Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
	)	
Schools and Libraries	)	CC Docket No. 02-6
Universal Service Support Mechanism	)	
	)	
Request for Review and/or Waiver by	)	
the Brockton (MA) Public School District	)	Application No. 1036475
of Funding Decision by the	)	
Universal Service Administrative Company	)	

REQUEST FOR REVIEW AND/OR WAIVER
BY THE BROCKTON PUBLIC SCHOOL DISTRICT
OF FUNDING DECISION BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

Pursuant to sections 54.719 and 54.722 of the Commission's rules,[1] the Brockton Public School District (Brockton) in Brockton, Massachusetts,[2] hereby respectfully requests a review of the Universal Service Administrative Company (USAC) decision to deny Schools and Libraries Universal Service (E-rate) funding to Brockton for its Funding Year 2015 FCC Form 471 application number 1036475.[3]

USAC denied Brockton's requests for funding because USAC claims that Brockton did not meet the Commission's competitive bidding requirements. Specifically, USAC found that Brockton did not carefully consider all bids that were submitted for its funding requests (FRNs).[4]

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

[2] Billed Entity Number 120639.

[3] Brockton is appealing its FCC Form 471 application no. 1036475 (FRNs Nos. 2822240, 2822244, 2822246, and 2822278).

[4] See Exhibit 1, Funding Commitment Decision Letter (FCDL), dated March 3, 2016.

To the contrary, however, Brockton did carefully consider all bids, and its process did not violate the Commission's competitive bidding rules and precedent. Brockton purchased services off a state master contract that had been competitively bid, and E-rate rules did not require Brockton to conduct an additional competitive bidding process. Thus, we respectfully ask the Commission to reverse USAC's decision and grant funding to Brockton for the funding requests at issue.

In the alternative, if the Commission believes that a waiver of the Commission's rules is necessary, Brockton respectfully requests that as well. A waiver is warranted here because even if Brockton was required to conduct its own separate bidding and evaluation processes, the errors it made during the documentation of its evaluation process were ministerial in nature and do not reflect any non-compliance with the Commission's policies regarding competitive bidding. The Commission has previously granted waivers in such instances, especially where, as here, Brockton selected the lowest bidder for part of its requested services. Finally, such a waiver would be in the public interest because Brockton is a socio-economically challenged district and the loss of funding would cause significant harm.

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I. BACKGROUND

The Brockton Public School District is located in Brockton, Massachusetts. It has approximately 18,000 students and 2,000 teachers and staff.[5] About 70 percent of those students are African-American or Hispanic.[6] Its discount rates for funding year 2015 were 70 percent for voice services and 90 percent for Internet access.[7]

In 2010, the Massachusetts Operational Services Division (OSD) posted an FCC Form 470 and issued a request for proposal (RFP) for Internet access services, among other services.[8] Massachusetts allows other interested governmental entities to use this procurement to purchase services using its statewide pricing tables.[9] The state master contract has procurement regulations that apply to state departments that are required to use the contract.[10] Other public entities that are eligible to use the system, including school districts, are not subject to OSD's procurement regulations.[11]

Brockton's technology services director, Daniel Vigeant, determined that using the Massachusetts state master contract to select its bidder would provide the best value for its

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[5] Affidavit of Daniel Vigeant ¶ 2 (Vigeant Aff.).

[6] *See* Massachusetts school demographic data at http://profiles.doe.mass.edu/profiles/student.aspx?orgcode=00440000&orgtypecode=5& (reviewed March 24, 2016).

[7] *See* Exhibit 1, Funding Commitment Decision Letter (FCDL), dated March 3, 2016.

[8] *See* FCC Form 110350000864310.

[9] *See* COMMBUYS website, http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/conduct-a-procurement/commbuys/local-governments.html.

[10] *See* OSD COMMBUYS Use Policy for Purchasing Organizations dated October 7, 2015, at Executive Summary; OSD COMMBUYS Implementation Guide at 8. Both documents can be found at http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/conduct-a-procurement/commbuys/local-governments.html (under "Additional Resources").

