

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
)	
Decision of the)	CC Docket No. 02-6
Universal Service Administrative Company)	
)	File No. _____
By)	
)	
St. Joseph Consolidated School)	
SouthWest Ohio Computer Association)	
Billed Entity #: 49403)	
Service Provider Identification # 143024429)	
471 Application #: 1033656)	
Funding Request #: 2812421)	
Funding Year: 2015)	
SLD Invoice # 2566878)	
Record # 178817)	

To: Office of the Secretary, FCC
Attention: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW

Pursuant to 47 C.F.R. §54.719(c), the St. Joseph Consolidated School (“St. Joseph,”
“Applicant,” or “District”) and the SouthWest Ohio Computer Association (“SWOCA”)
respectfully request review of the July 12, 2017 decision by the Schools and Libraries Division

(“SLD”) of the Universal Service Administrative Company (“USAC”) to reduce the pre-discount price for Internet Access by the amount of the State of Ohio Non-Public Grant Credit.¹

USAC and SLD, through their arbitrary and capricious actions, have perverted their obligation to prevent waste, fraud, and abuse into an abusive process that wastes the limited resources of schools that rely on the E-rate program to bring broadband service to their school populations.² The SLD has, since St. Joseph submitted its Form 471 (#1033656) on March 31, 2015:³

- Changed the requested service, without reason or justification, from Internet Access to VOIP and reduced the discount percentage from 50% to 20%;⁴
- Refused to correct the requested service back to Internet Access and correct the discount percentage until St. Joseph filed an appeal;
- Sat on St. Joseph’s request to correct the error in the September 25, 2015 FCDL for nine months;
- Arbitrarily changed the Service Start Date because St. Joseph withheld filing its Form 486 until after the SLD belatedly granted its appeal of the arbitrary change in discount percentage;⁵
- Forced St. Joseph to appeal to the Commission to have its Service Start Date reinstated;⁶

¹ See Schools and Libraries Program Remittance Statement, May 11, 2017 attached hereto as Exhibit A; see also Customer Service Case #178817 attached hereto as Exhibit B.

² *Modernizing the E-rate Program for Schools and Libraries (FCC 2017)* 32 FCC Rcd 1189(2017) at para. 11.

³ Form 471 (#1033656) attached hereto as Exhibit C.

⁴ September 25, 2015 FCDL attached hereto as Exhibit D.

⁵ February 25, 2016 FCDL attached hereto as Exhibit E.

⁶ St. Joseph Appeal, dated August 4, 2016 attached hereto as Exhibit F.

- Waited almost three months to issue a new FCDL after the FCC granted St. Joseph's appeal of the SLD's arbitrary revision of the Service Start Date.;
- Reduced the non-discounted cost of Service by the amount of the State of Ohio Non-Public Grant Credit, despite being advised that the reduction of the E-rate payment to the Service Provider by the amount paid to the Service Provider under the State of Ohio Non-Public Grant Credit violates the FCC Rules and Regulations as reflected at paragraphs 194 to 197 of the *Fourth Order on Reconsideration*, 10 CR 1282, 13 FCC Rcd 5318(1997) ("*Order on Reconsideration*") by inappropriately reducing the non-discounted rate for services; and
- Denied St. Joseph's appeal of the reduction because allegedly: St. Joseph "invoiced for State of Ohio Non-Public School grant; but the dollars for this grant were not included or approved during the FCC Form 471 review process."⁷

USAC is factually incorrect that "the dollars for this grant were not included or approved during the FCC Form 471 review process." Further, and most importantly, it was a direct violation of the FCC's E-rate rules to reduce the non-discounted cost of service by the Ohio State Grant. For the reason stated below, it is respectfully requested that USAC be directed to revise its funding commitment to include the entire non-discounted cost of service.

⁷ See July 12, 2017 USAC denial, attached hereto as Exhibit G.

Background

On February 13, 2014, St. Joseph filed FCC Form 470 # 947060001221290 seeking funding for Internet access services.⁸ On March 13, 2014, SWOCA entered into an agreement with St. Joseph pursuant to the Form 470 for the provision of Internet Access. On March 31, 2015, St. Joseph filed their FCC Form 471 Application #: 1033656 with USAC which showed a non-discounted cost of service of \$12,750.00.⁹ On September 25, 2015, a Funding Commitment Decision Letter (“FCDL”) was issued indicating a reduction in the E-rate discount, due to an erroneous determination that the Internet service was voice over Internet Protocol (“VoIP”) and subject to the 20% discount phase down.¹⁰ On November 23, 2015, St. Joseph appealed the FCDL determination.¹¹

While the appeal of the FCDL determination was pending, on February 1, 2016 St. Joseph received an urgent reminder from USAC to file a Form 486.¹² Due to the pending appeal regarding the FCDL, St. Joseph felt it would be inappropriate to file the Form 486 since applicants must wait until issuance of an FCDL prior to filing the Form 486.¹³

On February 25, 2016, USAC granted the appeal of the FCDL determination and St. Joseph received a revised FCDL on February 26, 2016.¹⁴ On April 16, 2016, St. Joseph submitted a Form 486 based on the revised February 25, 2016 FCDL. The Form 486 was filed within 51 days of receipt of the correct FCDL -- well within the 120 day deadline for filing the Form 486.

⁸ FCC Form 470 # 947060001221290 attached hereto as Exhibit H.

⁹ See Exhibit C, FCC Form 471.

¹⁰ See Exhibit D September 25, 2015 FCDL.

¹¹ See St. Joseph Appeal dated November 23, 2015 attached hereto as Exhibit I.

¹² See Urgent Reminder from USAC dated February 1, 2016 attached hereto as Exhibit J.

¹³ See Declaration of Eve Long attached hereto as Exhibit K (“Long Declaration”).

¹⁴ See Exhibit E February 26, 2016 Revised FCDL.

Despite timely filing the Form 486 based on the correct, updated FCDL, on April 20, 2016, St. Joseph received a Form 486 Confirmation Letter indicating a change in the service start date due to late-filing of their Form 486.¹⁵ On May 10, 2016, SWOCA invoiced St. Joseph for the Internet access service.¹⁶ SWOCA also showed on the invoice a credit equal to the Grant supplied by the State of Ohio Grant.¹⁷

On June 1, 2016, St. Joseph submitted an appeal to USAC, stating that the Form 486 was timely-filed based on the receipt-date of the revised FCDL.¹⁸ On June 2, 2016, SWOCA submitted a FCC Form 474 to recover the E-rate discounted portion of the invoice. On June 10, 2016, USAC denied St. Joseph's appeal.¹⁹ SLD paid SWOCA on June 8, 2016 for the E-rate discounted portion of the invoice based on the June 2, 2016 Form 474.

On August 4, 2016, St. Joseph appealed the USAC change in service date to the FCC.²⁰ The FCC granted the appeal on October 25, 2016.²¹ On January 19, 2017 (almost three months later), St. Joseph received a revised Form 486 Confirmation Letter from USAC showing the full discount of \$5,100 based on the original start date.²² Since St. Joseph had already paid SWOCA the full amount of the invoice, St. Joseph submitted a FCC Form 472 ("BEAR Form") seeking reimbursement for the remaining discount amount from SLD.²³ On April 10, 2017, SLD Problem Resolution advised St. Joseph that since SWOCA had previously submitted a Form 474 ("SPI Form") for its original reimbursement amount, SWOCA had to submit an SPI Form to

¹⁵ See Form 486 Confirmation Letter dated April 20, 2016 attached hereto as Exhibit L.

¹⁶ The invoice was for the reduced to \$11,850 from \$12,750.00 because SEOCA was able to reduce its cost of providing service

¹⁷ See Long Declaration.

¹⁸ See St. Joseph Appeal to USAC dated June 1, 2017 attached hereto as Exhibit M.

¹⁹ See USAC Denial of St. Joseph Appeal dated June 10, 2016 attached hereto as Exhibit N.

²⁰ See St. Joseph Appeal to FCC dated August 4, 2016 attached hereto as Exhibit O.

²¹ See FCC Grant of St. Joseph Appeal dated October 25, 2016 attached hereto as Exhibit P.

²² See USAC Revised Form 486 Letter dated January 19, 2017 attached hereto as Exhibit Q.

²³ See FCC Form 472, attached hereto as Exhibit R.

recover the remaining amount. SLD cancelled St. Joseph's BEAR Form and advised St. Joseph to have SWOCA invoice SLD for the remaining discounted amount using the SPI Form.

Accordingly, SWOCA submitted the SPI Form which advised SLD that:

- The total undiscounted amount for service per the FRN was \$11,850.00
- St. Joseph was entitled to a 40% discount
- The total discount was \$4,740
- SWOCA had already received discount payments of \$2,975
- The remaining E-rate reimbursement was therefore \$1,765

On May 11, 2017 SWOCA was notified by SLD that its reimbursement had been reduced from \$1,765 because: "Request Not Supported by Bill."²⁴ When SWOCA asked for an explanation it was advised on May 15, 2017 that SLD, on its own motion, modified the invoice to remove the State of Ohio Non-Public School Grant Credit of \$1,800.²⁵ Thus according to SLD's calculation:

- The total undiscounted amount for Service per the FRN was \$11,850.00
- The undiscounted amount for service per the FRN was reduced by \$1,800.00 to \$10,050.00 to remove the State of Ohio Non-Public School Grant
- St. Joseph's 40% discount merited a discount of \$4,020
- SWOCA had already received discount payments of \$2,975, therefore the remaining E-rate reimbursement was therefore only \$1,045.00

On May 17, 2017, SWOCA advised SLD that the reduction of the undiscounted amount for service by the amount of the State of Ohio Non-Public School Grant violated the FCC's rules

²⁴ See SLD Notification to SWOCA, dated May 11, 2017 attached hereto as Exhibit S.

²⁵ See email from SLD to SWOCA, dated May 15, 2017 attached hereto as Exhibit T.

and regulations as clearly described at paragraphs 194 to 197 of the *Order on Reconsideration*. Twenty three minutes later, despite the explicit reference to the FCC's rules, SLD responded that SWOCA can appeal SLD's reduction of funding.²⁶

On June 20, 2017, St. Joseph and SWOCA, appealed to the SLD.²⁷ By letter dated July 12, 2017, the USAC Administrator denied the appeal.²⁸

As can be clearly seen from the above, the un-discounted price for the Service was never changed to reflect the State of Ohio Grant. The FCC Form 471 indicated in its Item 21 the full undiscounted price for services, as required by the FCC rules. The Item 21 made no reference to the Ohio state grant, because the availability and/or application of the grant to the funds ultimately owed by St. Joseph has no relevance to the undiscounted price for services or how the discount is ultimately applied.

Legal Standard

The FCC, in the *Universal Service Report and Order* determined that eligible schools and libraries may receive discounts of between 20 percent and 90 percent on the cost of all telecommunications services, Internet access, and internal connections.²⁹ Service providers receive universal service support based on the pre-discount price of the services they sell to schools and libraries. The Commission defined the pre-discount price as the price of services to schools and libraries prior to the application of a discount.³⁰ The Commission recognized that certain states, including Ohio, subsidize telecommunications services received by schools and libraries located within their jurisdiction. The *Order* originally did not address whether

²⁶ See SLD Email dated May 17, 2017 attached hereto as Exhibit U.

²⁷ See St. Joseph June 19, 2017 Appeal attached hereto as Exhibit V.

²⁸ See Exhibit G July 12, 2017 Denial of St. Joseph Appeal.

²⁹ *Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776 at para. 425 (rel. May 8, 1997) (*Order*).

³⁰ *Order*, 12 FCC Rcd at paras. 473-479

discounts under the federal universal service support mechanisms should be applied prior to the application of such state support or, alternatively, on the cost of service calculated after the application of any state support.

Iowa Telecommunications and Technology Commission (“ITTC”) asked the Commission to conclude that the provision of discounted telecommunications services to schools and libraries pursuant to a state subsidy program will not reduce the federal universal service support available to eligible entities.³¹ ITTC contended that federal support should be based upon the full cost of a service, rather than on the post-support cost calculated after the deduction of any state support. The ITTC argued that, absent such confirmation by the Commission, states will be reluctant to adopt their own support programs that would further reduce costs to eligible entities. ITTC also showed that states that have existing subsidy programs may be able to redirect some of their funding to costs that the federal program does not support, such as computers, modems and software, if federal universal service discounts are applied before the deduction of any state subsidy.³²

In the *Order on Reconsideration* the FCC found that for services provided to eligible schools and libraries, federal universal service discounts should be based on the price of the service to regular commercial customers or, if lower than the price of the service to regular commercial customers, the competitively bid price offered by the service provider to the school or library that is purchasing eligible services, **prior to the application of any state-provided support for schools or libraries** (emphasis supplied).³³ The Commission further found that to determine otherwise would penalize states that have implemented support programs for schools

³¹ *Id.*

³² *Id.*

³³ *Order on Reconsideration* at para. 196.

and libraries by reducing the level of federal support that those schools and libraries would receive and that it hoped that its decision would encourage states to implement or expand their own universal service support programs for schools and libraries. SLD's reduction of the undiscounted amount for services by the State of Ohio Grant to Non-Public schools is directly and unjustifiably in contradiction to this very clear and compelling finding in the *Order on Reconsideration*.

The State of Ohio grant to Non-Public schools is precisely the type of state subsidy designed to promote telecommunication services contemplated by the *Order on Reconsideration*. The subsidy was created to be used by the Ohio Educational Computer Network, to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the P-16 State Education Technology Plan developed under Section 3353.09 of the Ohio Revised Code. It is used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education uses these funds to assist information technology centers or school districts with the operational costs associated with this connectivity.³⁴ For Non-Public Schools, the Grant is paid by the State of Ohio directly to Service Providers, such as SWOCA, which applies the funds against the undiscounted portion of Internet Access owed by Non-Public Billed Entities, such as St. Joseph.

³⁴ The Ohio K-12 Network is a joint effort between the Ohio Educational Computer Network (OECN) and the Ohio Department of Education (ODE). The Ohio K-12 Network was created in 1999-2000 to provide funding to assist Ohio school districts in connecting to the statewide, K12 educational technology network. The Ohio K-12 Network offers services to all public school districts in the State of Ohio, linking classrooms to each other and the Internet, while providing access to voice, data, video, electronic mail and other educational resources for students, teachers and administrators.

Conclusion

The FCC's rules and regulations are clear. The discount to be applied for Internet Access Services is to be applied against the pre-discount price of the services. The federal universal service discounts are to be based on the price of the service offered by the service provider to the school or library that is purchasing eligible services, prior to the application of any state-provided support for schools or libraries. The District received a grant from the State of Ohio to promote the development of telecommunications. The amount of the grant was not to be subtracted from the pre-discount price of services prior to application of the appropriate discount. Contrary to this requirement USAC applied the discount to the pre-discount price minus the amount of the Ohio grant. USAC, therefore, misapplied the discount for Internet Access services purchased by the District from SWOCA.

St. Joseph Consolidated School respectfully requests that USAC properly apply the discount to the pre-discounted price, prior to the application of the state grant and that the appropriate reimbursement be paid.

Respectfully submitted,

ST. JOSEPH CONSOLIDATED SCHOOL



By: _____

Mark J. Palchick
Rebecca E. Jacobs

Womble Carlyle Sandridge & Rice, LLP
1200 Nineteenth Street, NW
Suite 500
Washington, DC, 20036
(202) 857-4400; (202) 467-6910 (fax)
CC: Universal Service Administrator
September 11, 2017

Exhibit A

143024429|SouthWest Ohio Computer
Association|adm@swoca.net|usacstatement@universalservice.org|1|\$1,045.00|
Schools And Libraries|As of May 11, 2017
SPI|143024429|SWOCA-YR15-05|2812421|"SLD Invoice Number:2566878;Line Item
Detail Number:8548980;Amount Requested:1765.00;Amount Requested Not
Supported by Bill(s);204;"|062016|\$1,045.00

Your Total Actual Disbursement: \$1,045.00.

Exhibit B

[Records](#) / [Customer Service Cases](#)

#178817 - St. Joseph 486

[Unfollow](#)[Reopen Case](#)

Case Details

Topic	FCC Form 474 - SPI - Other	Form Type	FCC Form 474
Status	Closed	Form Number	2566878
Priority	High	Created By	Eve Long
Inquiry Type	Web	Created On	5/12/2017 9:29 AM EDT
		Organization	SouthWest Ohio Computer Association

Case Description

Description Invoice #2566878 was not fully reimbursed for FRN 2812421. Please provide more detail as to why this reimbursement was less than invoiced.

Case Artifacts

Documents

Name	Uploaded By	Upload Date
SPI_143024429_adm@swoca.net_05112017	Eve Long	5/12/17 9:29 AM
St Joseph 486 notification	Eve Long	5/12/17 9:29 AM
St Joseph Invoice #SWOC10362	Eve Long	5/12/17 9:29 AM

Attachments

Attachment	Attachment Type
No items available	

Case Thread

User	Note	Date
USAC	Eve, The Invoice was modified to remove the State of Ohio Non-Public School Grant Credit of \$1,800 clearly listed on the Invoice.	5/15/2017 12:25 PM EDT
USAC	Eve, Your inquiry has been received. In order to provide you with a thorough and accurate response, we are currently researching your inquiry(ies). We will provide a response as soon as we have more information.	5/12/2017 9:36 AM EDT

Case Contact

Case Contact Eve Long

Exhibit C

Applicant: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
Date Submitted: Mar 31, 2015

Application Number: 1033656
Nickname:
Date Certified: Mar 31, 2015

Original Form Data ✓

Current Form Data

Basic Information

[+ Expand All](#) [- Collapse All](#) [^ Scroll to](#)

Billed Entity

Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
FCC Registration Number: 0011943735
Address 1: 925 S 2ND ST
City: HAMILTON **State:** OH **Zip Code:** 45011 - 3131
Telephone Number: (513) 863-8758 **Ext:** None Provided
Fax Number:

Contact Information

Contact Person's Name: Theresa Stenger
Contact Person's Email Address: tstenger@sjcshamilton.org
Is the contact person's address the same as that of the Billed Entity? Yes
Correspondence Address: Contact Address
Name of person to receive correspondence: Theresa Stenger
Holiday / Summer Contact Information: 513-720-0102

Application Type and Recipients of Service

Type of Application: School
Recipients of Services: Private

Submitter's Email Address: tstenger@sjcshamilton.org

Discount Calculation

[+ Expand All](#) [- Collapse All](#) [^ Scroll to](#)

Funding Request Category: Category 1

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ST JOSEPH CONSOLIDATED SCHOOL - 49403

Entities

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Billed Entity Number	Entity Name	NCES Code	Urban or Rural	NIF	State LEA ID	State School ID	Student Count Based on Est. ?	Alt. Disc.	Attribution
49403	ST JOSEPH CONSOLIDATED SCHOOL		U	No			No		

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Entities

Optional Worksheet

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Entity #	Entity Name	Urban Rural	Number of Students Attending This School as Their Home School	If Using CEP, Percentage of Direct Certification Students	Total Number of Students in School Eligible for NSLP
49403	ST JOSEPH CONSOLIDATED SCHOOL	U	201		48

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Optional Worksheet

Discount Rate Calculation

Overall Urban/Rural Status	Total Number of Students Enrolled in District	Total Number of Students in District Eligible for NSLP	Percentage of Students in District Eligible for NSLP	Category 1 Discount Rate
U	201	48	24%	50%

ST JOSEPH CONSOLIDATED SCHOOL - 49403

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Connectivity Questions

Does the school district (or school, if not part of a district) have Internet access of

- ☐ less than 100 Mbps per 1,000 users (students and staff)
- ☒ at least 100 Mbps per 1,000 users but less than 1Gbps per 1,000 users
- ☐ at least 1 Gbps per 1,000 users

How many of the schools in the school district have Wide Area Networking connections that are scalable to 10 Gbps? 1

How many schools in your school district have LAN/WLAN capacity and coverage

- completely sufficient to support the educational or library activities conducted here? 1
- mostly sufficient to support the educational or library activities conducted here? 0
- sometimes sufficient to support the educational or library activities conducted here? 0
- rarely sufficient to support the educational or library activities conducted here? 0
- not sufficient to support the educational or library activities conducted here? 0

Funding Requests

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Basic Conduit Internet Access - 2812421

Key Information

Duplicate Funding Request Number: 2695544

Service Type: INTERNET ACCESS

Form470 Number: 947060001221290

Exempt470 Reason:

SPIN (Service Provider Identification Number): 143024429

SPIN Name: SouthWest Ohio Computer Association

Billing Account Number:

Purchase Type: CONTRACT

Contract Number: SJ-1-14

What is the date you awarded your contract? 03/13/2014

What is the date your contract expires? 06/30/2019

When will the services start? 07/01/2015

Does your contract have any voluntary extensions? No

How many extensions are left on the contract?

