIN:	143006682
Service Provider Name:	Freshwater Education District
Service Provider Contact Person:	Russ Martinson

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
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FUNDING COMMITMENT ADJUSTMENT REPORT

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Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Russ Martinson
Freshwater Education District

Funding Commitment Adjustment Report for
Form 471 Application Number: 467573

Funding Request Number:	1286492
Services Ordered:	INTERNAL CONNECTIONS MNT
SPIN:	143006682
Service Provider Name:	Freshwater Education District
Contract Number:	MENT05
Billing Account Number:	N/A
Site Identifier:	133953
Original Funding Commitment:	\$67,200.00
Commitment Adjustment Amount:	\$67,200.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$67,200.00
Funds to be Recovered from Applicant:	\$67,200.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of review it was determined that service provider contact information appeared on the cited Form 470. The contact person on the Form 470 was David Skogen. David Skogen is also contracted with Freshwater Education District as a consultant to act on its behalf in its roles as a Service Provider. Freshwater Education District was selected as a service provider for this FRN pursuant to the posting of this Form 470. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Applicants may not delegate responsibility for any part of the competitive bidding process to a service provider. A competitive bidding violation occurs when the contact person listed on the FCC Form 470 has a connection with one of the applicants service providers, which causes the competitive bidding process to not be fair and open as required by FCC rules. This action results in a tainted Form 470, and all FRNs citing that form are denied. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and the service provider.

Russ Martinson
Freshwater Education District
624 Jefferson Street North
P.O. Box 644
Wadena, MN 56482



Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

June 13, 2017

Russ Martinson
Freshwater Education District
624 Jefferson Street North
P.O. Box 644
Wadena, MN 56482

Re: SPIN:	143006682
Service Provider Name:	Freshwater Education District
Form 471 Application Number:	467573
Funding Year:	2005
FCC Registration Number:	
Applicant Name	MENAHGA SCHOOL DISTRICT 821
Billed Entity Number:	133953
Applicant Contact Person:	Dave Skogen

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Schools and Libraries Program
Universal Services Administrative Company

cc: David Lindquist
MENAHA SCHOOL DISTRICT 821

Funding Commitment Adjustment Report
Form 471 Application Number: 467573

Funding Request Number:	1286492
Contract Number:	MENT05
Services Ordered:	INTERNAL CONNECTIONS MNT
Billing Account Number:	N/A
Original Funding Commitment:	\$67,200.00
Commitment Adjustment Amount:	\$67,200.00
Adjusted Funding Commitment:	\$0.00
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Funds to be Recovered from Service Provider:	\$67,200.00

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