[11] *Id.*

schools.[12] Mr. Vigeant consulted the cost tables from the Massachusetts state master contract.[13] He identified each company that offered the services that Brockton was seeking.[14] He then evaluated the bidders in order to select the most cost-effective service provider.[15]

For voice services, Brockton uses a Centrex system.[16] Because this type of service has fallen out of favor, few companies offer this service. Mr. Vigeant wrote out by hand the pricing as he reviewed each company's cost tables.[17] Of the 11 companies' cost tables he reviewed, only four offered Centrex service. Brockton's current service provider is Verizon, so Mr. Vigeant consulted the district's invoice and confirmed the pricing with the Verizon representative.[18] He determined the pricing monthly per line was:[19]

AT&T	$12 (IP-based service only)
Broadview	$20.83
Verizon	$3.37
Crocker Telecom	$40.90

He then created a bid evaluation matrix to compare the pricing and other evaluation criteria of those four companies.[20] He compared the companies based on (1) cost of eligible services; (2) experience; (3) cost of ineligible services; and (4) service, with the price of eligible

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[12] Vigeant Aff. ¶ 2.

[13] *Id.* ¶ 3.

[14] *Id.*

[15] *Id.* ¶ 4.

[16] *Id.* ¶ 1.

[17] *See* Exhibit 2, Mr. Vigeant's handwritten notes on bids for voice services.

[18] Vigeant Aff. ¶ 4; *see also* Exhibit 3, for Brockton invoice from Verizon.

[19] Brockton has provided the Massachusetts cost tables to USAC. They are substantial in size, and we do not think they are necessary to resolve this appeal. However, please let us know if you need a copy and we will provide them.

[20] *See* Exhibit 4, Centrex bid evaluation matrix.

services receiving 40 points, while the other categories were worth 20 points each.[21] In conducting this evaluation, he inadvertently transcribed his notes incorrectly and mistakenly noted on the matrix that Broadview was one of the "no bid" companies.[22] Mr. Vigeant selected Verizon – by far the lowest bidder – as the most cost-effective service provider for the District.[23] Brockton requested $183,483.05 in E-rate funding for the services provided by Verizon.[24]

For Internet access services, Mr. Vigeant performed a similar process.[25] He reviewed the cost tables of 16 Internet service providers.[26] Four of those companies did not provide pricing for the services Brockton was seeking – two 800 Mbps circuits plus an Ethernet connection – so they were eliminated from further review.[27] He then reviewed the other 12 companies, using the same categories as described above.[28] Again, the price of eligible services was worth 40 points – more than any other category.[29] When filling out the evaluation matrix, Mr. Vigeant accidentally noted in the matrix that Addition had the best pricing, instead of Lightower, which actually had the best pricing.[30] He wrote in 10 points for Lightower, mistakenly believing that it was one of the more expensive bidders.[31] Had he awarded the highest amount of points for the

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[21] *Id.*

[22] *Id.*; Vigeant Aff. ¶ 5.

[23] Vigeant Aff. ¶ 5.

[24] FCC Form 471 1036475.

[25] Vigeant Aff. ¶ 6.

[26] *Id.* ¶ 6.

[27] Vigeant Aff. ¶ 6. Crocker stated in a phone call that it did not provide service to Brockton's geographical region. NWN, Presidio, and Thinking Phones pricing information in the Massachusetts costs tables did not include the requested services. *Id.*

[28] Bid evaluation matrix for Internet access, Exhibit 5; *see also* Vigeant Aff. ¶ 7.

[29] Exhibit 5.

[30] Vigeant Aff. ¶ 7.