What is the total remaining length of the contract if you exercised all extensions (in months)?

Is this Funding Request covered under a master contract? No

Is this Funding Request a continuation of an FRN from a previous funding year based on a multi-year contract? Yes

Previous FRN Number: 2695544

Narrative:

Basic Conduit Internet Access in the school district at minimum bandwidth of 100 mbs

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

Type of restriction:

Restriction Citation:

Item 21 Details

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FRN Line Item Number	Service Type	Product Type	Purpose	Lines	Upload Speed	Burst Bandwidth?	Last Mile?	Firewall?	Monthly Cost Eligible	One Time Cost Eligible	Extended Cost
					Download Speed	Burst Speed		WAN?	Ineligible	Ineligible	
+ 1	Digital Transmission Service	Lit Fiber Service	Transport and Internet	1	100Mbps	No	Yes	Yes	\$1,062.50	\$0.00	\$12,750.00
					100Mbps			Yes	\$0.00	\$0.00	



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 [Item 21 Details](#)

 [Funding Request Summary](#)

Total Post Discount Request: \$6,375

Monthly Charges

Total Charges:	\$1,062.50 (monthly)
Ineligible charges:	- \$0.00 (monthly)
Eligible monthly pre-discount amount:	\$1,062.50
Total number of months of service:	x 12
Total annual recurring charges:	\$12,750.00

Total One-time Charges

Total Charges:	\$0.00
Ineligible charges:	- \$0.00
Eligible annual pre-discount amount:	\$0.00

Total Requested Amount

Total eligible charges:	\$12,750.00
Discount Rate:	x 50%
Funding Commitment Request:	\$6,375.00

 [Basic Conduit Internet Access - 2812421](#)



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 [Certifications & Signatures](#)

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I certify that the entities listed in Block 4 of 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 and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

☒ 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 I 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).

A	Total funding year pre-discount amount on this FCC Form 471	\$12,750
B	Total funding commitment request amount on this FCC Form 471	\$6,375
C	Total applicant non-discount share	\$6,375
D	Total budgeted amount allocated to resources not eligible for E-rate support	\$6,375
E	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resource necessary to make effective use of the discounts	\$12,750

☐ Check this box if you are receiving any of the funds in Item E directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year, or if 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 in Item E.

✓ I certify that 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 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 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. §§ 54.500, 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, 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, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There 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 time of this certification), after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

✓ I certify that I am authorized to order 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 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 could 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(g)(1), (2).

✓ 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 this FCC Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of the 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.

Authorized Person

Name of authorized person: J. William Hicks

Title or position of authorized person: Principal

Street address, P.O. Box or Route Number of authorized person (1):

925 S 2ND ST

Street address, P.O. Box or Route Number of authorized person (2):

City of authorized person: HAMILTON

State: OH

Zip code of authorized person: 45011

Telephone number: (513) 863-8758

Ext.:

Fax number of authorized person:

Email address of authorized person: tstenger@sjcshamilton.org

Name of authorized person's employer: St. Joseph Consolidated School

Back

Exhibit D

RECEIVED SEP 28 2015

FUNDING COMMITMENT REPORT

Service Provider Name: SouthWest Ohio Computer Association
SPIN: 143024429
Funding Year: 2015

Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Address: 925 S 2ND ST
Billed Entity City: HAMILTON
Billed Entity State: OH
Billed Entity Zip Code: 45011-3131
Billed Entity Number: 49403
Contact Person's Name: Theresa Stenger
Preferred Mode of Contact: EMAIL
Contact Information: tstenger@sjcshamilton.org
FCC Form 471 Application Number: 1033656
Funding Request Number: 2812421
Funding Status: Funded
Service Type: Internet Access
FCC Form 470 Application Number: 947060001221290
Contract Number: SJ-1-14
Billing Account Number: N/A
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$12,750.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00
Pre-Discount Amount: \$12,750.00
Applicant's Discount Percentage Approved by SLD: 20%
Funding Commitment Decision: \$2,550.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: According to the FCC Order 14-99, Voice services are subject to a phase down of support beginning in funding year 2015. As a result, the Discount Rate of this FRN was reduced from 50% to 20%.

FCDL Date: 09/25/2015

Wave Number: 018

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016

Consultant Name:

Consultant Registration Number (CRN):

Consultant Employer:

Exhibit E

RECEIVED MAR 01 2016

FUNDING COMMITMENT REPORT

Service Provider Name: Southwest Ohio Computer Association

SPIN: 143024429

Funding Year: 2015

Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL

Billed Entity Address: 925 S 2ND ST

Billed Entity City: HAMILTON

Billed Entity State: OH

Billed Entity Zip: 45011-3131

Billed Entity Number: 49403

Name of Contact Person: Theresa Stenger

Preferred Mode of Contact: EMAIL

Contact Information: tstenger@sjcshamilton.org

Form 471 Application Number: 1033656

Funding Request Number: 2812421

Funding Status: Funded

Service Type: INTERNET ACCESS

Form 470 Application Number: 947060001221290

Contract Number: SJ-1-14

Billing Account Number: N/A

Service Start Date: 07/01/2015

Contract Expiration Date: 06/30/2019

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-Discount Amount for Eligible Recurring Charges: \$12,750.00

Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00

Pre-Discount Amount: \$12,750.00

Applicant's Discount Percentage Approved by SLD: 40%

Funding Commitment Decision: \$5,100.00 - Modified by SLD

Funding Commitment Decision Explanation: The discount percentage was changed from 20% to 40% based on the documentation provided by the Appellant.

Applicant Revised FCDL Letter Date: 02/25/2016

Appeal Wave Number: A13

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016

Consultant Name:

Consultant Number (CRN):

Consultant Employer:

Exhibit F

Date: August 4, 2016

To: FCC Appeals

From: Theresa Stenger,

(49403) ST JOSEPH CONSOLIDATED SCHOOL

FCC Registration Number: 0011943735

Subject: APPEAL OF DECISION OF USAC

FCC Form 471 Application 1033656

Funding Request Number: 2812421

This is to appeal the denial of my previous appeal to USAC. The funding for the FRN in question was reduced due to the 120 day deadline for filing of the 486. I missed that deadline on the original FCDL because an appeal was pending on that application and I was in frequent communication with USAC personnel. The 486 form includes a certification that "all statements of fact contained herein are true." I thought that it was not necessary or appropriate to file a 486 on an FCDL that was so clearly wrong through no fault of mine. The appeal was granted and I did file a 486 within the deadline for the revised FCDL. Only when I received the Form 486 Notification Letter Report did I learn that my Funding Commitment had been reduced from \$5100.00 to \$2975.00 due to the 120 day deadline which they applied to the original, erroneous, FCDL from September. I appealed that decision but was denied on June 10, 2016.

I am asking for a waiver of the 120 day 486 deadline based upon the following:

1. The Form 486 was timely filed within 120 days of receipt of the revised FCDL.
2. The Form 486 was filed at this later date due to USAC's calculation errors on the original FCDL and improper reduction of discount percentage due to a mischaracterization of the Internet access services as voice services.
3. The deadline for filing of the Form 486 is a procedural deadline. The Commission has previously granted appeals involving a failure to file within USAC's Form 486 deadline finding that "rigid adherence" to this procedural deadline is not in the public interest. See, e.g., Requests for Review or Waiver of Decisions of the Universal Service Administrator by Bishop Stang High School, 28 FCC Rcd 12862 (2013).
4. The loss of funds would have a significant impact on the school and cause them financial strain. The difference is "only" \$2125.00 but that is a large amount on the tight budget of a small private school.

I am asking for a restoration of my Funding Commitment to the original amount of \$5100.00.

Below is a timeline referencing relevant documents in chronological order with comments as appropriate. Thank you for your consideration of this appeal.

St. Joseph Consolidated School – timeline of events.

April 10, 2015 – Receipt Acknowledgement Letter received and is correct.
(Attachment 1)

August 6, 2015 – Received inquiry verifying the type of connection. Confirmed that it was Internet over Fiber at 100 MBPS. (Attachment 2 – A & B)

Sept 21, 2015 - Service provider received FCDL email showing that I had been approved for VOIP with a 20% discount reduced from 50%. Service Provider contacted me and Lorrie Germann, Ohio state Erate coordinator at the time. Ms. Germann advised that USAC was doing “self identified appeals” and that she would contact the PIA manager for the appropriate recourse. (Attachment 3 – A & B)

Sept 28, 2015 – I received paper copy of FCDL showing that Internet had been approved but percentage was 20% instead of 50%. Comment shows that it was calculated as VOIP! This was an Internet application from the very start. There was never a suggestion that it was for Voice of any kind. (Attachment 4)

I called client services and received ticket number 24392. Received no further communication from USAC. Called three more times after that and left voicemail messages which were unreturned.

November 20, 2015 – submitted a question on the EPC reporting previous problems. The case number for that submission is 22-865278. The response was that I would have to file an appeal. (Attachment 5 – A, B, C)

November 23, 2015 – Submitted appeal on the original FCDL arguing that it was never submitted as VOIP and should be restored to the 50% discount for which we qualify. (Attachment 6 – A,B, C)

January 29, 2016 – Received 15 day letter from Donna Cromie regarding my first appeal again asking for Free and Reduced Lunch data. She told me by phone that they had never received the information sent to Jazmin Hurston in September. I resent survey information previously sent in September. (Attachment 7 – A,B,C,D)

February 1, 2016 – Received “urgent reminder” to file 486 for the original, incorrect, FCDL. Because I was in active discussion with USAC about the revised information, and had an appeal pending, and because the form asks me to certify that all is correct, I thought it was unnecessary and inappropriate to complete a 486 on an incorrect FCDL. (Attachment 8 – A & B)

February 1, 2016 – received email from Donna Cromie that my discount had been restored to 50%. (Attachment 9 – A & B)

February 3, 2016 – I received an “Appeal Information Request” from Donna Cromie saying that they intended to reduce my percentage from 50% to 40%. There was an exchange of emails after that discussion concerning the reduction since my documentation clearly states that 48 of 200 students qualify for Free and Reduced lunch. (Attachment 10 – A & B)

February 25, 2016 – Received “Revised FCDL” resulting from my successful appeal of the VOIP mistake. Discount was approved at 40%. (Attachment 11)

April 1, 2016 - 486 form submitted and certified on the REVISED FCDL.

April 20, 2016 – Received 486 confirmation letter indicating a change in Service Start Date to December 3, 2015 for violation of the 120 day rule. This resulted in a loss of \$2125.00 to the school. (Attachment 12)

June 1, 2016 – Submitted appeal to USAC based on my belief that I should have only filed the 486 on the correct FCDL. (Attachment 13)

June 10, 2016 – Received denial of appeal from USAC. (Attachment 14)

August 4, 2016 – Submitted this appeal to FCC.

Attachments: 14

ATTACHMENT 1

RECEIVED APR 10 2015

Form 471 RAL Line Item Report

ERN: 2812421
Form 471 Application Number: 1033656
Form 470 Application Number: 947060001221290 ✓
Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
Address of Billed Entity: 925 S 2ND ST, HAMILTON, OH 45011-3131
Telephone Number of Billed Entity: (513) 863-8758
Name of Contact Person: Theresa Stenger
Telephone Number of Contact Person: (513) 863-8758
Service Type: Internet Access
Contract Number: SJ-1-14 ✓
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 03/13/2014 ✓
Contract Award Date: 03/13/2014 ✓
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019 ✓
Pre-discount Amount: \$12,750.00 ✓
Discount Percentage Requested: 50%
Funding Commitment Request: \$6,375.00
Consultant Name:
Consultant Employer Name:
Consultant Phone:
Consultant Email:

ATTACHMENT 2-A

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Friday, August 07, 2015 10:03 AM
To: Mike Crumley; Eve Long
Subject: Fwd: Additional Clarification for FCC Form 471 Application Number 1033656

Mike & Eve,

I received this email yesterday. I am not in the office today but will be there on Monday. I think i need some advice with this. Please let me know what you think.

Theresa Stenger

----- Forwarded message -----

From: <jason.fenty@sl.universalservice.org>

Date: Thu, Aug 6, 2015 at 3:13 PM

Subject: Additional Clarification for FCC Form 471 Application Number 1033656

To: tstenger@sjcshamilton.org

Dear Theresa Stenger,

Please provide some additional information about your Schools and Libraries (E-rate) Program application by answering the questions below. This will help us better understand the services you requested.

We will use your responses to verify the broadband connectivity information on your Funding Year 2015 application for St Joseph Consolidated School, and verify that the application correctly identifies the services you requested.

Please reply and put your answers in the body of the email. Please send answers by Tuesday August 11.

Thank you in advance for your timely response.

Sincerely,

The Schools and Libraries (E-rate) Program
Universal Service Administrative Company

For funding request number: 2812421, you requested the following line items. You can refer to the [FY2015 Eligible Services List](#) for definitions of the services requested.

FRN #2812421

FRN Line Item Number	Service Type	Product Type	Purpose	WAN	Lines	Download Speed	Monthly Cost Elig/Inelig	Non Recurring Cost Elig/Inelig	
1	Digital Transmission Service	Lit Fiber Service	Transport and Internet	Y	1	100.0 Mbps	1062.5/0.0	0.0/0.0	12

ATTACHMENT 2-B

For Line Item Number 1

Clarify the use of the service(s) requested in this line item: (Select One)

A: Internet access service that includes a connection from any applicant site directly to the Internet service provider (recorded as Purpose = Internet, WAN = No)

B: Data connection(s) between two or more sites entirely within an applicant's network (recorded as Purpose = Transport, WAN = Yes)

C: Data connection(s) from an applicant's hub site to an Internet service provider or state/regional network where Internet access service is billed separately (recorded as Purpose = Transport, WAN = No)

D: Internet access service with no circuit. (a data circuit to the ISP or state/regional network is billed separately). (recorded as Purpose = Internet, Service Type = IA Only (no circuit))

Thank you again for your timely response.

REMINDER: Please submit the necessary information within the five calendar days of this request. USAC will modify your FCC Form 471 with the information you provided us. You will be able to view the changes to your application when your Funding Commitment Decision Letter is issued or the FCC Form 471 Display tool. For any questions, please contact your reviewer at (973) 581-6712.

--

Theresa Stenger

Secretary

St. Joseph Consolidated School

925 South Second Street

Hamilton, OH 45011

tstenger@sjcshamilton.org

513-863-8758

Fax 513-863-5772

This e-mail message has been scanned by SWOCA TrustWave

ATTACHMENT 3-A

Eve Long

From: Lorrie Germann <lgermann@ohiocsc.org>
Sent: Monday, September 21, 2015 11:46 AM
To: Mike Crumley
Cc: Eve Long
Subject: RE: Here's a new one...

Mike,

Unfortunately, I have, In their haste to get funding letters out the door, we're seeing more, and more mistakes. We were just discussing it on the SECA list. Someone mentioned that USAC is doing "self-identified appeals" where the reviewer can pull the application back, make the corrections, and then issue a revised FDCL. It saves the applicant the hassle of filing an appeal. If you would, send me a copy of the FCDL, and I'll reach out to the PIA manager, and ask if that's the best way to handle the issue.

Take care,

Lorrie

Lorrie Germann

State E-Rate Coordinator
Ohio Collaborative Services Consortium
lgermann@ohiocsc.org or
lorrie.germann@education.ohio.gov
Office: 740-223-2420
Cell: 740-253-1153

From: Mike Crumley [mike@swoca.net]
Sent: Monday, September 21, 2015 10:58 AM
To: Lorrie Germann
Cc: Eve Long
Subject: Here's a new one...

Lorrie,

Just got this FCDL email for one of my smaller non-pubs.

143024429|2015|07/01/2015|06/30/2016|1033656|ST JOSEPH CONSOLIDATED SCHOOL|925 S 2ND
ST|HAMILTON|OH|45011|Theresa
Stenger|EMAIL|513|8638758|tstenger@sjcshamilton.org|2812421|947060001221290|Funded|SJ-
1-14|Internet Access|N/A||07/01/2015|06/30/2019|12750.00|20%|2550.00|FRN approved; modified
by SLD|Not
Needed|09/25/2015|018|49403|N/A|03/13/2014|03/13/2014|1062.50|0.00|1062.50|12|12750.00|0.0
0|0.00|0.00|MR1: According to the FCC Order 14-99, Voice services are subject to a phase down of
support beginning in funding year 2015. As a result, the Discount Rate of this FRN was reduced from 50%
to 20%.|09/25/2015||09/30/2016||

ATTACHMENT 3-B

The problem is this is NOT a VOIP or even a traditional voice request. It is plain old category One Internet not subject to the phase down. As near as we can tell she did everything right. Even if it was VOIP, they reduced it too much. Ever seen this one? Can it be fixed administratively or will it require an appeal?

Thanks,

Mike

K. Michael Crumley
Director Emeritus
SouthWest Ohio Computer Association
(513) 867-1028 x 4712 cell (513) 200-3576
mike@swoca.net



"Life is fraughtless for the thoughtless"
-Stephen Schwartz

ATTACHMENT 4

RECEIVED SEP 28 2015

FUNDING COMMITMENT REPORT

Service Provider Name: SouthWest Ohio Computer Association
SPIN: 143024429
Funding Year: 2015

Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Address: 925 S 2ND ST
Billed Entity City: HAMILTON
Billed Entity State: OH
Billed Entity Zip Code: 45011-3131
Billed Entity Number: 49403
Contact Person's Name: Theresa Stenger
Preferred Mode of Contact: EMAIL
Contact Information: tstenger@sjcshamilton.org
FCC Form 471 Application Number: 1033656
Funding Request Number: 2812421
Funding Status: Funded
Service Type: Internet Access
FCC Form 470 Application Number: 947060001221290
Contract Number: SJ-1-14
Billing Account Number: N/A
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$12,750.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00
Pre-Discount Amount: \$12,750.00
Applicant's Discount Percentage Approved by SLD: 20%
Funding Commitment Decision: \$2,550.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MRL: According to the FCC Order 14-99, Voice services are subject to a phase down of support beginning in funding year 2015. As a result, the Discount Rate of this FRN was reduced from 50% to 20%.

FCDL Date: 09/25/2015

Wave Number: 018

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016

Consultant Name:

Consultant Registration Number (CRN):

Consultant Employer:

*Theresa to
call client services*

ATTACHMENT 5-A

St. Joseph Consolidated School



925 S. Second Street. Hamilton, OH 45011

513-863-8758

November 20, 2015

St. Joseph Consolidated School
BEN 49403
FCC Form 471 1033656
FRN2812421

Our 471 dated 9/25/2015 states our amount was adjusted to due request for phone services. We only requested for internet services. I called on 11/4/20145 and spoke with Tracey and received a case #24392 but have not received any communication. I have left 3 messages and no one has returned my calls. Please advise on how to proceed to get this corrected.

Theresa Stenger
Office Manager
tstenger@sjcshamilton.org
513-863-8758

ATTACHMENT 5-B

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Thursday, July 07, 2016 2:04 PM
To: Eve Long
Subject: Fwd: SLD Inquiry #: 22-865278 Received

----- Forwarded message -----

From: <sldcaseattachments@sl.universalservice.org>
Date: Fri, Nov 20, 2015 at 12:54 PM
Subject: SLD Inquiry #: 22-865278 Received
To: tstenger@sjcshamilton.org

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-865278.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Here is the information you submitted:

*[FirstName]=Theresa [LastName]=Stenger [JobTitle]=office manager
[EmailAddress]=tstenger@sjcshamilton.org [WorkPhone]=5138638758 [FaxPhone]=5138635772
[PreviousCaseNumber]=0 [FormType]=471 [Owner]=TCSB [DateSubmitted]=11/20/2015 12:51:49 PM
[AttachmentFlag]=Y [BenOrSpinNumber]=49403 [ApplicationNumber]=1033656 [FundingYear]=FY18
(07/01/2015 - 06/30/2016) [SPIN]=143024429 [FRN]=2812421 [Question2]=This form states our amount was
adjusted to due request for phone services. We only requested for internet services. I called and received a case
#24392 but have not recived any communication. I have left 3 messages and no one has returned my calls.
please help*

ATTACHMENT 5-C

--

Theresa Stenger

Secretary

St. Joseph Consolidated School

925 South Second Street

Hamilton, OH 45011

tstenger@sjcshamilton.org

513-863-8758

Fax 513-863-5772

ATTACHMENT 6-A

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Thursday, July 21, 2016 1:37 PM
To: Mike Crumley - External; Eve Long
Subject: Fwd: appeal submission St. Jose BEN 49403
Attachments: St JOESPH ERATE DOCUMENTATIOM.pdf

----- Forwarded message -----

From: ◇
Date: Mon, Nov 23, 2015 at 3:33 PM
Subject: appeal submission St. Jose BEN 49403
To: Appeals@sl.universalservice.org

St. Joseph Consolidated School

BEN 49403

FCC Form 471 1033656

FRN2812421

This is an appeal to the funding awarded to St. Joseph Consolidated School on our 15-16 471. The Pre-discount amount is \$12,750.00 it should be discounted 50% for \$6375.00, **not** to 20% that was incorrectly awarded.

The Our 471 dated 9/25/2015 states our amount was adjusted to due request for phone services. Our form 471 clearly states that we only requested for internet services. I called on 11/4/20145 and spoke with Tracey and received a case #24392. After submitting this phone request for the correction we did not receive any communication either by phone or email. I left 3 messages and no one returned my calls. I did receive an email today 11/25/15, after submitting a second request via email, requesting me to submit an appeal to have to adjustment changed.

Included with this letter are copies of all documents pertaining to our 471 application. The adjusted amount awarded to our school does not apply to the services we requested.

ATTACHMENT 6-B

Theresa Stenger

From: sldnoreply@sl.universalservice.org
Sent: Monday, November 23, 2015 9:16 AM
To: tstenger@sjcshamilton.org
Subject: RE: Initial Contact- Case 22-865278

Thank you for your inquiry.

We apologize for the delay. After escalating case 24392, the guidance received is that if you disagree with the decision you may file an appeal.

Any decision made by USAC or the Schools and Libraries Program regarding eligibility, funding, or payment recovery, can be appealed by the impacted party.

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 applicants 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.

For further instructions on how to submit an appeal, please see the following page on the Schools and Libraries website: <http://www.usac.org/sl/about/program-integrity/appeals.aspx>

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.usac.org/sl>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: tstenger@sjcshamilton.org
Subject: Initial Contact

[FirstName]=Theresa
[LastName]=Stenger
[JobTitle]=office manager
[EmailAddress]=tstenger@sjcshamilton.org
[WorkPhone]=5138638758
[FaxPhone]=5138635772
[PreviousCaseNumber]=0

[FormType]=471
[Owner]=TCSB
[DateSubmitted]=11/20/2015 12:51:49 PM
[AttachmentFlag]=Y[BenOrSpinNumber]=49403
[ApplicationNumber]=1033656

ATTACHMENT 6-C

[FundingYear]=FY18 (07/01/2015 - 06/30/2016)

[SPIN]=143024429

[FRN]=2812421

[Question2]=This form states our amount was adjusted to due request for phone services. We only requested for internet services. I called and received a case #24392 but have not recived any communication. I have left 3 messages and no one has returned my calls. please help

**FY 2015 Erate Appeal Information Request**

January 29, 2016

Contact Name: **Theresa Stenger**
Appellant Name: **ST JOSEPH CONSOLIDATED SCHOOL**
FCC Form 471 Application Number: **1033656**
Response Due Date: **February 13, 2016**

Dear Appellant:

The Program Compliance team is in the process of reviewing your appeal of the above listed Funding Year 2015 FCC Form 471 Application for Erate discounts. To complete our review, we need additional information, which is listed below.

Discount Validation**I. Issue**

Based on the review of your Funding Year 2015 FCC Form **471 application 1033656**, we were not able to validate your requested discount percentage for the following entity. School District or Central Administrative Agency discounts must be calculated by dividing the total number of students eligible for National School Lunch Program by the total number of students enrolled in your School District or Central Administrative Agency.

For additional information on calculating your discount level, see:
<http://www.usac.org/sl/applicants/step04/discounts.aspx>.

Listed below is the entity and the requested discount percentage:

Entity	Requested Discount
49403 ST JOSEPH CONSOLIDATED SCHOOL	50%

Questions

To assist us in the review of your application, please provide the appropriate documentation as described in the options listed below.

Option 1: NSLP Participation

If the schools within your School District or Central Administrative Agency participate in the National School Lunch Program (NSLP) and the school district fills out an aggregate claim form for the schools, please provide a copy of the aggregate claim form and a signed letter on school letterhead from a school official that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the information

ATTACHMENT 7-B

Appeal Information Request

Page 2 of 4

Response due: February 13, 2016

that appears on the claim form. Make sure that the following three items are identified on the claim form and the signed letter:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

If school district does not fill out an aggregate claim form, please provide for each school a signed copy of a Reimbursement Claim Form that the schools send to the state each month as part of their participation in the program. Each signed Reimbursement Claim Form should include the signature of the school official, title, the signature date, and the Claim Form's date. Make sure that the following three items are identified on each claim form:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

Option 2: Survey

If the number of students eligible for NSLP was determined by information obtained from income surveys or applications (NSLP Lunch Application forms cannot be used as survey or application instruments), please provide the following information on school letterhead signed by a chief school official. If responding via email, please provide the name and title of the entity official providing the response. If the entire school district participates, provide the following as well as a letter with the breakdown for each school. Otherwise, for each school within your School District or Central Administrative Agency for which surveys were used:

- a) Total number of students attending this entity as their home school
- b) Total number of students qualified for participation in NSLP based upon the information provided in the returned surveys/applications
- c) Are the surveys/applications and results kept on file? ____ Yes ____ No
 - a. If Yes, for how long are they kept on file?
- d) A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Calculate Discount Rate on the FCC Form 471

Provide a sample copy of a FILLED OUT SURVEY OR APPLICATION with the child's personal information crossed out for confidentiality. **Be advised that in order for a survey to be acceptable it must contain the family's name, student's name, the size of the family and the income level of the family.** The survey or application must have been completed within two years of the start of the fund year.

Schools may combine multiple alternative methods, such as survey results, sibling match, direct certification etc., but must ensure that the same students are not counted multiple times. Schools cannot extrapolate any results.

Option 3: Financial Aid forms

If the number of students eligible for NSLP was determined by information obtained from financial aid forms, please provide the following information in writing on school letterhead signed by a school official for each school within your School District or Central Administrative Agency for which financial aid forms were used:

- a. Total number of students attending this entity as their home school
- b. A statement that confirms "all students have access to financial aid forms"
- c. A statement that confirms that financial aid applicants are required to submit Federal Tax forms to document family income
- d. A statement that confirms the number of eligible students who meet the NSLP Income Guidelines
- e. A statement that confirms the school keeps all completed financial aid application on file.
- f. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Calculate Discount Rate on the FCC Form 471

Provide one completed financial aid application, with personal information blackened out. The financial aid application must have been completed within two years of the start of the fund year.

Option 4: Community Eligibility Provision (CEP)

If the number of students eligible for NSLP was determined by using NSLP eligibility data from the USDA's National School Lunch Program Community Eligibility Provision (CEP), schools and school districts that are participating in the NSLP CEP can use the same approach for determining their E-rate discount rate as they use for determining their NSLP reimbursement rate. Entities can calculate their student eligibility for free or reduced priced lunches by multiplying the percentage of directly certified students by the CEP national multiplier which is currently 1.6, and capping the resulting number at no more than total number of students. Please provide for each school within your School District or Central Administrative Agency for which CEP was used:

- a. Please provide a letter from the State Department of Education or other third party documentation verifying the CEP percentage of directly certified students. If a group of schools within a district are acting as a CEP group, please provide both the individual schools' own CEP direct certification percentage as well as the group average CEP direct certification percentage.
- b. Documentation to validate the CEP base year. The base year is the year in which you collected the income data for all eligible students and were approved to participate in the CEP program.
- c. If FY2015 is a grace year, please provide the documentation of the grace year approval.
- d. Number of students attending this entity as their home school on school letterhead and signed by a school official. If responding via email, please provide the name and title of the entity official providing the response.

Third-party documentation may be obtained from an official state report or web site, or it may be in the form of a letter from the State Department of Education validating the percentage of directly certified students or base year for each school using this method.

Option 5: State Department of Education Verification or Letter from State Food/Nutrition Office

ATTACHMENT 7-D

Appeal Information Request

Page 4 of 4

Response due: February 13, 2016

Provide a letter from your State Department of Education (on state letterhead and signed by a chief official at the State Department of Education) or your State Food/ or Nutrition Service Authority officials (on state letterhead and signed by a chief official of the State or Nutrition Service Authority) verifying that the student enrollment and the free and reduced numbers for each school within your School District or Central Administrative Agency.

Option 6: Other Methods

If the discount percentage was determined using a different method than any of the methods identified above, please clearly describe and explain the method that was used and provide all relevant data, forms, or other tools that were used during the process. For example, a school has a changing student population in a given school year as the school provides educational services to students drawn from other schools. Please note that if any students attend multiple schools they may only be counted one time under their home school.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request.

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your appeal(s). **Failure to send all of the information requested may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your appeal(s), please clearly indicate in your response that it is your intention to cancel your appeal(s). Include in any cancellation request the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Donna M. Cromie

Associate Case Manager – SLP Appeals/COMAD

Schools & Libraries Program

30 Lanidex Plaza West – N236 | Parsippany, NJ 07054

Ph: 800-200-0818 | Direct: 973-581-5263 | Fax: 973-599-6525

Email: Donna.Cromie@sl.universalservice.org

ATTACHMENT 8-A

USAC

Universal Service Administrative Company

Schools and Libraries Division

URGENT REMINDER: YOUR FORM 486 MAY BE LATE
(Funding Year 2015: 07/01/2015 - 06/30/2016)

Date: February 1, 2016

Theresa Stenger
ST JOSEPH CONSOLIDATED SCHOOL
925 S 2ND ST
HAMILTON, OH 45011

RE: Billed Entity Number: 49403
Form 471 Application Number: 1033656

This letter is a reminder that you may have missed the deadline for submitting and certifying your FCC Form 486, Receipt of Service Confirmation Form, based on your FCDL Date and the Service Start Date indicated on your FCC Form 471, Block 5 Discount Funding Request(s).

You have 20 days from the date of this letter to submit and certify your Form(s) 486 with no penalty, if your services did start at least 120 days before the above date.

If you fail to submit and certify your Form 486 by 02/22/2016 your Service Start Date may be adjusted once you submit and certify your Form 486. USAC may reduce your commitment for recurring services if your Service Start Date is adjusted.

THIS IS YOUR ONLY REMINDER. If your services have not yet started or have started within the last 120 days, **YOUR FORM 486 MUST BE POSTMARKED OR SUBMITTED ONLINE WITHIN 120 DAYS OF YOUR SERVICE START DATE.**

Following this letter is a Form 486 Reminder Report (Report) that lists the Funding Request Number(s) for which either a Form 486 has not been submitted or a Form 486 has been submitted online, but not certified.

Form 486 is available in the Apply Online area of our website at www.usac.org/sl. We recommend that you use the Deadline Tool on our website to check the Form 486 deadlines for specific ERNs and other Program deadlines.

Complete Program information is available on our website. You may also contact our Client Service Bureau via email using the "Submit a Question" feature on our website, toll-free via fax at 1-888-276-8736 or toll-free via phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

ATTACHMENT 8-B

Form 486 Reminder Report
Form 471 1033656

We have not received your completed Form 486 and certifications - either online or on paper.

Funding Request Numbers(s)

2812421

Begin forwarded message:

From: Theresa Stenger <tstenger@sjcshamilton.org>
Subject: Email #3 Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL
Date: July 19, 2016 at 9:44:10 AM EDT
To: Mike Crumley - External <pennypikemike@gmail.com>

----- Forwarded message -----

From: Cromie, Donna <Donna.CROMIE@sl.universalservice.org>
Date: Mon, Feb 1, 2016 at 8:11 AM
Subject: RE: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL
To: Theresa Stenger <tstenger@sjcshamilton.org>

Thanks Teresa,

Iâ€™ve restored the discount back to 50%. Have a great day.

Donna

Donna M. Cromie

Associate Case Manager â€” SLP Appeals/COMAD

Schools & Libraries Program

30 Lenidex Plaza West â€” N236 | Parsippany, NJ 07054
Ph: [800-200-0818](tel:800-200-0818) | Direct: [973-581-5263](tel:973-581-5263) | Fax: [973-599-6525](tel:973-599-6525)
Email: Donna.Cromie@sl.universalservice.org

From: Theresa Stenger [<mailto:tstenger@sjcshamilton.org>]
Sent: Friday, January 29, 2016 1:48 PM
To: Cromie, Donna
Subject: RE: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL

Donna

Here is the attachment that I had sent with the information needed. Please let me know if there is anything else I need to send

Theresa Stenger

Office Manager

St. Joseph Consolidated School

925 South Second Street

Hamilton, OH 45011

tstenger@sjcshamilton.org

www.sjcshamilton.org

[513-863-8758](tel:513-863-8758)

Fax- [513-863-5772](tel:513-863-5772)

From: Cromie, Donna [<mailto:Donna.CROMIE@sl.universalservice.org>]

Sent: Friday, January 29, 2016 11:42 AM

To: 'tstenger@sjcshamilton.org'

Subject: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL

Importance: High

Please see the attached letter and provide the requested information. The attached letter gives you 15 days to response. Your response is due February 13, 2016.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

**FY 2015 Erate Appeal Information Request**

February 3, 2016

Contact Name: **Theresa Stenger**

Appellant Name: **ST JOSEPH CONSOLIDATED SCHOOL**

FCC Form 471 Application Number: **1033656**

Response Due Date: **February 18, 2016**

Dear Appellant:

The Program Compliance team is in the process of reviewing your appeal of the above listed Funding Year 2015 FCC Form 471 Application for Erate discounts. To complete our review, we need additional information, which is listed below.

Discount Validation***I. Issue: Based on the documentation you provided.***

Based on the review of your Funding Year 2015 FCC Form 471 application **1033656** and the documentation that you have provided, we intend to make the following change to your "Calculate Discount Rate" section of the FCC Form 471 application.

Entity	Requested Discount
49403 ST JOSEPH CONSOLIDATED SCHOOL	50%

As a result of the modifications listed above, the Discount Rate of your FCC Form 471 was modified from **50% to 40%**.

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your appeal. **Failure to send all of the information requested may result in a reduction or denial of funding.** If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel your appeal, please clearly indicate in your response that it is your intention to cancel your appeal. Include in any cancellation request the FCC Form 471 application number and/or funding request number, and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

ATTACHMENT 10-B

Appeal Information Request

Page 2 of 2

Sincerely,

Donna M. Cromie

Associate Case Manager – SLP Appeals/COMAD

Schools & Libraries Program

30 Lanidex Plaza West – N236 | Parsippany, NJ 07054

Ph: 800-200-0818 | Direct: 973-581-5263 | Fax: 973-599-6525

Email: Donna.Cromie@sl.universalservice.org

RECEIVED MAR 01 2016

FUNDING COMMITMENT REPORT

Service Provider Name: SouthWest Ohio Computer Association
SPIN: 143024429
Funding Year: 2015

Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Address: 925 S 2ND ST
Billed Entity City: HAMILTON
Billed Entity State: OH
Billed Entity Zip: 45011-3131
Billed Entity Number: 49403
Name of Contact Person: Theresa Stenger
Preferred Mode of Contact: EMAIL
Contact Information: tstenger@sjcshamilton.org
Form 471 Application Number: 1033656
Funding Request Number: 2812421
Funding Status: Funded
Service Type: INTERNET ACCESS
Form 470 Application Number: 947060001221290
Contract Number: SJ-1-14
Billing Account Number: N/A
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$12,750.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00
Pre-Discount Amount: \$12,750.00
Applicant's Discount Percentage Approved by SLD: 40%
Funding Commitment Decision: \$5,100.00 - Modified by SLD
Funding Commitment Decision Explanation: The discount percentage was changed from 20% to 40% based on the documentation provided by the Appellant.
Applicant Revised FCDL Letter Date: 02/25/2016
Appeal Wave Number: A13
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name:
Consultant Number (CRN):
Consultant Employer:

ATTACHMENT 12

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT (Funding Year 2015)

Service Provider Name: SouthWest Ohio Computer Association
Service Provider Identification Number: 143024429



Funding Request Number: 2812421
Form 471 Application Number: 1033656
Form 470 Application Number: 947060001221290
Name of 471 Applicant: ST JOSEPH CONSOLIDATED SCHOOL
Address of 471 Applicant: 925 S 2ND ST
Applicant City: HAMILTON
Applicant State: OH
Applicant Zip: 45011-3131
Entity Number:
Name of Contact Person: Theresa Stenger
Preferred Mode of Contact: E-MAIL
Contact Information: tstenger@sjcshamilton.org
Name of Form 486 Contact Person: Theresa Stenger
Address of Form 486 Contact: 925 S 2ND ST
City of Form 486 Contact: HAMILTON
State of Form 486 Contact: OH
Zip Code of Form 486 Contact: 45011-3131
Telephone of Form 486 Contact: 513-863-8758
Fax of Form 486 Contact: 513-863-8758
E-mail Address of Form 486 Contact: tstenger@sjcshamilton.org
Funding Year: 07/01/2015 - 06/30/2016
Contract Number: SJ-1-14
Services Ordered: Internet Access
Billing Account Number:
Service Start Date: 12/03/2015*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Contract Expiration Date: 06/30/2019
Total Program Year Pre-discount Amount: \$12,750.00
Applicant's Approved Discount Percentage: 40%
Funding Commitment Decision: \$2,975.00

ATTACHMENT 13

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Wednesday, June 01, 2016 3:10 PM
To: Appeals@sl.universalservice.org
Subject: St. Joseph BEN 49403
Attachments: St joseph 2.pdf; St joseph ben 49403.pdf

St. Joseph Consolidated School
BEN 49403
FRN# 2812421
471# 10336S6
486# 11396345

We received the attached 486 notification for St. Joseph. However, we noticed that our 40% Erate discount was reduced to a total discount amount of \$2975.00, due to the "120-day deadline". Normally, I would have 120 days after receiving a FCDL (Funding Commitment Decision Letter) to submit a Form 486. But, since I initiated an appeal due to USAC's mistake on the original FCDL, our 120 days should have restarted after you received the revised FCDL, which modified the 20% discount to 40% discount. The revised FCDL we received is dated 2/25/16. Please advise on how to correct this issue. I have included copies of the notification letters received at St. Joseph Consolidated School. We have been attempting to correct these issues over email and by phone for several weeks with no response.