[31] *Id.* ¶ 7.

cost category to Lightower as the lowest bidder, the outcome of the bid evaluation would not have changed because the points awarded to Addition would have still been more than those awarded to Lightower. In addition, the difference between the two prices totaled only $33,000 out of the total annual amount of $655,000 requested.[32] Notwithstanding the calculation error, Mr. Vigeant selected the most cost-effective provider through the process.[33]

On March 3, 2016, USAC denied funding requests Nos. 2822240, 2822244, and 2822246 (for voice services), and 2822278 (for Internet access services).[34] For the voice services, USAC alleged that Brockton violated the competitive bidding rules because it did not consider all of the bids that were submitted.[35] For the Internet access services, USAC alleged that Brockton did not follow its own processes when considering the pricing bids for Internet access and therefore violated the competitive bidding rules.[36] Brockton filed an appeal with USAC on April 27, 2016. Its appeal was denied on July 19, 2016.[37] In the appeal denial, USAC stated that Brockton's appeal was denied for both telecommunications and Internet access services only because Brockton did not consider all of the bids that were submitted. Brockton's appeal of

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[32] *Id.* ¶ 7; Massachusetts cost tables.

[33] *Id.* ¶ 8.

[34] *Id.*

[35] Exhibit 1 at pp. 3-5.

[36] *Id.* at p. 8.

[37] See Administrator's Decision on Appeal – Funding Year 2015-16, Exhibit 6. USAC's denial on appeal also noted "there is no evidence that the reason for the excessive costs is due to extenuating circumstance." It is unclear what USAC is referring to as this statement was not included in the original denial and USAC provides no further explanation in the appeal denial. As noted above, for voice services Brockton selected the lowest bidder, and for Internet access services, the price differential between the lowest bidder and the winning bidder was only 5%, so it is unlikely those represent "excessive costs." USAC has used this language in denials based on cost-effectiveness so it is possible its inclusion of that sentence in the denial was simply an error. If it was not, then USAC should be required to provide an additional explanation of its decision so that Brockton can properly appeal.

USAC's decision is due by September 16, 2016, under the Commission's rules,[38] and, as such, this appeal is timely filed.

II. THE COMMISSION SHOULD GRANT BROCKTON'S APPEAL, OR, IN THE ALTERNATIVE, GRANT A WAIVER OF ITS RULES

USAC denied Brockton's appeal on the ground that Brockton did not carefully consider all bids, and thus violated the Commission's competitive bidding rules. In the underlying funding commitment decision letter, USAC suggested an additional ground for denial that it did not raise again in its denial of Brockton's appeal: that Brockton failed to follow its own competitive bidding process. In reality, though, Brockton complied fully with all Commission requirements applicable to schools that take service from a state master contract. Brockton's only failures were insignificant ministerial errors as it documented its selection process that had no effect on the final selection of service provider. USAC's suggestion in the funding commitment decision letter that a "mini-bid" was required was also incorrect: Brockton was not required to conduct its own "mini-bid" and even if it was, it was not required to follow any specific procedures in doing so. Accordingly, the Bureau must reverse USAC's denial of Brockton's appeal.

A. Brockton Complied Fully with the Requirements for Schools That Take Service From a Competitively Bid State Master Contract.

Commission rules require applicants to seek competitive bids for all services and equipment eligible for E-rate discounts.[39] Applicants are generally required to post an FCC

[38] *See* 47 C.F.R. § 54.720.

[39] *See* 47 C.F.R. § 54.503(a)-(b) (2014); *see also Fed.-St. Joint Bd. on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 ¶ 480 (1997) (*First Universal Service Order*) (finding that "fiscal responsibility compels us to require that eligible schools and libraries seek competitive bids for all services eligible for [E-rate] discounts.").

Form 470 to seek competitive bids.[40] In addition, applicants must "carefully consider all bids submitted" and thereafter must select "the most cost-effective service offering" using the price of eligible goods and services as the primary factor.[41]

In addition, applicants may purchase E-rate eligible services from competitively bid master contracts negotiated by a state government without filing their own FCC Form 470.[42] The third party establishing the master contract must comply with the Commission's competitive bidding requirements and state procurement laws. The applicant itself, however, "is not required to satisfy the competitive bidding requirements if it takes service from a master contract that has been competitively bid or qualifies for the existing contract exemption" (emphasis added).[43] When the state files an FCC Form 470, "no separate bidding documents are required by the applicant citing the state's Form 470, other than what is required by the state master contract and state and local procurement laws."[44]

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[40] 47 C.F.R. §§ 54.503(c).

[41] 47 C.F.R. § 54.511(a) (2014);*see also* 47 C.F.R. §§ 54.503(c)(2)(ii)(B), 54.504(a)(1)(ix) (2015) (requiring applicants to certify on FCC Forms 470 and 471 respectively that the most cost-effective bid will be or was selected); *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District El Paso, Texas, et al.*, Order, FCC 03-313, 18 FCC Rcd 26407, n.138 (2003) (*Ysleta Order*).

[42] 47 C.F.R. § 54.500 (a "master contract is a contract negotiated with a service provider by a third party, the terms and conditions of which are then made available to an eligible school, library, rural health care provider, or consortium that purchases directly from the service provider."). *See Request for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District, Central Islip, New York, Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-6, Order, DA 11-1087, 26 FCC Rcd 8630, 8640 ¶ 22 (WCB 2011) (*Central Islip*).

[43] *Request for Review of a Decision of the Universal Service Administrator by Coahoma County School District, Clarksdale, MS, Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-6, Order, DA 11-1369 at para. 4 (WCB 2011) (*Coahoma County Order*), citing *Federal-State Joint Board on Universal Service, Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge*, CC Docket Nos. 96-45, 96-262, 91-213 and 95-72, Report and Order and Fourth Order on Reconsideration, 13 FCC Rcd 5318, 5452-53 ¶ 233 (1997).

[44] *Central Islip* ¶ 22.

For example, in *Coahoma*, the Wireline Competition Bureau found that Coahoma County School District (Coahoma) did not violate the Commission's competitive bidding rules. USAC alleged that Coahoma continued service with its existing vendors "without evaluating other vendors on the Mississippi ITS Express Products List (EPL)" under Mississippi's master contract requirements.[45] First, the Bureau noted that Coahoma selected a vendor from a Mississippi master contract that had complied with the Commission's E-rate rules.[46] The Commission further stated that the Mississippi state master contract contained pricing information that applicants could use to evaluate the cost of the services.[47] Second, the Bureau found that Coahoma had complied with state and local competitive bidding requirements.[48] Coahoma was not required to conduct its own competitive bidding process under the terms of the state master contract because the EPL only encouraged its customers to conduct an additional competitive bidding process; it did not require it.[49]

The facts in the instant application are nearly identical to those in *Coahoma*. Brockton took service from a Massachusetts state master contract that complied with E-rate rules. Massachusetts bid out the services on its state master contract by filing the FCC Form 470 in a timely fashion.[50] Brockton did not issue its own FCC Form 470, instead using the state master contract as its bidding vehicle.[51] Like the Mississippi state master contract in *Coahoma*, the Massachusetts state master contract also includes pricing information for each carrier (referred to

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[45] *Coahoma County Order* ¶ 5.

[46] *Id.* ¶ 6.

[47] *Id.*

[48] *Coahoma County Order* ¶ 7.

[49] *Coahoma County Order* ¶ 8.

[50] USAC did not allege that the Massachusetts contract was not competitively bid.

[51] Vigeant Aff. ¶ 3.

as cost tables). Further, like the Mississippi state master contract requirements, Massachusetts' state master contract regulations do not apply to entities that are allowed to purchase off the state master contract, but are not required to use it for purchasing.[52] As such, any evaluation of bidders that Brockton performed was not required by E-rate rules under the standard set in the *Coahoma County Order*.

In addition, Brockton was not required to follow any specific state or local competitive bidding requirements because it selected a service provider from the state master contract. As noted above, Brockton is not required to comply with any requirements specific to the Massachusetts state master contract. Further, additional state regulations that generally apply to local school districts in Massachusetts are not applicable in this case, as Brockton took service under the terms of the Massachusetts state master contract.[53] In addition to meeting competitive bidding requirements as required by the E-rate program, then, Brockton also met all of its state and local competitive bidding requirements.[54]

In short, Brockton complied with all Commission rules applicable to schools taking service from a state master contract. USAC's determination that Brockton did not carefully consider all bids is inconsistent with the evidence, which in fact demonstrates that Mr. Vigeant carefully considered all of the bids listed on the state master contract as part of his review of the

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[52] *See* COMMBUYS website, http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/conduct-a-procurement/commbuys/local-governments.html.