Theresa Stenger
Office Manager
St. Joseph Consolidated School
925 South Second Street
Hamilton, OH 45011
tstenger@sjcshamilton.org
www.sjcshamilton.org
513-863-8758
Fax- 513-863-5772

RECEIVED JUN 24 2016



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

June 10, 2016

Theresa Stenger
St. Joseph Consolidated School
925 South Second Street
Hamilton, OH 45011

Re: Applicant Name: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
Form 471 Application Number: 1033656
Form 486 Application Number: 1139345
Funding Request Number(s): 2812421
Your Correspondence Dated: June 01, 2016

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2015 FCC Form 486 Notification Letter for the FCC Form 471 Application Number referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2812421
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from September 25, 2015, the date of the FCDL or from July 1, 2015 the date of Service Start Date (SSD), whichever is later. On February 1, 2016, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on April 1, 2016, which is after the new deadline date. Consequently, the SSD has been revised to December 3, 2015, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all forms are

ATTACHMENT 14-B

submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit G

Michael Palchick
Womble, Carlyle, Sandridge & Rice
1200 Nineteenth Street, NW, Ste 500
Washington, DC 20036

Billed Entity Number: 49403
Form 471 Application Number: 1033656
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

July 12, 2017

Michael Palchick
Womble, Carlyle, Sandridge & Rice
1200 Nineteenth Street, NW, Ste 500
Washington, DC 20036

Re: Applicant Name: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
Form 471 Application Number: 1033656
Funding Request Number(s): 2812421
Your Correspondence Dated: June 20, 2017

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Remittance Statement, a notification of Schools and Libraries Program payments to the service provider, for the FCC Form 471 Application Number referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2812421
Decision on Appeal: **Denied**
Explanation:

- During the invoice review, reimbursement can only be issued for products/services that were approved during the FCC Form 471 review process. It was determined that you invoiced for State of Ohio Non-Public School grant; but the dollars for this grant were not included or approved during the FCC Form 471 review process. Therefore, your appeal is denied.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit H

FCC Form 470

Approval by OMB
3060-0806

Schools and Libraries Universal Service Description of Services Requested and Certification Form 470

Estimated Average Burden Hours per Response: 3 hours

This form is designed to help you describe the eligible services you seek so that this data can be posted on the Fund Administrator Internet Site and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this form.

Form 470 Application Number: 947060001221290	Applicant's Form Identifier: 470sjcs14
Application Status: CERTIFIED	Posting Date: 02/13/2014
Allowable Contract Date: 03/13/2014	Certification Received Date: 02/13/2014

Block 1: Applicant Address and Information

1 Name of Applicant:
ST JOSEPH CONSOLIDATED SCHOOL

2 Funding Year: 2014 (Funding years run from July 1 through the following June 30)

3 Entity Number: 49403

4a Street Address, P.O.Box, or Route Number:
925 S 2ND ST

City: HAMILTON State: OH Zip Code: 45011 -3131

4b Telephone Number: (513) 863 -8758

4c Fax Number:

5a Eligible Entities That Will Receive Services:
Check the ONE choice in **5a** that best describes the eligible entities that will receive the services described in this form. You will then list in Item **15** the entity/entities that will pay the bills for these services.

☒ Individual School (individual public or non-public school)

☐ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, consortia of schools and/or libraries)

☐ Statewide application for (enter 2-letter state code)
representing (check all that apply)

☐ All public schools/districts in the state

☐ All non-public schools in the state

☐ All libraries in the state

5b Recipient(s) of Services - Check all that apply:

☒ Private ☐ Public ☐ Charter

☐ Tribal ☐ Head Start ☐ State Agency

5c Number of eligible entities for which services are sought: 1

Block 1: Applicant Address and Information (continued)

6a Contact Person's Name:
Theresa Stenger

If the Contact Person's Street Address is the same as **Item 4a** above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O.Box, or Route Number:
NOTE: USAC will use this address to mail correspondence
925 S 2ND ST

City: HAMILTON State: OH Zip Code: 45011 -3131

Check the box next to your preferred mode of contact and provide your contact information. One box **MUST** be checked and an entry provided.

☐ **6c** Telephone Number: (513) 863 -8758

☐ **6d** Fax Number: (513) 863 -5772

☒ **6e** E-Mail Address: tstenger@sjcshamilton.org
Re-enter E-mail Address: tstenger@sjcshamilton.org

If a consultant is assisting you with your application process, please complete Item 7 below:

7 Consultant Name:
Name of Consultant's Employer:
Consultant's Street Address:

City: State: Zip Code:

Consultant's Telephone Number: Ext.

Consultant's Fax Number:

Consultant's E-mail Address:

Re-enter E-mail Address:

Consultant Registration Number:

Entity Number: 49403	Applicant's Form Identifier: 470sjcs14
Contact Person: Theresa Stenger	Phone Number: (513) 863-8758
Block 2: Summary Description of Needs or Services Requested	
8 Priority One Services (Telecommunications and/or Internet Access)	
<i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>	
<p>a <input type="checkbox"/> YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12 Your RFP Identifier:</p> <p>b <input checked="" type="checkbox"/> NO, I have not released and do not intend to release an RFP for any of these services.</p> <p>Whether you check YES or NO, you must list below the Priority One Services you seek. Specify each service or function (e.g., voice service, monthly Internet access service, etc) and quantity and/or capacity (e.g., for voice service, 20 existing lines plus 10 new ones, or for monthly Internet access service, for 500 users).</p>	
Service	Quantity and/or Capacity
basic conduit internet services up to 100 mg	1 building
9 [Reserved]	

Entity Number: 49403	Applicant's Form Identifier: 470sjcs14
Contact Person: Theresa Stenger	Phone Number: (513) 863-8758
10 Internal Connections Other Than Basic Maintenance	
<i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>	
<p>a <input type="checkbox"/> YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12</p> <p>Your RFP Identifier:</p>	
<p>b <input type="checkbox"/> NO, I have not released and do not intend to release an RFP for any of these services.</p> <p>Whether you check YES or NO, you must list below the Internal Connections services you seek. Specify each service (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students).</p>	
<hr/>	
11 Basic Maintenance of Internal Connections	
<i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>	
<p>a <input type="checkbox"/> YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12</p> <p>Your RFP Identifier:</p>	
<p>b <input type="checkbox"/> NO, I have not released and do not intend to release an RFP for any of these services.</p> <p>Whether you check YES or NO, you must list below the Basic Maintenance services you seek. Specify each service (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers).</p>	
<hr/>	

Entity Number: 49403	Applicant's Form Identifier: 470sjcs14				
Contact Person: Theresa Stenger	Phone Number: (513) 863-8758				
<p>12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This person does not need to be the contact person(s) listed in Item 6 nor the Authorized Person who signs this form.</p> <p>Name: Bill Hicks</p> <p>Title: Principal</p> <p>Telephone Number: (513) 863 - 8758</p> <p>Fax Number:</p> <p>Email Address: bhicks@sjcshamilton.org</p> <p>Re-enter E-mail Address: bhicks@sjcshamilton.org</p> <p>13 <input type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures and/or provide an Internet address where they are posted and a contact name and telephone number.</p> <p><input type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.</p> <p>If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.</p>					
Block 3:					
14. [Reserved]					
Entity Number: 49403	Applicant's Form Identifier: 470sjcs14				
Contact Person: Theresa Stenger	Contact Phone Number: (513) 863-8758				
Block 4: Recipients of Service					
<p>15 Billed Entities</p> <p>List the entity/entities that will be paying the bills directly to the provider for the services requested in this form. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this FCC Form 470. Attach additional pages if needed.</p> <table><thead><tr><th>Entity Number</th><th>Entity Name</th></tr></thead><tbody><tr><td>49403</td><td>ST JOSEPH CONSOLIDATED SCHOOL</td></tr></tbody></table>		Entity Number	Entity Name	49403	ST JOSEPH CONSOLIDATED SCHOOL
Entity Number	Entity Name				
49403	ST JOSEPH CONSOLIDATED SCHOOL				

Entity Number: 49403		Applicant's Form Identifier: 470sjcs14	
Contact Person: Theresa Stenger		Contact Phone Number: (513) 863-8758	
Block 5: Certifications and Signature			
16	I certify that the applicant includes: (Check one or both.)		
a	<input checked="" type="checkbox"/> 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; and/or		
b	<input type="checkbox"/> libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).		
17	<input checked="" type="checkbox"/> I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. <input type="checkbox"/> Or I certify that no technology plan is required by Commission rules.		
18	<input checked="" type="checkbox"/> I certify that I will post my FCC Form 470 and (if applicable) make any applicable RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.		
19	<input checked="" type="checkbox"/> I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.		
20	<input checked="" type="checkbox"/> 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 form have not received anything of value or a promise of anything of value, 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.		
21	<input checked="" type="checkbox"/> I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing 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 I have considered what financial resources should be available to cover these costs.		
22	<input checked="" type="checkbox"/> I certify that I am authorized to procure eligible services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this form, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.		
23	<input checked="" type="checkbox"/> I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form may 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.		
24	<input checked="" type="checkbox"/> 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.		
Entity Number: 49403		Applicant's Form Identifier: 470sjcs14	
Contact Person: Theresa Stenger		Contact Phone Number: (513) 863-8758	
25	Signature of authorized person: <input checked="" type="checkbox"/>		26 Date: 02/13/2014
27a	Printed name of authorized person: J. William Hicks		
27b	Title or position of authorized person: Principal <input type="checkbox"/> Check here if the consultant in Item 7 is the Authorized Person.		
27c	Street Address, P.O. Box, Route Number, City, State, Zip Code: 925 South Second Street City: Hamilton State: OH Zip Code: 45011		
27d	Telephone Number of Authorized Person: (513) 863-8758		
27e	Fax Number of Authorized Person: (513) 863-5772		
27f	E-mail Address of Authorized Person: bhicks@sjcshamilton.org Re-enter E-mail Address: bhicks@sjcshamilton.org		
27g	Name of Authorized Person's Employer: St. Joseph Consolidated School		
<p align="center">Service provider involvement with preparation or certification of an FCC Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the Schools and Libraries area of the USAC web site at www.usac.org/si or call the SLD Client Service Bureau at 1-888-203-8100.</p>			

Entity Number: 49403	Applicant's Form Identifier: 470sjcs14
Contact Person: Theresa Stenger	Phone Number: (513) 863-8758

NOTICE: In accordance with Section 54.503 of the Federal Communications Commission's rules, certain schools and libraries ordering services that are eligible for and seeking universal service discounts must file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.503 (c). 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 competitive bidding requirement contained in 47 C.F.R. § 54.503. 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 this application 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 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, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

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 may delay processing of your application or may return your form 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 3 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.

FCC Form 470
July 2014

New Search

Return To Search Results

Exhibit I

ATTACHMENT 5-A

St. Joseph Consolidated School



925 S. Second Street . Hamilton, OH 45011

513-863-8758

November 20, 2015

St. Joseph Consolidated School
BEN 49403
FCC Form 471 1033656
FRN2812421

Our 471 dated 9/25/2015 states our amount was adjusted to due request for phone services. We only requested for internet services. I called on 11/4/20145 and spoke with Tracey and received a case #24392 but have not received any communication. I have left 3 messages and no one has returned my calls. Please advise on how to proceed to get this corrected.

Theresa Stenger
Office Manager
tstenger@sjcshamilton.org
513-863-8758

ATTACHMENT 5-B

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Thursday, July 07, 2016 2:04 PM
To: Eve Long
Subject: Fwd: SLD Inquiry #: 22-865278 Received

----- Forwarded message -----

From: <sldcaseattachments@sl.universalservice.org>
Date: Fri, Nov 20, 2015 at 12:54 PM
Subject: SLD Inquiry #: 22-865278 Received
To: tstenger@sjcshamilton.org

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-865278.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Here is the information you submitted:

*[FirstName]=Theresa [LastName]=Stenger [JobTitle]=office manager
[EmailAddress]=tstenger@sjcshamilton.org [WorkPhone]=5138638758 [FaxPhone]=5138635772
[PreviousCaseNumber]=0 [FormType]=471 [Owner]=TCSB [DateSubmitted]=11/20/2015 12:51:49 PM
[AttachmentFlag]=Y [BenOrSpinNumber]=49403 [ApplicationNumber]=1033656 [FundingYear]=FY18
(07/01/2015 - 06/30/2016) [SPIN]=143024429 [FRN]=2812421 [Question2]=This form states our amount was
adjusted to due request for phone services. We only requested for internet services. I called and received a case
#24392 but have not recived any communication. I have left 3 messages and no one has returned my calls.
please help*

ATTACHMENT 5-C

--

Theresa Stenger

Secretary

St. Joseph Consolidated School

925 South Second Street

Hamilton, OH 45011

tstenger@sjcshamilton.org

513-863-8758

Fax 513-863-5772

ATTACHMENT 6-A

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Thursday, July 21, 2016 1:37 PM
To: Mike Crumley - External; Eve Long
Subject: Fwd: appeal submission St. Jose BEN 49403
Attachments: St JOESPH ERATE DOCUMENTATIOM.pdf

----- Forwarded message -----

From: <>
Date: Mon, Nov 23, 2015 at 3:33 PM
Subject: appeal submission St. Jose BEN 49403
To: Appeals@sl.universalservice.org

St. Joseph Consolidated School

BEN 49403

FCC Form 471 1033656

FRN2812421

This is an appeal to the funding awarded to St. Joseph Consolidated School on our 15-16 471. The Pre-discount amount is \$12,750.00 it should be discounted 50% for \$6375.00, **not** to 20% that was incorrectly awarded.

The Our 471 dated 9/25/2015 states our amount was adjusted to due request for phone services. Our form 471 clearly states that we only requested for internet services. I called on 11/4/20145 and spoke with Tracey and received a case #24392. After submitting this phone request for the correction we did not receive any communication either by phone or email. I left 3 messages and no one returned my calls. I did receive an email today 11/25/15, after submitting a second request via email, requesting me to submit an appeal to have to adjustment changed.

Included with this letter are copies of all documents pertaining to our 471 application. The adjusted amount awarded to our school does not apply to the services we requested.

ATTACHMENT 6-B

Theresa Stenger

From: sldnoreply@sl.universalservice.org
Sent: Monday, November 23, 2015 9:16 AM
To: tstenger@sjcshamilton.org
Subject: RE: Initial Contact- Case 22-865278

Thank you for your inquiry.

We apologize for the delay. After escalating case 24392, the guidance received is that if you disagree with the decision you may file an appeal.

Any decision made by USAC or the Schools and Libraries Program regarding eligibility, funding, or payment recovery, can be appealed by the impacted party.

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 applicants 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.

For further instructions on how to submit an appeal, please see the following page on the Schools and Libraries website: <http://www.usac.org/sl/about/program-integrity/appeals.aspx>

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.usac.org/sl>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: tstenger@sjcshamilton.org
Subject: Initial Contact

[FirstName]=Theresa
[LastName]=Stenger
[JobTitle]=office manager
[EmailAddress]=tstenger@sjcshamilton.org
[WorkPhone]=5138638758
[FaxPhone]=5138635772
[PreviousCaseNumber]=0

[FormType]=471
[Owner]=TCSB
[DateSubmitted]=11/20/2015 12:51:49 PM
[AttachmentFlag]=Y[BenOrSpinNumber]=49403
[ApplicationNumber]=1033656

ATTACHMENT 6-C

[FundingYear]=FY18 (07/01/2015 - 06/30/2016)

[SPIN]=143024429

[FRN]=2812421

[Question2]=This form states our amount was adjusted to due request for phone services. We only requested for internet services. I called and received a case #24392 but have not recived any communication. I have left 3 messages and no one has returned my calls. please help

Begin forwarded message:

From: Theresa Stenger <tstenger@sjcshamilton.org>
Subject: Email #3 Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL
Date: July 19, 2016 at 9:44:10 AM EDT
To: Mike Crumley - External <pennypikemike@gmail.com>

----- Forwarded message -----

From: Cromie, Donna <Donna.CROMIE@sl.universalservice.org>
Date: Mon, Feb 1, 2016 at 8:11 AM
Subject: RE: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL
To: Theresa Stenger <tstenger@sjcshamilton.org>

Thanks Teresa,

Iâ€™ve restored the discount back to 50%. Have a great day.

Donna

Donna M. Cromie

Associate Case Manager â€” SLP Appeals/COMAD

Schools & Libraries Program

30 Lanidex Plaza West â€” N236 | Parsippany, NJ 07054
Ph: 800-200-0818 | Direct: 973-581-5263 | Fax: 973-599-6525
Email: Donna.Cromie@sl.universalservice.org

From: Theresa Stenger [<mailto:tstenger@sjcshamilton.org>]
Sent: Friday, January 29, 2016 1:48 PM
To: Cromie, Donna
Subject: RE: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL

Donna

Exhibit J

ATTACHMENT 8-A

USAC

Universal Service Administrative Company

Schools and Libraries Division

URGENT REMINDER: YOUR FORM 486 MAY BE LATE
(Funding Year 2015: 07/01/2015 - 06/30/2016)

Date: February 1, 2016

Theresa Stenger
ST JOSEPH CONSOLIDATED SCHOOL
925 S 2ND ST
HAMILTON, OH 45011

RE: Billed Entity Number: 49403
Form 471 Application Number: 1033656

This letter is a reminder that you may have missed the deadline for submitting and certifying your FCC Form 486, Receipt of Service Confirmation Form, based on your FCDL Date and the Service Start Date indicated on your FCC Form 471, Block 5 Discount Funding Request(s).

You have 20 days from the date of this letter to submit and certify your Form(s) 486 with no penalty, if your services did start at least 120 days before the above date.

If you fail to submit and certify your Form 486 by 02/22/2016 your Service Start Date may be adjusted once you submit and certify your Form 486. USAC may reduce your commitment for recurring services if your Service Start Date is adjusted.

THIS IS YOUR ONLY REMINDER. If your services have not yet started or have started within the last 120 days, **YOUR FORM 486 MUST BE POSTMARKED OR SUBMITTED ONLINE WITHIN 120 DAYS OF YOUR SERVICE START DATE.**

Following this letter is a Form 486 Reminder Report (Report) that lists the Funding Request Number(s) for which either a Form 486 has not been submitted or a Form 486 has been submitted online, but not certified.

Form 486 is available in the Apply Online area of our website at www.usac.org/sl. We recommend that you use the Deadline Tool on our website to check the Form 486 deadlines for specific ERNs and other Program deadlines.

Complete Program information is available on our website. You may also contact our Client Service Bureau via email using the "Submit a Question" feature on our website, toll-free via fax at 1-888-276-8736 or toll-free via phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

ATTACHMENT 8-B

Form 486 Reminder Report
Form 471 1033656

We have not received your completed Form 486 and certifications - either online or on paper.

Funding Request Numbers(s)

2812421

Exhibit K

DECLARATION OF EVE LONG

I, Eve Long, declare the following:

1. I am the Administrative Assistant for Southwest Ohio Computer Association ("SWOCA"). I assist on various aspects of the E-rate program for SWOCA and have been involved in the issues faced by St. Joseph with regard to their funding request #2812421.
2. While SWOCA's appeal of the FCDL determination was pending and SWOCA was awaiting a determination that Schools and Libraries Division had incorrectly changed its services from Internet Access to VoIP, St. Joseph felt it would be inappropriate to file a Form 486 since applicants must wait until issuance of an FCDL prior to filing the Form 486.
3. I have reviewed the Request for Review and all of the factual statements made therein are true and correct.

To the best of my knowledge, I state under penalty of perjury that the Request for Review and the foregoing are true and correct.

September 11, 2017



Eve Long
Administrative Assistant, SWOCA

Exhibit L

ATTACHMENT 12

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT (Funding Year 2015)

Service Provider Name: SouthWest Ohio Computer Association
Service Provider Identification Number: 143024429



Funding Request Number: 2812421
Form 471 Application Number: 1033656
Form 470 Application Number: 947060001221290
Name of 471 Applicant: ST JOSEPH CONSOLIDATED SCHOOL
Address of 471 Applicant: 925 S 2ND ST
Applicant City: HAMILTON
Applicant State: OH
Applicant Zip: 45011-3131
Entity Number:
Name of Contact Person: Theresa Stenger
Preferred Mode of Contact: E-MAIL
Contact Information: tstenger@sjcshamilton.org
Name of Form 486 Contact Person: Theresa Stenger
Address of Form 486 Contact: 925 S 2ND ST
City of Form 486 Contact: HAMILTON
State of Form 486 Contact: OH
Zip Code of Form 486 Contact: 45011-3131
Telephone of Form 486 Contact: 513-863-8758
Fax of Form 486 Contact: 513-863-8758
E-mail Address of Form 486 Contact: tstenger@sjcshamilton.org
Funding Year: 07/01/2015 - 06/30/2016
Contract Number: SJ-1-14
Services Ordered: Internet Access
Billing Account Number:
Service Start Date: 12/03/2015*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Contract Expiration Date: 06/30/2019
Total Program Year Pre-discount Amount: \$12,750.00
Applicant's Approved Discount Percentage: 40%
Funding Commitment Decision: \$2,975.00

ATTACHMENT 13

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Wednesday, June 01, 2016 3:10 PM
To: Appeals@sl.universalservice.org
Subject: St. Joseph BEN 49403
Attachments: St joseph 2.pdf; St joseph ben 49403.pdf

St. Joseph Consolidated School
BEN 49403
FRN# 2812421
471# 10336S6
486# 11396345

We received the attached 486 notification for St. Joseph. However, we noticed that our 40% Erate discount was reduced to a total discount amount of \$2975.00, due to the "120-day deadline". Normally, I would have 120 days after receiving a FCDL (Funding Commitment Decision Letter) to submit a Form 486. But, since I initiated an appeal due to USAC's mistake on the original FCDL, our 120 days should have restarted after you received the revised FCDL, which modified the 20% discount to 40% discount. The revised FCDL we received is dated 2/25/16. Please advise on how to correct this issue. I have included copies of the notification letters received at St. Joseph Consolidated School. We have been attempting to correct these issues over email and by phone for several weeks with no response.

Theresa Stenger
Office Manager
St. Joseph Consolidated School
925 South Second Street
Hamilton, OH 45011
tstenger@sjcshamilton.org
www.sjcshamilton.org
513-863-8758
Fax- 513-863-5772

Exhibit M

ATTACHMENT 13

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Wednesday, June 01, 2016 3:10 PM
To: Appeals@sl.universalservice.org
Subject: St. Joseph BEN 49403
Attachments: St joseph 2.pdf; St joseph ben 49403.pdf

St. Joseph Consolidated School
BEN 49403
FRN# 2812421
471# 10336S6
486# 11396345

We received the attached 486 notification for St. Joseph. However, we noticed that our 40% Erate discount was reduced to a total discount amount of \$2975.00, due to the "120-day deadline". Normally, I would have 120 days after receiving a FCDL (Funding Commitment Decision Letter) to submit a Form 486. But, since I initiated an appeal due to USAC's mistake on the original FCDL, our 120 days should have restarted after you received the revised FCDL, which modified the 20% discount to 40% discount. The revised FCDL we received is dated 2/25/16. Please advise on how to correct this issue. I have included copies of the notification letters received at St. Joseph Consolidated School. We have been attempting to correct these issues over email and by phone for several weeks with no response.

Theresa Stenger
Office Manager
St. Joseph Consolidated School
925 South Second Street
Hamilton, OH 45011
tstenger@sjcshamilton.org
www.sjcshamilton.org
513-863-8758
Fax- 513-863-5772

Exhibit N

RECEIVED JUN 24 2016



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

June 10, 2016

Theresa Stenger
St. Joseph Consolidated School
925 South Second Street
Hamilton, OH 45011

Re: Applicant Name: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
Form 471 Application Number: 1033656
Form 486 Application Number: 1139345
Funding Request Number(s): 2812421
Your Correspondence Dated: June 01, 2016

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2015 FCC Form 486 Notification Letter for the FCC Form 471 Application Number referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2812421
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from September 25, 2015, the date of the FCDL or from July 1, 2015 the date of Service Start Date (SSD), whichever is later. On February 1, 2016, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on April 1, 2016, which is after the new deadline date. Consequently, the SSD has been revised to December 3, 2015, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all forms are

ATTACHMENT 14-B

submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit O

Date: August 4, 2016

To: FCC Appeals

From: Theresa Stenger,

(49403) ST JOSEPH CONSOLIDATED SCHOOL

FCC Registration Number: 0011943735

Subject: APPEAL OF DECISION OF USAC

FCC Form 471 Application 1033656

Funding Request Number: 2812421

This is to appeal the denial of my previous appeal to USAC. The funding for the FRN in question was reduced due to the 120 day deadline for filing of the 486. I missed that deadline on the original FCDL because an appeal was pending on that application and I was in frequent communication with USAC personnel. The 486 form includes a certification that "all statements of fact contained herein are true." I thought that it was not necessary or appropriate to file a 486 on an FCDL that was so clearly wrong through no fault of mine. The appeal was granted and I did file a 486 within the deadline for the revised FCDL. Only when I received the Form 486 Notification Letter Report did I learn that my Funding Commitment had been reduced from \$5100.00 to \$2975.00 due to the 120 day deadline which they applied to the original, erroneous, FCDL from September. I appealed that decision but was denied on June 10, 2016.

I am asking for a waiver of the 120 day 486 deadline based upon the following:

1. The Form 486 was timely filed within 120 days of receipt of the revised FCDL.
2. The Form 486 was filed at this later date due to USAC's calculation errors on the original FCDL and improper reduction of discount percentage due to a mischaracterization of the Internet access services as voice services.
3. The deadline for filing of the Form 486 is a procedural deadline. The Commission has previously granted appeals involving a failure to file within USAC's Form 486 deadline finding that "rigid adherence" to this procedural deadline is not in the public interest. See, e.g., Requests for Review or Waiver of Decisions of the Universal Service Administrator by Bishop Stang High School, 28 FCC Rcd 12862 (2013).
4. The loss of funds would have a significant impact on the school and cause them financial strain. The difference is "only" \$2125.00 but that is a large amount on the tight budget of a small private school.

I am asking for a restoration of my Funding Commitment to the original amount of \$5100.00.

Below is a timeline referencing relevant documents in chronological order with comments as appropriate. Thank you for your consideration of this appeal.

St. Joseph Consolidated School – timeline of events.

April 10, 2015 – Receipt Acknowledgement Letter received and is correct.
(Attachment 1)

August 6, 2015 – Received inquiry verifying the type of connection. Confirmed that it was Internet over Fiber at 100 MBPS. (Attachment 2 – A & B)

Sept 21, 2015 - Service provider received FCDL email showing that I had been approved for VOIP with a 20% discount reduced from 50%. Service Provider contacted me and Lorrie Germann, Ohio state Erate coordinator at the time. Ms. Germann advised that USAC was doing “self identified appeals” and that she would contact the PIA manager for the appropriate recourse. (Attachment 3 – A & B)

Sept 28, 2015 – I received paper copy of FCDL showing that Internet had been approved but percentage was 20% instead of 50%. Comment shows that it was calculated as VOIP! This was an Internet application from the very start. There was never a suggestion that it was for Voice of any kind. (Attachment 4)

I called client services and received ticket number 24392. Received no further communication from USAC. Called three more times after that and left voicemail messages which were unreturned.

November 20, 2015 – submitted a question on the EPC reporting previous problems. The case number for that submission is 22-865278. The response was that I would have to file an appeal. (Attachment 5 – A, B, C)

November 23, 2015 – Submitted appeal on the original FCDL arguing that it was never submitted as VOIP and should be restored to the 50% discount for which we qualify. (Attachment 6 – A,B, C)

January 29, 2016 – Received 15 day letter from Donna Cromie regarding my first appeal again asking for Free and Reduced Lunch data. She told me by phone that they had never received the information sent to Jazmin Hurston in September. I resent survey information previously sent in September. (Attachment 7 – A,B,C,D)

February 1, 2016 – Received “urgent reminder” to file 486 for the original, incorrect, FCDL. Because I was in active discussion with USAC about the revised information, and had an appeal pending, and because the form asks me to certify that all is correct, I thought it was unnecessary and inappropriate to complete a 486 on an incorrect FCDL. (Attachment 8 – A & B)

February 1, 2016 – received email from Donna Cromie that my discount had been restored to 50%. (Attachment 9 – A & B)

February 3, 2016 – I received an “Appeal Information Request” from Donna Cromie saying that they intended to reduce my percentage from 50% to 40%. There was an exchange of emails after that discussion concerning the reduction since my documentation clearly states that 48 of 200 students qualify for Free and Reduced lunch. (Attachment 10 – A & B)

February 25, 2016 – Received “Revised FCDL” resulting from my successful appeal of the VOIP mistake. Discount was approved at 40%. (Attachment 11)

April 1, 2016 - 486 form submitted and certified on the REVISED FCDL.

April 20, 2016 – Received 486 confirmation letter indicating a change in Service Start Date to December 3, 2015 for violation of the 120 day rule. This resulted in a loss of \$2125.00 to the school. (Attachment 12)

June 1, 2016 – Submitted appeal to USAC based on my belief that I should have only filed the 486 on the correct FCDL. (Attachment 13)

June 10, 2016 – Received denial of appeal from USAC. (Attachment 14)

August 4, 2016 – Submitted this appeal to FCC.

Attachments: 14

ATTACHMENT 1

RECEIVED APR 10 2015

Form 471 RAL Line Item Report

ERN: 2812421
Form 471 Application Number: 1033656
Form 470 Application Number: 947060001221290 ✓
Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
Address of Billed Entity: 925 S 2ND ST, HAMILTON, OH 45011-3131
Telephone Number of Billed Entity: (513) 863-8758
Name of Contact Person: Theresa Stenger
Telephone Number of Contact Person: (513) 863-8758
Service Type: Internet Access
Contract Number: SJ-1-14 ✓
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 03/13/2014 ✓
Contract Award Date: 03/13/2014 ✓
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019 ✓
Pre-discount Amount: \$12,750.00 ✓
Discount Percentage Requested: 50%
Funding Commitment Request: \$6,375.00
Consultant Name:
Consultant Employer Name:
Consultant Phone:
Consultant Email:

ATTACHMENT 2-A

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Friday, August 07, 2015 10:03 AM
To: Mike Crumley; Eve Long
Subject: Fwd: Additional Clarification for FCC Form 471 Application Number 1033656

Mike & Eve,

I received this email yesterday. I am not in the office today but will be there on Monday. I think i need some advice with this. Please let me know what you think.

Theresa Stenger

----- Forwarded message -----

From: <jason.fenty@sl.universalservice.org>

Date: Thu, Aug 6, 2015 at 3:13 PM

Subject: Additional Clarification for FCC Form 471 Application Number 1033656

To: tstenger@sjcshamilton.org

Dear Theresa Stenger,

Please provide some additional information about your Schools and Libraries (E-rate) Program application by answering the questions below. This will help us better understand the services you requested.

We will use your responses to verify the broadband connectivity information on your Funding Year 2015 application for St Joseph Consolidated School, and verify that the application correctly identifies the services you requested.

Please reply and put your answers in the body of the email. Please send answers by Tuesday August 11.

Thank you in advance for your timely response.

Sincerely,

The Schools and Libraries (E-rate) Program
Universal Service Administrative Company

For funding request number: 2812421, you requested the following line items. You can refer to the [FY2015 Eligible Services List](#) for definitions of the services requested.

FRN #2812421

FRN Line Item Number	Service Type	Product Type	Purpose	WAN	Lines	Download Speed	Monthly Cost Elig/Inelig	Non Recurring Cost Elig/Inelig	
1	Digital Transmission Service	Lit Fiber Service	Transport and Internet	Y	1	100.0 Mbps	1062.5/0.0	0.0/0.0	12

ATTACHMENT 2-B

For Line Item Number 1

Clarify the use of the service(s) requested in this line item: (Select One)

A: Internet access service that includes a connection from any applicant site directly to the Internet service provider (recorded as Purpose = Internet, WAN = No)

B: Data connection(s) between two or more sites entirely within an applicant's network (recorded as Purpose = Transport, WAN = Yes)

C: Data connection(s) from an applicant's hub site to an Internet service provider or state/regional network where Internet access service is billed separately (recorded as Purpose = Transport, WAN = No)

D: Internet access service with no circuit. (a data circuit to the ISP or state/regional network is billed separately). (recorded as Purpose = Internet, Service Type = IA Only (no circuit))

Thank you again for your timely response.

REMINDER: Please submit the necessary information within the five calendar days of this request. USAC will modify your FCC Form 471 with the information you provided us. You will be able to view the changes to your application when your Funding Commitment Decision Letter is issued or the FCC Form 471 Display tool. For any questions, please contact your reviewer at (973) 581-6712.

--

Theresa Stenger

Secretary

St. Joseph Consolidated School

925 South Second Street

Hamilton, OH 45011

tstenger@sjcshamilton.org

513-863-8758

Fax 513-863-5772

This e-mail message has been scanned by SWOCA TrustWave

ATTACHMENT 3-A

Eve Long

From: Lorrie Germann <lgermann@ohiocsc.org>
Sent: Monday, September 21, 2015 11:46 AM
To: Mike Crumley
Cc: Eve Long
Subject: RE: Here's a new one...

Mike,

Unfortunately, I have, In their haste to get funding letters out the door, we're seeing more, and more mistakes. We were just discussing it on the SECA list. Someone mentioned that USAC is doing "self-identified appeals" where the reviewer can pull the application back, make the corrections, and then issue a revised FDCL. It saves the applicant the hassle of filing an appeal. If you would, send me a copy of the FCDL, and I'll reach out to the PIA manager, and ask if that's the best way to handle the issue.

Take care,

Lorrie

Lorrie Germann

State E-Rate Coordinator
Ohio Collaborative Services Consortium
lgermann@ohiocsc.org or
lorrie.germann@education.ohio.gov
Office: 740-223-2420
Cell: 740-253-1153

From: Mike Crumley [mike@swoca.net]
Sent: Monday, September 21, 2015 10:58 AM
To: Lorrie Germann
Cc: Eve Long
Subject: Here's a new one...

Lorrie,

Just got this FCDL email for one of my smaller non-pubs.

143024429|2015|07/01/2015|06/30/2016|1033656|ST JOSEPH CONSOLIDATED SCHOOL|925 S 2ND
ST|HAMILTON|OH|45011|Theresa
Stenger|EMAIL|513|8638758|tstenger@sjcshamilton.org|2812421|947060001221290|Funded|SJ-
1-14|Internet Access|N/A||07/01/2015|06/30/2019|12750.00|20%|2550.00|FRN approved; modified
by SLD|Not
Needed|09/25/2015|018|49403|N/A|03/13/2014|03/13/2014|1062.50|0.00|1062.50|12|12750.00|0.0
0|0.00|0.00|MR1: According to the FCC Order 14-99, Voice services are subject to a phase down of
support beginning in funding year 2015. As a result, the Discount Rate of this FRN was reduced from 50%
to 20%.|09/25/2015||09/30/2016||

ATTACHMENT 3-B

The problem is this is NOT a VOIP or even a traditional voice request. It is plain old category One Internet not subject to the phase down. As near as we can tell she did everything right. Even if it was VOIP, they reduced it too much. Ever seen this one? Can it be fixed administratively or will it require an appeal?

Thanks,

Mike

K. Michael Crumley
Director Emeritus
SouthWest Ohio Computer Association
(513) 867-1028 x 4712 cell (513) 200-3576
mike@swoca.net



"Life is fraughtless for the thoughtless"
-Stephen Schwartz

ATTACHMENT 4

RECEIVED SEP 28 2015

FUNDING COMMITMENT REPORT

Service Provider Name: SouthWest Ohio Computer Association
SPIN: 143024429
Funding Year: 2015

Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Address: 925 S 2ND ST
Billed Entity City: HAMILTON
Billed Entity State: OH
Billed Entity Zip Code: 45011-3131
Billed Entity Number: 49403
Contact Person's Name: Theresa Stenger
Preferred Mode of Contact: EMAIL
Contact Information: tstenger@sjcshamilton.org
FCC Form 471 Application Number: 1033656
Funding Request Number: 2812421
Funding Status: Funded
Service Type: Internet Access
FCC Form 470 Application Number: 947060001221290
Contract Number: SJ-1-14
Billing Account Number: N/A
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$12,750.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00
Pre-Discount Amount: \$12,750.00
Applicant's Discount Percentage Approved by SLD: 20%
Funding Commitment Decision: \$2,550.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MRL: According to the FCC Order 14-99, Voice services are subject to a phase down of support beginning in funding year 2015. As a result, the Discount Rate of this FRN was reduced from 50% to 20%.

FCDL Date: 09/25/2015

Wave Number: 018

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016

Consultant Name:

Consultant Registration Number (CRN):

Consultant Employer:

*Theresa to
call client services*

ATTACHMENT 5-A

St. Joseph Consolidated School



925 S. Second Street. Hamilton, OH 45011

513-863-8758

November 20, 2015

St. Joseph Consolidated School
BEN 49403
FCC Form 471 1033656
FRN2812421

Our 471 dated 9/25/2015 states our amount was adjusted to due request for phone services. We only requested for internet services. I called on 11/4/20145 and spoke with Tracey and received a case #24392 but have not received any communication. I have left 3 messages and no one has returned my calls. Please advise on how to proceed to get this corrected.

Theresa Stenger
Office Manager
tstenger@sjcshamilton.org
513-863-8758

ATTACHMENT 5-B

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Thursday, July 07, 2016 2:04 PM
To: Eve Long
Subject: Fwd: SLD Inquiry #: 22-865278 Received

----- Forwarded message -----

From: <sldcaseattachments@sl.universalservice.org>
Date: Fri, Nov 20, 2015 at 12:54 PM
Subject: SLD Inquiry #: 22-865278 Received
To: tstenger@sjcshamilton.org

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-865278.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Here is the information you submitted:

*[FirstName]=Theresa [LastName]=Stenger [JobTitle]=office manager
[EmailAddress]=tstenger@sjcshamilton.org [WorkPhone]=5138638758 [FaxPhone]=5138635772
[PreviousCaseNumber]=0 [FormType]=471 [Owner]=TCSB [DateSubmitted]=11/20/2015 12:51:49 PM
[AttachmentFlag]=Y [BenOrSpinNumber]=49403 [ApplicationNumber]=1033656 [FundingYear]=FY18
(07/01/2015 - 06/30/2016) [SPIN]=143024429 [FRN]=2812421 [Question2]=This form states our amount was
adjusted to due request for phone services. We only requested for internet services. I called and received a case
#24392 but have not recived any communication. I have left 3 messages and no one has returned my calls.
please help*

ATTACHMENT 5-C

--

Theresa Stenger

Secretary

St. Joseph Consolidated School

925 South Second Street

Hamilton, OH 45011

tstenger@sjcshamilton.org

513-863-8758

Fax 513-863-5772

ATTACHMENT 6-A

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Thursday, July 21, 2016 1:37 PM
To: Mike Crumley - External; Eve Long
Subject: Fwd: appeal submission St. Jose BEN 49403
Attachments: St JOESPH ERATE DOCUMENTATIOM.pdf

----- Forwarded message -----

From: <>
Date: Mon, Nov 23, 2015 at 3:33 PM
Subject: appeal submission St. Jose BEN 49403
To: Appeals@sl.universalservice.org

St. Joseph Consolidated School

BEN 49403

FCC Form 471 1033656

FRN2812421

This is an appeal to the funding awarded to St. Joseph Consolidated School on our 15-16 471. The Pre-discount amount is \$12,750.00 it should be discounted 50% for \$6375.00, **not** to 20% that was incorrectly awarded.

The Our 471 dated 9/25/2015 states our amount was adjusted to due request for phone services. Our form 471 clearly states that we only requested for internet services. I called on 11/4/20145 and spoke with Tracey and received a case #24392. After submitting this phone request for the correction we did not receive any communication either by phone or email. I left 3 messages and no one returned my calls. I did receive an email today 11/25/15, after submitting a second request via email, requesting me to submit an appeal to have to adjustment changed.

Included with this letter are copies of all documents pertaining to our 471 application. The adjusted amount awarded to our school does not apply to the services we requested.

ATTACHMENT 6-B

Theresa Stenger

From: sldnoreply@sl.universalservice.org
Sent: Monday, November 23, 2015 9:16 AM
To: tstenger@sjcshamilton.org
Subject: RE: Initial Contact- Case 22-865278

Thank you for your inquiry.

We apologize for the delay. After escalating case 24392, the guidance received is that if you disagree with the decision you may file an appeal.

Any decision made by USAC or the Schools and Libraries Program regarding eligibility, funding, or payment recovery, can be appealed by the impacted party.

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 applicants 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.