[53] *The 30B Manual: Procuring Supplies, Services and Real Property*, Commonwealth of Massachusetts Office of the Inspector General (Aug. 2014) at D-3 ("The OSD awards a variety of statewide contracts that local jurisdictions may use without conducting a separate Chapter 30B procurement process."). *See* http://www.mass.gov/ig/publications/manuals/30bmanl.pdf.

[54] The process that Brockton described in a PIA request as the process Mr. Vigeant used when selecting a bidder was not a requirement of the Brockton Public Schools and was not announced to potential bidders as a process it intended to follow. As such, if, because of an inadvertent transcription errors, Mr. Vigeant did not exactly follow he procedure he set out for himself and described to PIA after-the-fact, Brockton has not committed any violation, as no such procedure existed for it to violate.

vendors and their pricing for the E-rate eligible services. Contrary to USAC's initial finding for the telecommunications funding requests,[55] the documentation that Brockton submitted demonstrated that Mr. Vigeant carefully considered all of the bids. While evaluating the pricing, Mr. Vigeant hand-wrote a list of the carriers that offered the requested telecommunications services.[56] That list of pricing that he hand-wrote demonstrated that he reviewed pricing for all of the relevant vendors; the fact that he made mistakes when transferring the pricing numbers into the bid evaluation matrix does not undermine this conclusion.

For Internet access services requested as part of funding request 282278, Brockton also carefully considered all of the bids that were submitted. All of the bidders were listed on the competitive bidding chart, and Mr. Vigeant carefully considered the qualifications of each of the bidders. As part of his review, Mr. Vigeant Brockton compared the pricing of each of the vendors.[57] Further, Mr. Vigeant used price as the primary factor.[58] There is no requirement in Commission rules that an applicant use a specific form to evaluate its vendors as part of the competitive bidding process, especially where, as here, Brockton took service from the state master contract and therefore was not required to follow any specific process of its own to evaluate the bidders.

In its underlying funding commitment decision letter, USAC suggested as a basis for its denial that Brockton had failed to follow its own process. This rationale was not repeated in USAC's denial of Brockton's appeal, but we nonetheless note that it is an improper reason to deny Brockton's requested funding. As we have explained, under the E-rate rules and precedent,

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[55] Exhibit 1.

[56] Exhibit 2.

[57] Vigeant Aff. ¶ 7.

[58] Vigeant Aff. ¶ 7.

schools that take service from a state master contract are under no obligation to file an FCC Form 470 or to conduct any additional process or analysis of their own. The additional analysis that Mr. Vigeant conducted for Brockton was entirely voluntary, required neither by Commission rules nor by any applicable state requirements. Accordingly, mistakes made by Mr. Vigeant in his analysis are not proper grounds for denial of Brockton's appeal.

This is all the more true because Mr. Vigeant's mistakes had no bearing on the outcome of the selection process. As explained above, with respect to telecommunications services, Mr. Vigeant inaccurately copied pricing information from his handwritten notes into the bid evaluation matrix. But even with these mistakes, Brockton selected the lowest-priced bidder, so Mr. Vigeant's errors made no difference. With respect to Internet access services, Mr. Vigeant merely noted the incorrect number of points for Lightower and Addition when documenting his selection, a mistake that made no difference to the outcome of the bid evaluation because the two lowest-priced bids were only 5 percent apart, so the winning bidder would have received the most points even had Mr. Vigeant calculated the price points correctly.[59] Mr. Vigeant is confident that his evaluation of the possible vendors using the state master contract resulted in the selection of the most cost-effective service provider for Brockton.[60] USAC's denial of Brockton's requested funding is even less defensible in light of the fact that Brockton's alleged transgressions did not change the outcome of the service provider selection process.