For further instructions on how to submit an appeal, please see the following page on the Schools and Libraries website: <http://www.usac.org/sl/about/program-integrity/appeals.aspx>

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.usac.org/sl>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: tstenger@sjcshamilton.org
Subject: Initial Contact

[FirstName]=Theresa
[LastName]=Stenger
[JobTitle]=office manager
[EmailAddress]=tstenger@sjcshamilton.org
[WorkPhone]=5138638758
[FaxPhone]=5138635772
[PreviousCaseNumber]=0

[FormType]=471
[Owner]=TCSB
[DateSubmitted]=11/20/2015 12:51:49 PM
[AttachmentFlag]=Y[BenOrSpinNumber]=49403
[ApplicationNumber]=1033656

ATTACHMENT 6-C

[FundingYear]=FY18 (07/01/2015 - 06/30/2016)

[SPIN]=143024429

[FRN]=2812421

[Question2]=This form states our amount was adjusted to due request for phone services. We only requested for internet services. I called and received a case #24392 but have not recived any communication. I have left 3 messages and no one has returned my calls. please help

**FY 2015 Erate Appeal Information Request**

January 29, 2016

Contact Name: **Theresa Stenger**

Appellant Name: **ST JOSEPH CONSOLIDATED SCHOOL**

FCC Form 471 Application Number: **1033656**

Response Due Date: **February 13, 2016**

Dear Appellant:

The Program Compliance team is in the process of reviewing your appeal of the above listed Funding Year 2015 FCC Form 471 Application for Erate discounts. To complete our review, we need additional information, which is listed below.

Discount Validation**I. Issue**

Based on the review of your Funding Year 2015 FCC Form **471 application 1033656**, we were not able to validate your requested discount percentage for the following entity. School District or Central Administrative Agency discounts must be calculated by dividing the total number of students eligible for National School Lunch Program by the total number of students enrolled in your School District or Central Administrative Agency.

For additional information on calculating your discount level, see:
<http://www.usac.org/sl/applicants/step04/discounts.aspx>.

Listed below is the entity and the requested discount percentage:

Entity	Requested Discount
49403 ST JOSEPH CONSOLIDATED SCHOOL	50%

Questions

To assist us in the review of your application, please provide the appropriate documentation as described in the options listed below.

Option 1: NSLP Participation

If the schools within your School District or Central Administrative Agency participate in the National School Lunch Program (NSLP) and the school district fills out an aggregate claim form for the schools, please provide a copy of the aggregate claim form and a signed letter on school letterhead from a school official that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the information

ATTACHMENT 7-B

Appeal Information Request

Page 2 of 4

Response due: February 13, 2016

that appears on the claim form. Make sure that the following three items are identified on the claim form and the signed letter:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

If school district does not fill out an aggregate claim form, please provide for each school a signed copy of a Reimbursement Claim Form that the schools send to the state each month as part of their participation in the program. Each signed Reimbursement Claim Form should include the signature of the school official, title, the signature date, and the Claim Form's date. Make sure that the following three items are identified on each claim form:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

Option 2: Survey

If the number of students eligible for NSLP was determined by information obtained from income surveys or applications (NSLP Lunch Application forms cannot be used as survey or application instruments), please provide the following information on school letterhead signed by a chief school official. If responding via email, please provide the name and title of the entity official providing the response. If the entire school district participates, provide the following as well as a letter with the breakdown for each school. Otherwise, for each school within your School District or Central Administrative Agency for which surveys were used:

- a) Total number of students attending this entity as their home school
- b) Total number of students qualified for participation in NSLP based upon the information provided in the returned surveys/applications
- c) Are the surveys/applications and results kept on file? ____ Yes ____ No
 - a. If Yes, for how long are they kept on file?
- d) A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Calculate Discount Rate on the FCC Form 471

Provide a sample copy of a FILLED OUT SURVEY OR APPLICATION with the child's personal information crossed out for confidentiality. **Be advised that in order for a survey to be acceptable it must contain the family's name, student's name, the size of the family and the income level of the family.** The survey or application must have been completed within two years of the start of the fund year.

Schools may combine multiple alternative methods, such as survey results, sibling match, direct certification etc., but must ensure that the same students are not counted multiple times. Schools cannot extrapolate any results.

Option 3: Financial Aid forms

If the number of students eligible for NSLP was determined by information obtained from financial aid forms, please provide the following information in writing on school letterhead signed by a school official for each school within your School District or Central Administrative Agency for which financial aid forms were used:

- a. Total number of students attending this entity as their home school
- b. A statement that confirms "all students have access to financial aid forms"
- c. A statement that confirms that financial aid applicants are required to submit Federal Tax forms to document family income
- d. A statement that confirms the number of eligible students who meet the NSLP Income Guidelines
- e. A statement that confirms the school keeps all completed financial aid application on file.
- f. A statement that confirms that only students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Calculate Discount Rate on the FCC Form 471

Provide one completed financial aid application, with personal information blackened out. The financial aid application must have been completed within two years of the start of the fund year.

Option 4: Community Eligibility Provision (CEP)

If the number of students eligible for NSLP was determined by using NSLP eligibility data from the USDA's National School Lunch Program Community Eligibility Provision (CEP), schools and school districts that are participating in the NSLP CEP can use the same approach for determining their E-rate discount rate as they use for determining their NSLP reimbursement rate. Entities can calculate their student eligibility for free or reduced priced lunches by multiplying the percentage of directly certified students by the CEP national multiplier which is currently 1.6, and capping the resulting number at no more than total number of students. Please provide for each school within your School District or Central Administrative Agency for which CEP was used:

- a. Please provide a letter from the State Department of Education or other third party documentation verifying the CEP percentage of directly certified students. If a group of schools within a district are acting as a CEP group, please provide both the individual schools' own CEP direct certification percentage as well as the group average CEP direct certification percentage.
- b. Documentation to validate the CEP base year. The base year is the year in which you collected the income data for all eligible students and were approved to participate in the CEP program.
- c. If FY2015 is a grace year, please provide the documentation of the grace year approval.
- d. Number of students attending this entity as their home school on school letterhead and signed by a school official. If responding via email, please provide the name and title of the entity official providing the response.

Third-party documentation may be obtained from an official state report or web site, or it may be in the form of a letter from the State Department of Education validating the percentage of directly certified students or base year for each school using this method.

Option 5: State Department of Education Verification or Letter from State Food/Nutrition Office

ATTACHMENT 7-D

Appeal Information Request

Page 4 of 4

Response due: February 13, 2016

Provide a letter from your State Department of Education (on state letterhead and signed by a chief official at the State Department of Education) or your State Food/ or Nutrition Service Authority officials (on state letterhead and signed by a chief official of the State or Nutrition Service Authority) verifying that the student enrollment and the free and reduced numbers for each school within your School District or Central Administrative Agency.

Option 6: Other Methods

If the discount percentage was determined using a different method than any of the methods identified above, please clearly describe and explain the method that was used and provide all relevant data, forms, or other tools that were used during the process. For example, a school has a changing student population in a given school year as the school provides educational services to students drawn from other schools. Please note that if any students attend multiple schools they may only be counted one time under their home school.

Please submit the necessary information within the 15 calendar day deadline of this request. Failure to respond may result in a reduction or denial of your funding request.

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your appeal(s). **Failure to send all of the information requested may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your appeal(s), please clearly indicate in your response that it is your intention to cancel your appeal(s). Include in any cancellation request the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Donna M. Cromie

Associate Case Manager – SLP Appeals/COMAD

Schools & Libraries Program

30 Lanidex Plaza West – N236 | Parsippany, NJ 07054

Ph: 800-200-0818 | Direct: 973-581-5263 | Fax: 973-599-6525

Email: Donna.Cromie@sl.universalservice.org

ATTACHMENT 8-A

USAC

Universal Service Administrative Company

Schools and Libraries Division

URGENT REMINDER: YOUR FORM 486 MAY BE LATE
(Funding Year 2015: 07/01/2015 - 06/30/2016)

Date: February 1, 2016

Theresa Stenger
ST JOSEPH CONSOLIDATED SCHOOL
925 S 2ND ST
HAMILTON, OH 45011

RE: Billed Entity Number: 49403
Form 471 Application Number: 1033656

This letter is a reminder that you may have missed the deadline for submitting and certifying your FCC Form 486, Receipt of Service Confirmation Form, based on your FCDL Date and the Service Start Date indicated on your FCC Form 471, Block 5 Discount Funding Request(s).

You have 20 days from the date of this letter to submit and certify your Form(s) 486 with no penalty, if your services did start at least 120 days before the above date.

If you fail to submit and certify your Form 486 by 02/22/2016 your Service Start Date may be adjusted once you submit and certify your Form 486. USAC may reduce your commitment for recurring services if your Service Start Date is adjusted.

THIS IS YOUR ONLY REMINDER. If your services have not yet started or have started within the last 120 days, **YOUR FORM 486 MUST BE POSTMARKED OR SUBMITTED ONLINE WITHIN 120 DAYS OF YOUR SERVICE START DATE.**

Following this letter is a Form 486 Reminder Report (Report) that lists the Funding Request Number(s) for which either a Form 486 has not been submitted or a Form 486 has been submitted online, but not certified.

Form 486 is available in the Apply Online area of our website at www.usac.org/sl. We recommend that you use the Deadline Tool on our website to check the Form 486 deadlines for specific ERNs and other Program deadlines.

Complete Program information is available on our website. You may also contact our Client Service Bureau via email using the "Submit a Question" feature on our website, toll-free via fax at 1-888-276-8736 or toll-free via phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

ATTACHMENT 8-B

Form 486 Reminder Report
Form 471 1033656

We have not received your completed Form 486 and certifications - either online or on paper.

Funding Request Numbers(s)

2812421

Begin forwarded message:

From: Theresa Stenger <tstenger@sjcshamilton.org>
Subject: Email #3 Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL
Date: July 19, 2016 at 9:44:10 AM EDT
To: Mike Crumley - External <pennypikemike@gmail.com>

----- Forwarded message -----

From: Cromie, Donna <Donna.CROMIE@sl.universalservice.org>
Date: Mon, Feb 1, 2016 at 8:11 AM
Subject: RE: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL
To: Theresa Stenger <tstenger@sjcshamilton.org>

Thanks Teresa,

Iâ€™ve restored the discount back to 50%. Have a great day.

Donna

Donna M. Cromie

Associate Case Manager â€” SLP Appeals/COMAD

Schools & Libraries Program

30 Lenidex Plaza West â€” N236 | Parsippany, NJ 07054
Ph: 800-200-0818 | Direct: 973-581-5263 | Fax: 973-599-6525
Email: Donna.Cromie@sl.universalservice.org

From: Theresa Stenger [<mailto:tstenger@sjcshamilton.org>]
Sent: Friday, January 29, 2016 1:48 PM
To: Cromie, Donna
Subject: RE: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL

Donna

Here is the attachment that I had sent with the information needed. Please let me know if there is anything else I need to send

Theresa Stenger

Office Manager

St. Joseph Consolidated School

925 South Second Street

Hamilton, OH 45011

tstenger@sjcshamilton.org

www.sjcshamilton.org

[513-863-8758](tel:513-863-8758)

Fax- [513-863-5772](tel:513-863-5772)

From: Cromie, Donna [<mailto:Donna.CROMIE@sl.universalservice.org>]

Sent: Friday, January 29, 2016 11:42 AM

To: 'tstenger@sjcshamilton.org'

Subject: Appeal 471# 1033656 ST JOSEPH CONSOLIDATED SCHOOL

Importance: High

Please see the attached letter and provide the requested information. The attached letter gives you 15 days to response. Your response is due February 13, 2016.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

**FY 2015 Erate Appeal Information Request**

February 3, 2016

Contact Name: **Theresa Stenger**

Appellant Name: **ST JOSEPH CONSOLIDATED SCHOOL**

FCC Form 471 Application Number: **1033656**

Response Due Date: **February 18, 2016**

Dear Appellant:

The Program Compliance team is in the process of reviewing your appeal of the above listed Funding Year 2015 FCC Form 471 Application for Erate discounts. To complete our review, we need additional information, which is listed below.

Discount Validation***I. Issue: Based on the documentation you provided.***

Based on the review of your Funding Year 2015 FCC Form 471 application **1033656** and the documentation that you have provided, we intend to make the following change to your "Calculate Discount Rate" section of the FCC Form 471 application.

Entity	Requested Discount
49403 ST JOSEPH CONSOLIDATED SCHOOL	50%

As a result of the modifications listed above, the Discount Rate of your FCC Form 471 was modified from **50% to 40%**.

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your appeal. **Failure to send all of the information requested may result in a reduction or denial of funding.** If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel your appeal, please clearly indicate in your response that it is your intention to cancel your appeal. Include in any cancellation request the FCC Form 471 application number and/or funding request number, and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

ATTACHMENT 10-B

Appeal Information Request

Page 2 of 2

Sincerely,

Donna M. Cromie

Associate Case Manager – SLP Appeals/COMAD

Schools & Libraries Program

30 Lanidex Plaza West – N236 | Parsippany, NJ 07054

Ph: 800-200-0818 | Direct: 973-581-5263 | Fax: 973-599-6525

Email: Donna.Cromie@sl.universalservice.org

RECEIVED MAR 01 2016

FUNDING COMMITMENT REPORT

Service Provider Name: SouthWest Ohio Computer Association
SPIN: 143024429
Funding Year: 2015

Name of Billed Entity: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Address: 925 S 2ND ST
Billed Entity City: HAMILTON
Billed Entity State: OH
Billed Entity Zip: 45011-3131
Billed Entity Number: 49403
Name of Contact Person: Theresa Stenger
Preferred Mode of Contact: EMAIL
Contact Information: tstenger@sjcshamilton.org
Form 471 Application Number: 1033656
Funding Request Number: 2812421
Funding Status: Funded
Service Type: INTERNET ACCESS
Form 470 Application Number: 947060001221290
Contract Number: SJ-1-14
Billing Account Number: N/A
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$12,750.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00
Pre-Discount Amount: \$12,750.00
Applicant's Discount Percentage Approved by SLD: 40%
Funding Commitment Decision: \$5,100.00 - Modified by SLD
Funding Commitment Decision Explanation: The discount percentage was changed from 20% to 40% based on the documentation provided by the Appellant.
Applicant Revised FCDL Letter Date: 02/25/2016
Appeal Wave Number: A13
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2016
Consultant Name:
Consultant Number (CRN):
Consultant Employer:

ATTACHMENT 12

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT (Funding Year 2015)

Service Provider Name: SouthWest Ohio Computer Association
Service Provider Identification Number: 143024429



Funding Request Number: 2812421
Form 471 Application Number: 1033656
Form 470 Application Number: 947060001221290
Name of 471 Applicant: ST JOSEPH CONSOLIDATED SCHOOL
Address of 471 Applicant: 925 S 2ND ST
Applicant City: HAMILTON
Applicant State: OH
Applicant Zip: 45011-3131
Entity Number:
Name of Contact Person: Theresa Stenger
Preferred Mode of Contact: E-MAIL
Contact Information: tstenger@sjcshamilton.org
Name of Form 486 Contact Person: Theresa Stenger
Address of Form 486 Contact: 925 S 2ND ST
City of Form 486 Contact: HAMILTON
State of Form 486 Contact: OH
Zip Code of Form 486 Contact: 45011-3131
Telephone of Form 486 Contact: 513-863-8758
Fax of Form 486 Contact: 513-863-8758
E-mail Address of Form 486 Contact: tstenger@sjcshamilton.org
Funding Year: 07/01/2015 - 06/30/2016
Contract Number: SJ-1-14
Services Ordered: Internet Access
Billing Account Number:
Service Start Date: 12/03/2015*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Contract Expiration Date: 06/30/2019
Total Program Year Pre-discount Amount: \$12,750.00
Applicant's Approved Discount Percentage: 40%
Funding Commitment Decision: \$2,975.00

ATTACHMENT 13

Eve Long

From: Theresa Stenger <tstenger@sjcshamilton.org>
Sent: Wednesday, June 01, 2016 3:10 PM
To: Appeals@sl.universalservice.org
Subject: St. Joseph BEN 49403
Attachments: St joseph 2.pdf; St joseph ben 49403.pdf

St. Joseph Consolidated School
BEN 49403
FRN# 2812421
471# 10336S6
486# 11396345

We received the attached 486 notification for St. Joseph. However, we noticed that our 40% Erate discount was reduced to a total discount amount of \$2975.00, due to the "120-day deadline". Normally, I would have 120 days after receiving a FCDL (Funding Commitment Decision Letter) to submit a Form 486. But, since I initiated an appeal due to USAC's mistake on the original FCDL, our 120 days should have restarted after you received the revised FCDL, which modified the 20% discount to 40% discount. The revised FCDL we received is dated 2/25/16. Please advise on how to correct this issue. I have included copies of the notification letters received at St. Joseph Consolidated School. We have been attempting to correct these issues over email and by phone for several weeks with no response.

Theresa Stenger
Office Manager
St. Joseph Consolidated School
925 South Second Street
Hamilton, OH 45011
tstenger@sjcshamilton.org
www.sjcshamilton.org
513-863-8758
Fax- 513-863-5772

RECEIVED JUN 24 2016



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

June 10, 2016

Theresa Stenger
St. Joseph Consolidated School
925 South Second Street
Hamilton, OH 45011

Re: Applicant Name: ST JOSEPH CONSOLIDATED SCHOOL
Billed Entity Number: 49403
Form 471 Application Number: 1033656
Form 486 Application Number: 1139345
Funding Request Number(s): 2812421
Your Correspondence Dated: June 01, 2016

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2015 FCC Form 486 Notification Letter for the FCC Form 471 Application Number referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2812421
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from September 25, 2015, the date of the FCDL or from July 1, 2015 the date of Service Start Date (SSD), whichever is later. On February 1, 2016, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on April 1, 2016, which is after the new deadline date. Consequently, the SSD has been revised to December 3, 2015, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all forms are

ATTACHMENT 14-B

submitted to USAC in a correct and timely manner. As a result, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit P



Federal Communications Commission
Washington, D.C. 20554

Memo

To: Theresa Stenger, for
St. Joseph Consolidated School

From: Ryan B. Palmer, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission

Date: October 25, 2016

Re: DA No. 16-1205, released October 20, 2016

Please find accompanying this memo the Bureau's decision on your appeal. The accompanying decision may be referenced in the future by its proceeding number and release date: DA No. 16-1205, Released October 20, 2016.

If the Bureau has granted your appeal, please contact the Universal Service Administrative Company (USAC) at 1-888-203-8100 for more information regarding your application. Please submit any information to USAC that the order may require. Once USAC has reviewed your application related to the issues resolved in the attached letter, you will receive a revised funding commitment decision letter.

If the Bureau has denied your appeal and you choose to seek consideration of the Bureau's decision, you must file either a petition for reconsideration by the Bureau or an application for review by the full Commission with the Commission within 30 days from the released date of this decision. You may file your petition for reconsideration or application for review using the Internet by accessing the Commission's electronic comment filing system (ECFS) at <http://fjallfoss.fcc.gov/ecfs2/>. Please be sure to reference CC Docket No. 02-6 on your filing.

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Requests for Waiver of Decisions of the Universal)	File Nos. SLD-894989, 922278 et al.
Service Administrator by Archdiocese of New)	
Orleans, Louisiana et al.)	
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: October 20, 2016

Released: October 20, 2016

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this Order, we grant the requests for review listed in the Appendix, all of which seek review of decisions by the Universal Service Administrative Company (USAC) to reduce or deny E-rate funding because the petitioners failed to timely submit their FCC Forms 486 (Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form).¹ At the same time, we take this opportunity to revisit our approach to granting relief to petitioners that fail to timely submit an FCC Form 486. In order to ensure that USAC can timely make unused funds available to other applicants, on a going forward basis, absent extraordinary circumstances, we will only grant appeals of USAC decisions denying or reducing funding for late-filed FCC Forms 486 where petitioners have 1) sought an extension of the FCC Form 486 deadline no more than 120 days after the last day to receive the E-rate supported service at issue, and 2) demonstrated good cause justifying the late submission of the FCC Forms 486.