USAC also stated in its funding commitment decision letter (but did not repeat in its denial) that if the state master contract is a "multiple award schedule," the applicant must

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[59] Vigeant Aff. ¶ 7.

[60] *Id.* ¶ 8. As part of his analysis, Mr. Vigeant determined that the cost to switch to a new carrier would have been at least $42,600, which would have mitigated the savings realized from switching carriers. Vigeant Aff. ¶ 7.

conduct a "mini-bid" evaluation process to compare all winning bidders and to select the most cost-effective solution.[61] USAC has apparently created this "requirement" on its own, because it appears nowhere in the Commission's rules or precedent. In fact, if the Commission had ever identified such a requirement, the Bureau should have acknowledged it in *Coahoma*, as the Mississippi state master contract was a multiple award schedule. To the contrary, the Bureau did not announce such a requirement and instead found *Coahoma* did not violate E-rate competitive bidding rules. USAC exceeded its authority by articulating a requirement that the Commission itself has not established or recognized.[62] To the extent that USAC based its denial of Brockton's funding requests on its own "mini-bid" requirement, the denial must therefore be overturned. If USAC has concluded that a mini-bid evaluation would be good program policy even for those applicants using a state master contract that did not post an FCC Form 470, then it should ask the Commission to adopt such a rule.[63]

B. Even if the Commission Finds Brockton Erred in its Competitive Bidding Process, the Commission Should Waive the Relevant Rule Because Brockton's Errors on Its Supporting Documentation Were Ministerial and a Waiver is in the Public Interest.

Even if the Commission believes that Brockton was required to perform a mini-bid and must have had additional documentation to support that process, the Commission should waive section 54.503(c)(2)(ii)(B) of its rules to allow Brockton to correct the ministerial and clerical mistakes that were made on its documentation of its process that demonstrate that it carefully considered all bids. Such a waiver is consistent with Commission precedent when applicants

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[61] Exhibit 1; *see also* http://usac.org/sl/applicants/step02/state-master-contracts.aspx (USAC guidance on state master contracts).

[62] *See* 47 C.F.R. § 54.702(c) ("The Administrator may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress. Where the Act or the Commission's rules are unclear, or do not address a particular situation, the Administrator shall seek guidance from the Commission.").

[63] *Id.*

have made mistakes, even in the competitive bidding process. In addition, such a waiver is in the public interest because strict compliance with the documentation required by USAC here would substantially harm Brockton and would not further the goals of the program.

Any of the Commission's rules may be waived if good cause is shown.[64] The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.[65] In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[66]

1. The Commission previously has waived its rules to allow applicants to correct mistakes and to serve policy goals.

A waiver here would be consistent with the Commission's use of its discretion in the past. First, as the Commission has noted in deciding E-rate requests for waivers, simple "mistakes do not warrant the complete rejection" of E-rate applications.[67] Second, the Commission has delegated to USAC the authority to allow applicants to correct clerical and ministerial errors made as part of their application processes.[68] Typically, errors occur on application forms, such as FCC Form 470 or FCC Form 471, but the principle applies to the documents supporting the forms as well. Bid matrix documentation is not typically required as

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[64] 47 C.F.R. § 1.3.

[65] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

[66] *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); Northeast Cellular, 897 F.2d at 1166.

[67] *Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14, et al.*, Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 07-35, ¶ 10 (2007) (*Adams County Order*).

[68] *See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, FCC 06-54, 21 FCC Rcd 5316, 5326-27 ¶¶ 22-23 (2006) (directing USAC to provide applicants with an opportunity to cure ministerial and clerical errors on the FCC Forms that they submit to USAC).

part of the application process, but USAC can request documentation to ensure compliance with program rules.[69] A Commission grant of a waiver here to allow Brockton to correct its supporting documentation would be consistent with *Bishop Perry* and numerous other orders allowing applications to correct their errors.