2. *Background.* All applicants for E-rate support are required to annually file FCC Form 486 to notify USAC of the date that the E-rate supported service has begun and to certify compliance with the Children's Internet Protection Act (CIPA). Filing of the FCC Form 486 is a condition precedent for USAC's issuance of the FCC Form 486 Notification Letter which is one of two possible triggers setting the deadline for an applicant to submit E-rate invoices. USAC requires applicants to submit their FCC Form 486 no later than 120 days after the date service began or no later than 120 days after the date of the funding commitment decision letter (FCDL), whichever is later, in order to receive E-rate support from the time of the service start date.² As detailed below, in compliance with the direction we gave in the *Alaska Gateway Order*, USAC notifies applicants that have not filed their FCC Forms 486 120 days from the date of their FCDL or service start date, whichever is later, and provides a 15-day grace period to file

¹ The E-rate program is more formally known as the schools and libraries universal service support program. While we grant the appeals in the Appendix on substantive grounds, we deny in part one appeal because the petitioner filed an untimely appeal concerning one funding request. See *infra* para. 11.

² Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (August 2003) at 4 (2003 FCC Form 486 Instructions); see also *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Red 12443, 12445, para. 5 (2002) (*CIPA II Order*).

their FCC Form 486.³ In the event of a late-filed FCC Form 486, outside of the grace period, USAC resets the start date for discounted services to 120 days before the postmark date or date of notification if received electronically.⁴ USAC does not provide E-rate support for services rendered prior to the new start date and funding commitments are reduced consistent with the revised date.⁵

3. After an applicant files its FCC Form 486, USAC sends the applicant and service provider an FCC Form 486 Notification Letter.⁶ Applicants and service providers have 120 days from the date of the FCC Form 486 Notification Letter, or the last day to receive service, whichever is later, to submit invoices.⁷ Because the FCC Form 486 serves to notify USAC of the actual service start date, USAC issues disbursements for discounts on eligible services only after receipt of the form.⁸ Thus, a timely filed FCC Form 486 ensures that disbursements for discounts on eligible services occur in a prompt and efficient manner.⁹

4. In the earliest years of the program, the deadline for filing the FCC Form 486 varied.¹⁰ In that context, 10 years ago, in the *Alaska Gateway Order*, we granted relief to 128 petitioners that failed to timely file an FCC Form 486.¹¹ We found that in each case applicant's failure to timely file was the result of staff confusion or mistake, or circumstances beyond the applicant's control and therefore rigid adherence to USAC's procedural deadline was not in the public interest.¹² However, we "emphasized the limited nature" of the decision, declined to eliminate the deadline, and directed USAC to put in place E-rate program assistance to help ensure the timely filing of FCC Forms 486 and to conduct additional

³ See *Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Red 10182, 10186-87, para. 8 (WCB 2006) (*Alaska Gateway Order*).

⁴ 2013 FCC Form 486 Instructions at 4; *CIPA II Order*, 17 FCC Red at 12445, para. 5.

⁵ 2013 FCC Form 486 Instructions at 4; *CIPA II Order*, 17 FCC Red at 12445, para. 5.

⁶ 2013 FCC Form 486 Instructions at 2.

⁷ 47 CFR § 54.514 (specifying that invoices must be submitted to USAC 120 days after the date of the FCC Form 486 Notification Letter or 120 days after the last day to receive service, whichever is later). This deadline was an existing E-rate requirement that was codified in the *E-rate Modernization Order*. See *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Red 8870, 8965-66, para. 238 (2014) (*E-rate Modernization Order*); see also *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Red 4723, 4724, para. 2 (WCB 2015) (*Hancock County Library Order*) (discussing the previous non-codified invoice deadline).

⁸ *Alaska Gateway Order*, 21 FCC Red at 10184, para. 3.

⁹ *Id.* at 10183-84, para. 3.

¹⁰ See *Alaska Gateway Order*, 21 FCC Red at 10184, para. 4 (describing the various USAC-established deadlines for the FCC Form 486 over the years). USAC has determined the deadline for the FCC Form 486 under the authority given by the Commission. The Commission's regulations authorize USAC to establish procedures for the administration of the schools and libraries support application process in an efficient and effective manner, including the creation of E-rate deadlines and procedures. See 47 CFR §§ 54.701(a), 54.702, 54.705(a)(iii), (a)(xi); see also *Request for Review of the Decision of the Universal Service Administrator by Southeast Webster Community Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Red 11122, 11126, para. 8 (WCB 2002) (noting that the Commission's rules authorized USAC to establish procedures for the review of applications and the implementation of the Commission's rules of priority).

¹¹ *Alaska Gateway Order*, 21 FCC Red at 10182, para. 1.

¹² *Id.* at 10182, 10185, paras. 1, 6.

outreach and education on the application requirements in an attempt to reduce these types of filing errors.¹³ We also directed USAC to give applicants a 15-day grace period, as described above.¹⁴

5. Following the *Alaska Gateway Order*, USAC increased its general outreach and education to stakeholders about the timing of filing the FCC Form 486.¹⁵ USAC also created a targeted outreach program, through which it notifies schools and libraries that have not filed their FCC Form 486 within 120 days after the date of their funding commitment decision letter or service start date listed on the E-rate application, whichever is later. As part of this process, USAC issues an FCC Form 486 Urgent Reminder letter to applicants that appear to have missed the deadline.¹⁶ USAC gives recipients of the FCC Form 486 Urgent Reminder letter an additional 15 calendar days to file their FCC Form 486.¹⁷

6. Despite the changes USAC has made to ensure applicants are familiar with their obligations to file the FCC Form 486 in a timely manner, from the release of the *Alaska Gateway Order* until the Commission modernized the E-rate program in 2014, we had routinely issued orders granting appeals involving late-filed FCC Forms 486.¹⁸ In each case, we interpreted the standard from the *Alaska Gateway Order* generously, granting the appeals in a wide variety of cases.¹⁹

7. In the 2014 *E-rate Modernization Order*, the Commission took steps to improve the efficient administration of the E-rate program by, among other things, tightening the invoice process.²⁰ The Commission adopted invoicing rules to ensure that unused E-rate funds are promptly carried forward into future funding years “for use in the [E-rate program] in accordance with the public interest and notwithstanding the annual cap.”²¹ Each year, USAC submits an estimate of unused funds from previous years.²² In the second quarter of each calendar year, all unused “carry-forward” funds are made available

¹³ *Id.* at 10186-87, para. 8. Specifically, USAC was directed to develop a targeted outreach program identifying schools and libraries that had not filed their FCC Form 486 120 days from the date of their funding commitment decision letter or service start date, whichever is later. Per this direction, USAC issues an FCC Form 486 Urgent Reminder letter to the applicants that appear to have missed the deadline and provides an additional 15 calendar days to the applicant to file or amend its FCC Form 486. See USAC Website, FCC Form 486 Process, <http://usac.org/sl/applicants/step05/form-486.aspx> (last visited Oct. 13, 2016).

¹⁴ *Alaska Gateway Order*, 21 FCC Rcd at 10186-87, para. 8.

¹⁵ See USAC Website, FCC Form 486 Filing, <http://usac.org/sl/applicants/step05/form-486.aspx> (last visited Oct. 13, 2016).

¹⁶ *Id.*

¹⁷ *Id.* In practice, USAC gives applicants 20 days, not 15, from the date of the notification to submit and certify an FCC Form 486 online or on paper with no penalty. *Id.*

¹⁸ See, e.g., *Requests for Review and/or Waiver of the Decision of the Universal Service Administrator by Academy St. Benedict – Stewart et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17309 (WCB 2010) (*Academy St. Benedict – Stewart Order*); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Archdiocese of Chicago School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 200 (WCB 2012) (*Archdiocese of Chicago School Order*); *Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Bishop Stang High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 12862 (WCB 2013) (*Bishop Stang High School Order*).

¹⁹ See, e.g., *Academy St. Benedict – Stewart Order*, 25 FCC Rcd at 17309, para. 1; *Archdiocese of Chicago Order*, 27 FCC Rcd at 200, para. 1; *Bishop Stang High School Order*, 28 FCC Rcd at 12862, para. 1.

²⁰ *E-rate Modernization Order*, 29 FCC Rcd at 8965-67, paras. 238-42.

²¹ 47 CFR 54.507(a)(5).

²² 47 CFR §§ 54.507(c), (f).

for use in the next full E-rate funding year.²³ As a result of the need to estimate the amount of unused funds, USAC must be able to de-obligate committed funds on a timely basis so that such funds can be used in estimating unused funds for the year.²⁴

8. Because outstanding invoices that may still be payable by USAC make it impossible to determine accurately how much unused funding is left in a given year, the Commission rationalized the period of time during which E-rate invoices are accepted. In particular, the Commission created rules which require invoices to be submitted to USAC by the later of 120 days after the last day to receive the supported service or 120 days after the date of the FCC Form 486 notification letter.²⁵ These rules also allow a single one-time 120-day extension of the invoice deadline for any cause, if requested before the invoice deadline.²⁶ The Commission prohibited USAC from granting any other invoicing deadline extensions and directed the Bureau to grant requests for waiver of the new rule only under extraordinary circumstances.²⁷ Where USAC had routinely granted invoice extension requests that met certain criteria, including requests made up to a year after the original invoice deadline, the new rules allow “USAC to de-obligate committed funds immediately after the invoicing deadline has passed, providing increased certainty about how much funding is available to be carried forward in future funding years.”²⁸ Maintaining our prior approach to granting FCC Form 486 appeals risks undermining that certainty, because the deadline for E-rate invoices is dictated by the applicants’ filing of their FCC Forms 486 and USAC’s subsequent FCC Form 486 Notification Letter.

9. *Discussion.* In light of the factors described above – including the changes USAC has made to ensure applicants are aware of the FCC Form 486 deadline, the grace period afforded applicants to file those forms if they miss that deadline, and the Commission’s decision in the *E-rate Modernization Order* to impose more discipline on the timing of E-rate disbursements – we no longer find the rationale in the *Alaska Gateway Order* and its progeny for granting appeals of late filed FCC Forms 486 to be persuasive.

10. We therefore take this opportunity to revisit our standard for granting appeals of USAC’s denial of requests to late-file FCC Forms 486. The invoicing rules require invoices to be submitted to USAC by the later of 120 days after the last day to receive the supported service or 120 days after the date of the FCC Form 486 notification letter.²⁹ Failure to timely file an FCC Form 486 prevents USAC from issuing the relevant FCC Form 486 notification letter and therefore could frustrate the timely submission and payment of invoices, pursuant to the new invoice rules. Under these circumstances, we now clarify that, absent extraordinary circumstances, we will only grant relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicants have demonstrated good cause for the late filing.³⁰ Because the standard we set for relief is

²³ 47 CFR §§ 54.507(a)(5), (6).

²⁴ E-rate Modernization Order, 29 FCC Red at 8965-66, para. 238.

²⁵ *Id.*

²⁶ 47 CFR § 54.514(b); E-rate Modernization Order, 29 FCC Red at 8966, para. 240.

²⁷ *E-rate Modernization Order*, 29 FCC Red at 8965-66, paras. 238-40. Before the *E-rate Modernization Order*, we routinely granted appeals from petitioners filing late invoices if they demonstrated good faith in complying with the invoicing deadline. See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Red at 15555, 15558, para. 6 (WCB 2008).

²⁸ *Id.* at 8965-66, para. 238.

²⁹ 47 CFR § 54.514(a).

³⁰ See, e.g., *Alaska Gateway Order*, 21 FCC Red at 10185-86, paras. 6-7 (finding good cause to grant appeals where petitioners missed the deadline for filing an FCC Form 486 because the late filings were the result of immaterial clerical, ministerial or procedural errors, or were due to circumstances beyond their control).

based on the current invoice deadline, it ensures that the invoicing process is not delayed by tardy FCC Forms 486.

11. We will apply this standard on a going-forward basis to all appeals filed with USAC or the FCC on or after January 30, 2017.³¹ In the interest of fairness, we will continue to apply the current *Alaska Gateway Order*-based standard to appeals filed with USAC or the Commission before January 30, 2017, and grant the appeals currently pending with the Commission listed in the Appendix.³² While we grant the appeals on substantive grounds, we deny in part one appeal because the petitioner filed an untimely appeal concerning one funding request.³³ We also direct USAC to grant any pending appeals or appeals filed before January 30, 2017 that meet the current *Alaska Gateway Order*-based standard.

12. Finally, since the Commission amended its rules to require parties seeking review of USAC decisions to first file an appeal with USAC, we find that it would be administratively inefficient for USAC to apply a standard different from what the Commission itself would apply to the same set of facts.³⁴ We therefore direct USAC to apply the new late-filed FCC Form 486 standard delineated in this order to appeals filed with USAC on or after January 30, 2017.

13. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291 and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291 and 54.722(a), the Requests for Review filed by Petitioners in the Appendix are GRANTED and the applications ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

14. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3 of the Commission's rules, that section 54.720(a) and/or (b) of the Commission's rules, 47 CFR § 54.720(a), (b), ARE WAIVED for Ascension Parish School District, Bement Community School District 5, Fox Creek High School, Silver Consolidated School District 1, The Sharon Academy, and Valdez City School District to the extent necessary as provided herein.

³¹ This date not only give applicants a grace period before the new appeal standard is applied but gives USAC an opportunity to establish new FCC Form 486 appeal procedures. The date also coincides with the invoice deadline for most of the funding year 2015 applications for non-recurring services. Applicants that completed work on non-recurring services by the Sept. 30, 2016 deadline must file invoices by Jan. 30, 2017 or seek an invoice extension. See 47 CFR §§ 54.507(d), 54.514(a). By selecting this implementation date, the current *Alaska Gateway Order* review standard will be extended to cover appeals for late-filed FCC Forms 486 for most applicants submitting invoices for funding year 2015.

³² See Appendix.

³³ Harmony Hill School, SLD No. 928794, timely appealed one USAC-issued denial letter for funding request numbers (FRNs) 2537239 and 2537318. It did not, however, timely appeal the USAC-issued denial letter for FRN 2537149. We therefore deny Harmony Hill School's appeal with respect to FRN 2537149 and grant its appeal for FRNs 2537239 and 2537318. For six other petitioners in the Appendix that failed to timely file appeals, we find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which require that petitioners file their appeals within 60 days of an adverse USAC decision, for Ascension Parish School District, Bement Community School District 5, Fox Creek High School, Silver Consolidated School District 1, The Sharon Academy, and Valdez City School District. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Red 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late); See 47 CFR §§ 54.720(a), (b) (requiring that petitioners file their appeals within 60 days of an adverse USAC decision).

³⁴ 47 CFR § 54.719. See also *E-rate Modernization Order*, 29 FCC Red at 8970-71, paras. 250-52 (revising sections 54.719 and 54.720 of the Commission's rules to, among other things, require parties seeking appeal of a USAC decision to first seek review with USAC).

15. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3 and 54.722(a), the Request for Review filed by Harmony Hill School with respect to FRN 2537149 is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

APPENDIX

Requests for Review or Waiver Granted

Petitioner	Application Number(s)	Funding Year	Date Appeal/Waiver Filed
Archdiocese of New Orleans New Orleans, LA	894989, 922278	2013	2/5/2015
Ascension Parish School District ³⁵ Donaldsonville, LA	816713, 873324	2012	9/16/2013
Beaverton School District 48J Beaverton, OR	873066	2012	12/3/2013
Bement Community School District 5 ³⁶ , Bement, IL	718434	2010	3/10/2014
Center School District 58 Kansas City, MO	868891	2012	12/5/2013
Central Unified School District Fresno, CA	820547	2011	3/4/2014
Chandler Unified School District 80 Chandler, AZ	865579	2012	8/15/2014
Charter School of Educational Excellence Yonkers, NY	884501	2013	8/6/2014
Collier County Public Library Naples, FL	799997	2011	4/8/2014
Conejo Jewish Day School Thousand Oaks, CA	844861	2012	11/21/2013
Dollarway Public School District Pine Bluff, AR	874179, 874716	2012	11/12/2013
East Alton-Wood River District 14 ³⁷ Wood River, IL	804240	2011	10/17/2013
East Hampton School District Easthampton, MA	870990	2012	12/17/2013
Edgecombe County Public Schools Tarboro, NC	807540	2011	6/27/2014

³⁵ Appeal filed 1 day late to FCC.

³⁶ Appeal filed 1 day late with USAC and 3 days late with FCC.

³⁷ USAC denied East Alton-Wood River District 14's (East Alton-Wood) appeal because it was filed untimely. Upon review, we find that East Alton-Wood filed a timely appeal with USAC regarding its late-filed FCC Form 486 via e-mail, but USAC apparently did not receive it. We therefore consider East Alton-Wood's appeal on the merits.

Petitioner	Application Number(s)	Funding Year	Date Appeal/Waiver Filed
Edwardsville Community School District 7 Edwardsville, IL	869784	2012	2/6/2014
eStem High Public Charter School Little Rock, AR	921485	2013	10/17/2014
Fox Creek High School ³⁸ North Augusta, SC	940573	2014	4/13/2015
Guadalupe Center Educational Program, Inc. Salt Lake City, UT	861556	2012	12/6/2013
Hallsville Independent School District Hallsville, TX	905729	2013	1/9/2015
Harmony Hill School ³⁹ Chepachet, RI	928794	2013	1/23/2015
Hatch Valley Public Schools Hatch, NM	973253, 973547, 973676, 974799, 974914, 974988	2014	7/26/2015
Hinckley Big Rock District 429 Hinckley, IL	855410	2012	6/23/2014
Holbrook Unified School District 3 Holbrook, AZ	911361	2014	1/20/2015
Holy Redeemer Christian Academy Milwaukee, WI	761742	2010	11/12/2013
Jeff Davis County School District Hazlehurst, GA	983534	2014	3/6/2015
JPU Tri-County Special Education District Murphyboro, IL	874932	2012	9/23/2013
Kipp Journey Academy Columbus, OH	845113	2012	8/4/2014
Lincoln Consolidated School District Lincoln, AR	813267	2011	6/23/2014
Lincoln County School District Stanford, KY	756245	2010	6/26/2014
Mannsville School District 7 Mannsville, OK	988180	2014	4/24/2015

³⁸ Appeal filed one day late with the FCC.

³⁹ We deny Harmony Hill School's appeal with respect to funding request number FRN 2537149. See supra note 32.

Petitioner	Application Number(s)	Funding Year	Date Appeal/Waiver Filed
McKeesport Area School District McKeesport, PA	679758, 680322	2009	9/27/2013
Milford Exempted Village School District Milford, OH	873105	2012	11/4/2013
Monroe #1 Board of Cooperative Educational Services Fairport, NY	441315, 442149, 442150, 442151, 442152, 442153, 442155, 442156, 442157, 442158, 442159, 444850, 467438, 470644, 475920	2005	12/27/2013
Native Vocational District Office Kayenta, AZ	532327, 536056	2006	4/9/2014
New Hope Academy Charter School Brooklyn, NY	808980	2011	7/15/2014
Newark School District Newark, NJ	909811	2013	7/7/2015
Newark School District Newark, NJ	941652	2014	6/22/2015
North Carolina School for the Deaf Morganton, NC	905000, 905052, 905086	2013	10/21/2014
Northcast Ohio Network for Educational Technology (Coventry Local School Districts) Akron, OH	1021360	2015	5/31/2016
Orange County School District Orlando, FL	901556	2013	1/27/2016
Orange Unified School District Orange, CA	926466, 929143, 930993, 931067	2013	11/4/2014
Pecos Independent School District Pecos, NM	785098	2011	2/22/2016
Pima Unified School District Pima, AZ	916010	2013	2/18/2015
Polo Community Unit School District 222 Polo, IL	912102	2013	12/30/2014
Pottsboro Independent School District Pottsboro, TX	835534	2012	3/7/2014
Ritchie County School District Harrisville, WV	916034	2013	11/18/2014

Petitioner	Application Number(s)	Funding Year	Date Appeal/Waiver Filed
River Grove School District 85½ River Grove, IL	863309	2012	8/29/2013
Salome School District 30 Salome, AZ	874239, 875003	2012	8/1/2014
Sandhills Theatre Arts Renaissance School Vass, NC	928295	2014	10/24/2014
Seneca School District R7 Seneca, MO	921234	2013	6/25/2014
Silver Consolidated School District 1 ⁴⁰ Silver City, NM	900597	2013	9/1/2015
South Baltimore Learning Center Baltimore, MD	868624	2012	11/26/2013
Southeast Polk Community School District Pleasant Hill, IA	984272	2014	10/22/2014
St. Claire County School District Ashville, AL	873389	2012	1/22/2014
St. Joseph Consolidated School Hamilton, OH	1033656	2015	8/4/2016
The Sharon Academy ⁴¹ Sharon, VT	870755	2012	11/25/2013
Transformative Charter Academy Killeen, TX	867421	2012	7/14/2014
Trey Whitfield School Brooklyn, NY	915189	2013	12/2/2014
Two Rivers Community Charter School Boone, NC	921501	2013	6/12/2014
Ubah Medical Academy Hopkins, MN	868097	2013	10/3/2014
Urban Promise Academy Camden, NJ	981522	2014	7/7/2015
Valdez City School District ⁴² Valdez, AK	897687	2013	3/12/2015
Vienna High School Vienna, IL	923430	2013	1/13/2015
Wahlake School District 73 Mattawa, WA	929160	2013	11/21/2014

⁴⁰ Appeal filed two days late to the FCC.

⁴¹ Appeal filed one day late to the FCC.

⁴² Appeal filed 12 days late to USAC.

Petitioner	Application Number(s)	Funding Year	Date Appeal/Waiver Filed
West Islip Free School District West Islip, NY	830315	2012	12/3/2013
Winton Elementary School District Winton, CA	925700	2013	8/28/2014
Yarnell School District 52 Yarnell, AZ	886773, 886799	2013	1/5/2015
Yeshiva Tifereth Elimelech School Brooklyn, NY	880743	2013	12/29/2014
Zuni Christian Mission School Zuni, NM	922949	2013	1/9/2015

Exhibit Q



Universal Service Administrative Company

Schools and Libraries Division



FORM 486 NOTIFICATION LETTER
(Funding Year 2015: 07/01/2015 - 06/30/2016)

January 19, 2017

Donna Davis Norris
SouthWest Ohio Computer Association
3611 Hamilton Middletown Rd
Hamilton, OH 45011

Re: Service Provider Name: SouthWest Ohio Computer Association
Service Provider Identification Number: 143024429

This letter is to notify you that the Universal Service Administrative Company (USAC) has received and accepted FCC Form(s) 486, Receipt of Service Confirmation Form, from Billed Entities who listed your company's Service Provider Identification Number (SPIN). You may begin to submit invoices to USAC for the services covered by the FCC Form(s) 486. You may submit invoices only after you have provided the service during the Funding Year and billed your customer. Note that for FCC Forms 472 (BEAR Forms) you must have been paid by your customer.

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

An explanation of the data provided in our letter reports is in the Guide to USAC Letter Reports posted in the Reference Area of our website. Complete program information, including invoice deadlines is also posted on our website. You may also contact our Client Service Bureau toll-free by phone at 1-888-203-8100, by email using the Submit a Question link on our website, toll-free by fax at 1-888-276-8736.

NEXT STEPS

Prior to invoicing USAC, we recommend that you discuss with your customers whether they would like to receive discounted bills or to pay their bills in full and be reimbursed for the discount amounts. Applicants invoice USAC before the invoice deadline using the applicant invoice [FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form] for reimbursements of discounts after paying the service provider bills in full. Service providers invoice USAC using the service provider invoice [FCC Form 474, Service Provider Invoice (SPI) Form] after billing applicants for their non-discount portions. Program rules require participants to maintain documentation for at least five years after delivery of discount service.

TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the above date on 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 for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - Form 486 Number 1139345 and FRN(s) as assigned by USAC,
 - "Form 486 Notification Letter for Funding Year 2015", AND
 - the exact text or the decision that you are appealing.
3. 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 the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the 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 Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see Appeals posted on our website.

Schools and Libraries Division
Universal Service Administrative Company

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT
(Funding Year 2015)

RECEIVED JAN 25 2017

Service Provider Name: SouthWest Ohio Computer Association
Service Provider Identification Number: 143024429



Funding Request Number: 2812421
Form 471 Application Number: 1033656
Form 470 Application Number: 947060001221290
Name of 471 Applicant: ST JOSEPH CONSOLIDATED SCHOOL
Address of 471 Applicant: 925 S 2ND ST
Applicant City: HAMILTON
Applicant State: OH
Applicant Zip: 45011-3131
Entity Number:
Name of Contact Person: Theresa Stenger
Preferred Mode of Contact: E-MAIL
Contact Information: tstenger@sjcshamilton.org
Name of Form 486 Contact Person: Theresa Stenger
Address of Form 486 Contact: 925 S 2ND ST
City of Form 486 Contact: HAMILTON
State of Form 486 Contact: OH
Zip Code of Form 486 Contact: 45011-3131
Telephone of Form 486 Contact: 513-863-8758
Fax of Form 486 Contact: 513-863-8758
E-mail Address of Form 486 Contact: tstenger@sjcshamilton.org
Funding Year: 07/01/2015 - 06/30/2016
Contract Number: SJ-1-14
Services Ordered: Internet Access
Billing Account Number:
Service Start Date: 07/01/2015
Contract Expiration Date: 06/30/2019
Total Program Year Pre-discount Amount: \$12,750.00
Applicant's Approved Discount Percentage: 40%
Funding Commitment Decision: \$5,100.00

Exhibit R



USAC

Universal Service Administrative Company
Schools and Libraries Division

Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685



TIME SENSITIVE MATERIAL

00073

Donna Davis Norris
SouthWest Ohio Computer Association
3611 Hamilton Middletown Rd
Hamilton, OH 45011



RECEIVED APR 7 0 2017

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

April 19, 2017

Donna Davis Norris
SouthWest Ohio Computer Association
3611 Hamilton Middletown Rd
Hamilton, OH 45011

Re: Invoice Number - as assigned by USAC: 2530169
Service Provider Identification Number: 143024429
Reimbursement Form Number: sjcs472217
Billed Entity Number: 49403

Theresa Stenger
ST JOSEPH CONSOLIDATED SCHOOL
925 S 2ND ST
HAMILTON, OH 45011

Preferred Mode of Contact: E-mail at tstenger@sjcshamilton.org
Total Amount of Reimbursement Approved for Payment: \$0.00

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR using the BEAR Online tool from the Apply Online area or Required Forms section of our website to request reimbursement for any unpaid lines.

If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC 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 for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

- Applicant BEN and Service Provider Identification Number (SPIN), - FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC,
- "Funding Commitment Decision Letter for Funding Year 2015," AND
- The exact text or the decision that you are appealing.

3. 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 the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the 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 USAC by fax, fax your appeal to (973) 599-6542. To submit your appeal to USAC on paper, send your appeal to:

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

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

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
 Universal Service Administrative Company

CC: ST JOSEPH CONSOLIDATED SCHOOL

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 1033656
Funding Request Number: 2812421
Funding Year 2015: 07/01/2015 - 06/30/2016
Contract Number: SJ-1-14
Funding Commitment Decision: \$5100.00
Reimbursement Amount for this FRN: \$0.00
Reimbursement Request Decision Explanation:
SPIN/FRN must be invoiced through SPIF;



Exhibit S

143024429|SouthWest Ohio Computer
Association|adm@swoca.net|usacstatement@universalservice.org|1|\$1,045.00|
Schools And Libraries|As of May 11, 2017
SPI|143024429|SWOCA-YR15-05|2812421|"SLD Invoice Number:2566878;Line Item
Detail Number:8548980;Amount Requested:1765.00;Amount Requested Not
Supported by Bill(s);204;"|062016|\$1,045.00

Your Total Actual Disbursement: \$1,045.00.

Exhibit T

USAC

Eve,

The Invoice was modified to remove the State of Ohio Non-Public School Grant Credit of \$1,800 clearly listed on the Invoice.

5/15/2017 12:25 PM EDT

Exhibit U

On May 17, 2017, at 9:21 AM, Eve Long <eve@swoca.net> wrote:

All,

Here is the response I just received from USAC:

USAC

Eve,

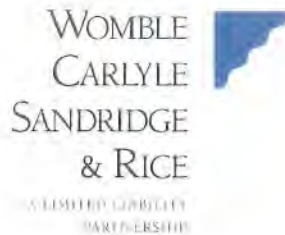
Any decision made by USAC or the Schools and Libraries Program regarding eligibility, funding, or payment recovery, can be appealed by the impacted party.

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 applicants 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.

Further instructions for submitting an appeal for an FY2015 or earlier FRN appear on the following page on the Schools and Libraries website: <http://www.usac.org/sl/about/program-integrity/appeals.aspx>

Exhibit V



1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

Telephone: (202) 467-6900
Fax: (202) 467-6910
www.wcsr.com

Mark J. Palchick
Direct Dial: 202-857-4411
Direct Fax: 202-261-0011
E-mail: MPalchick@wcsr.com

LETTER OF APPEAL

June 20, 2017

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685
appeals@sl.universalservice.org

VIA EMAIL

RE: St. Joseph Consolidated School
SouthWest Ohio Computer Association
Billed Entity #: 49403
Service Provider Identification # 143024429
471 Application #: 1033656
Funding Request #: 2812421
Funding Year: 2015
SLD Invoice # 2566878
Record # 178817
Schools and Libraries Program Remittance Statement May 11, 2017

Pursuant to 47 C.F.R. §719(a) of the Commission's rules, the St. Joseph Consolidated School ("St. Joseph," Applicant" or "District") appeals the Universal Service Administrative Company's ("USAC" or "SLD") decision to reduce the E-rate payment to SouthWest Ohio Computer Association ("SWOCA") by the amount of the State of Ohio Non-Public Grant Credit.¹ The reduction of the E-rate payment to the Service Provider by the amount paid to the Service Provider under the State of Ohio Non-Public Grant Credit violates the FCC Rules and Regulations as reflected at paragraphs 194 to 197 of the *Fourth Order on Reconsideration*, 10 CR 1282, 13 FCC Rcd 5318(1997) ("*Order on Reconsideration*") by inappropriately reducing the non-discounted rate for services. The full amount of \$1,765.00 should have been paid to SWOCA; instead USAC determined that only \$1,045.00 was owed.

Background

On February 13, 2014, St. Joseph published FCC Form 470 # 947060001221290 seeking funding for Internet access services. On March 13, 2014, SWOCA entered into an agreement

¹ See Schools and Libraries Program Remittance Statement, May 11, 2017 attached hereto as Exhibit A; see also Customer Service Case #178817 attached hereto as Exhibit B.

with St. Joseph pursuant to the Form 470 for the provision of Internet Access. On March 31, 2015, St. Joseph filed their FCC Form 471 Application #: 1033656 with USAC. On September 25, 2015, a Funding Commitment Decision Letter ("FCDL") was issued indicating a reduction in the E-rate discount, due to an erroneous determination that the Internet service was voice over Internet Protocol ("VoIP") and subject to the 20% discount phase down. On November 23, 2015, St. Joseph appealed the FCDL determination.

While the appeal of the FCDL determination was pending, on February 1, 2016 St. Joseph received an urgent reminder from USAC to file a Form 486. Due to the pending appeal regarding the FCDL, St. Joseph felt it would be inappropriate to file the Form 486 since applicants must wait until issuance of an FCDL prior to filing the Form 486.

On February 25, 2016, USAC granted the appeal of the FCDL determination and St. Joseph received a revised FCDL on February 25, 2016. On April 16, 2016, St. Joseph submitted a Form 486 based on the revised February 25, 2016 FCDL. The Form 486 was filed within 51 days of receipt of the correct FCDL -- well within the 120 day deadline for filing the Form 486.

Despite timely filing the Form 486 based on the correct, updated FCDL, on April 20, 2016, St. Joseph received a Form 486 Confirmation Letter indicating a change in the service start date due to late-filing of their Form 486. On May 10, 2016, SWOCA invoiced St. Joseph for the Internet access service. Due to the changed start date, the invoice was for the reduced amount of \$11,850, minus the E-rate discount of \$2,975. SWOCA also included a credit supplied by the State of Ohio Grant against St. Joseph's invoice.

On June 1, 2016, St. Joseph submitted an appeal to USAC, stating that the Form 486 was timely-filed based on the receipt-date of the revised FCDL. On June 2, 2016, SWOCA submitted a FCC Form 474 to recover the E-rate discounted portion of the invoice. On June 10, 2016, USAC denied St. Joseph's appeal. SLD paid SWOCA on June 8, 2016 for the E-rate discounted portion of the invoice based on the June 2, 2016 Form 474.

On August 4, 2016, St. Joseph appealed the USAC denial to the FCC. The FCC granted the appeal on October 25, 2016. On January 19, 2017, St. Joseph received a revised Form 486 Confirmation Letter from USAC showing the full discount of \$5,100 based on the original start date. Since St. Joseph had already paid SWOCA the full amount of the invoice, St. Joseph submitted a FCC Form 472 ("BEAR Form") seeking reimbursement for the remaining discount amount from SLD. On April 10, 2017, SLD Problem Resolution advised St. Joseph that since SWOCA had previously submitted a Form 474 ("SPI Form") for its original reimbursement amount, SWOCA had to submit an SPI Form to recover the remaining amount. SLD cancelled St. Joseph's Form BEAR Form and advised St. Joseph to have SWOCA invoice SLD for the remaining discounted amount using the SPI Form.

Accordingly, SWOCA submitted the SPI Form which advised SLD that:

- The total undiscounted amount for service per the FRN was \$11,850.00
- St. Joseph was entitled to a 40% discount
- The total discount was \$4,740
- SWOCA had already received discount payments of \$2,975

- The remaining E-rate reimbursement was therefore \$1,765

On May 11, 2017 SWOCA was notified by SLD that its reimbursement had been reduced from \$1,765 because: “Request Not Supported by Bill”. When SWOCA asked for an explanation it was advised on May 15, 2017 that SLD, on its own motion, modified the invoice to remove the State of Ohio Non-Public School Grant Credit of \$1,800. Thus according to SLD’s calculation:

- The total undiscounted amount for Service per the FRN was \$11,850.00
- The undiscounted amount for service per the FRN was reduced by \$1,800.00 to \$10,050.00 to remove the State of Ohio Non-Public School Grant
- St. Joseph’s 40% discount merited a discount of \$4,020
- SWOCA had already received discount payments of \$2,975, therefore the remaining E-rate reimbursement was therefore only \$1,045.00

On May 17, 2017, SWOCA advised SLD that the reduction of the undiscounted amount for service by the amount of the State of Ohio Non-Public School Grant violated the FCC’s rules and regulations as clearly described at paragraphs 194 to 197 of the *Order on Reconsideration*. Twenty three minutes later, despite the explicit reference to the FCC’s rules, SLD responded that SWOCA can appeal SLD’s reduction of funding.

Legal Standard

The FCC, in the *Universal Service Report and Order* determined that eligible schools and libraries may receive discounts of between 20 percent and 90 percent on the cost of all telecommunications services, Internet access, and internal connections.² Service providers receive universal service support based on the pre-discount price of the services they sell to schools and libraries. The Commission defined the pre-discount price as the price of services to schools and libraries prior to the application of a discount.³ The Commission recognized that certain states, including Ohio, subsidize telecommunications services received by schools and libraries located within their jurisdiction. The *Order* originally did not address whether discounts under the federal universal service support mechanisms should be applied prior to the application of such state support or, alternatively, on the cost of service calculated after the application of any state support.

Iowa Telecommunications and Technology Commission (“ITTC”) asked the Commission to conclude that the provision of discounted telecommunications services to schools and libraries pursuant to a state subsidy program will not reduce the federal universal service support available to eligible entities.⁴ ITTC contended that federal support should be based upon the full cost of a service, rather than on the post-support cost calculated after the deduction of any state support. The ITTC argued that, absent such confirmation by the Commission, states will be reluctant to adopt their own support programs that would further reduce costs to eligible entities. ITTC also showed that states that have existing subsidy programs may be able to redirect some

² *Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776 at para. 425 (rel. May 8, 1997) (*Order*).

³ *Order*, 12 FCC Rcd at paras. 473-479

⁴ Iowa Telecommunications and Technology Commission petition at 6.

of their funding to costs that the federal program does not support, such as computers, modems and software, if federal universal service discounts are applied before the deduction of any state subsidy.⁵

In the *Order on Reconsideration* the FCC found that for services provided to eligible schools and libraries, federal universal service discounts should be based on the price of the service to regular commercial customers or, if lower than the price of the service to regular commercial customers, the competitively bid price offered by the service provider to the school or library that is purchasing eligible services, **prior to the application of any state-provided support for schools or libraries** (emphasis supplied).⁶ The Commission further found that to determine otherwise would penalize states that have implemented support programs for schools and libraries by reducing the level of federal support that those schools and libraries would receive and that it hoped that its decision would encourage states to implement or expand their own universal service support programs for schools and libraries. SLD's reduction of the undiscounted amount for services by the State of Ohio Grant to Non-Public schools is directly and unjustifiably in contradiction to this very clear and compelling finding in the *Order on Reconsideration*.

The State of Ohio grant to Non-Public schools is precisely the type of state subsidy designed to promote telecommunication services contemplated by the *Order on Reconsideration*. The subsidy was created to be used by the Ohio Educational Computer Network, to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the P-16 State Education Technology Plan developed under Section 3353.09 of the Ohio Revised Code. It is used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education uses these funds to assist information technology centers or school districts with the operational costs associated with this connectivity.⁷ For Non-Public Schools, the Grant is paid by the State of Ohio directly to Service Providers, such as SWOCA, which applies the funds against the undiscounted portion of Internet Access owed by Non-Public Billed Entities, such as St. Joseph.

Conclusion

The FCC's rules and regulations are clear. The discount to be applied for Internet Access Services is to be applied against the pre-discount price of the services. The federal universal service discounts are to be based on the price of the service offered by the service provider to the school or library that is purchasing eligible services, prior to the application of any state-provided support for schools or libraries. The District receives a grant from the State of Ohio to promote the development of telecommunications. The amount of the grant is not to be

⁵ Id

⁶ *Order on Reconsideration* at para. 196.


⁷ The Ohio K-12 Network is a joint effort between the Ohio Educational Computer Network (OECN) and the Ohio Department of Education (ODE). The Ohio K-12 Network was created in 1999-2000 to provide funding to assist Ohio school districts in connecting to the statewide, K12 educational technology network. The Ohio K-12 Network offers services to all public school districts in the State of Ohio, linking classrooms to each other and the Internet, while providing access to voice, data, video, electronic mail and other educational resources for students, teachers and administrators.

subtracted from the pre-discount price of services prior to application of the appropriate discount. Contrary to this requirement USAC applied the discount to the pre-discount price minus the amount of the Ohio grant. USAC, therefore, misapplied the discount for Internet Access services purchased by the District from SWOCA.

St. Joseph Consolidated School respectfully requests that USAC properly apply the discount to the pre-discounted price, prior to the application of the state grant and that \$1,765 be paid rather than \$1,045.00.

Respectfully submitted,

St. Joseph Consolidated School

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SouthWest Ohio Computer Association

June 20, 2017

Murphy, Maureen

From: Appeals <appeals@sl.universalservice.org>
Sent: Tuesday, June 20, 2017 3:53 PM
To: Murphy, Maureen
Subject: Appeal

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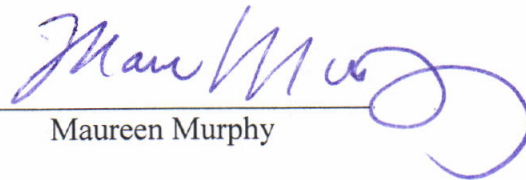
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CERTIFICATE OF SERVICE

I, Maureen Murphy, hereby declare that a copy of the foregoing request for review and waiver was sent via U.S. mail, this day, September 11, 2017, to the following, as required by section 54.721(c) of the Commission's rules:

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
P.O. Box 685
Parsipanny, NJ 07054



Maureen Murphy