Further, the Commission has granted waivers even when an applicant has actually violated the Commission's competitive bidding rules, not just erred in documenting its compliance, as Brockton did here. For example, the Commission has granted waivers when applicants have not used price as a primary factor, as long as they selected the least expensive bidder.[70]

As noted above, Brockton's calculation errors did not result in any change in the outcome of the competitive bidding process. In the voice bidding process, Mr. Vigeant merely forgot to transfer the pricing information he had reviewed onto the bidding sheet – a clerical error at most. Further, the bidder that was omitted was not the lowest bidder. Instead, Verizon, as the lowest bidder, received nearly the maximum number of points and won the bid. The bid outcome was unchanged by this minor omission.

Similarly, for the Internet access services, Mr. Vigeant awarded fewer points than he intended to for one bidder. However, the error again made no difference in the outcome of his evaluation process. Mr. Vigeant mistakenly awarded the most points for cost to Addition, instead of to Lightower.[71] But regardless, as the revised matrix shows, the winning bidder still

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[69] 47 C.F.R. § 54.516.

[70] *Request for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109 (Wireline Comp. Bur. 2011) (*Allendale Order*) (finding that a waiver of the Commission's competitive bidding rules was in the public interest where the petitioners selected the least expensive responsive service offering).

[71] That error resulted in a few additional corrections as Mr. Vigeant evaluated cost on a sliding scale.

received 50 points more than Lightower. Further, Addition was the second-lowest bidder of all 16 potential vendors evaluated. When Mr. Vigeant reviewed the cost tables for all of the bidders, he simply mistakenly wrote down a lower number of points for the pricing category for Lightower. If Mr. Vigeant had instead recorded the proper number of points for Lightower for pricing, it would have made no difference to the outcome of the process.[72]

2. Brockton's appeal is in the public interest because program goals will be served by funding these requests.

Second, Brockton's appeal is in the public interest. Denying more than a half a million dollars to a poor, predominantly minority school district over minor documentation errors is not consistent with the program's statutory or program goals. There is no dispute that Brockton received the services and its students and teachers received the benefit of the telecommunications and Internet access services at issue. As noted above, a denial would adversely affect approximately 18,000 students and 2,000 teachers and staff.[73] About 70 percent of those students are African-American or Hispanic.[74] Brockton receives the highest discounts that are reserved for the poorest school districts.[75]

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[72] We note that Brockton is not trying the "adjust the scoring values of [its] evaluation criteria after receiving a funding denial to validate the outcome of [its] vendor selection process," as the Commission found the Henrico County Public Schools was attempting to do in its appeal. *See Application for Review of a Decision of the Wireline Competition Bureau by Henrico County School District, Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, Order, FCC 14-131, ¶ 9 (2014). In contrast to that case, in which Henrico County failed to use price as a primary factor, here Brockton did use price as a primary factor. Brockton is not trying to substitute a different scoring value in its competitive bidding process; instead, it is simply trying to correct an error when it documented the process. As such, Henrico County is not applicable to this situation.

[73] Vigeant Aff. ¶ 2.

[74] *See* Massachusetts school demographic data at http://profiles.doe.mass.edu/profiles/student.aspx?orgcode=00440000&orgtypecode=5& (reviewed March 24, 2016).

[75] Its discount rates for funding year 2015 were 70 percent for voice services and 90 percent for Internet access.

Brockton's mistakes did not provide Brockton with any advantage. Absent the clerical errors, Brockton still would have selected the same vendors. The competitive bidding process would have had the same outcome even if Mr. Vigeant had correctly transcribed his notes and evaluation into the competitive bidding matrix.

There are no allegations of waste, fraud or abuse. Mr. Vigeant – like the Commission – desires to select the most cost-effective of these necessary telecommunications and Internet access services for his resource-strapped district. He conducted his competitive bidding process in good faith and attempted to comply with all of the Commission's rules and USAC guidance.

If the Commission finds that Brockton violated its rules – even though inadvertently – the Commission should waive the relevant rules because, as demonstrated above, such a waiver is in the public interest and consistent with prior Commission rulings.

III. CONCLUSION

For the foregoing reasons, the Commission should grant Brockton's requests for review, or, in the alternative, its request for waiver of section 54.503(c)(2)(ii)(B) of its rules. In addition, Brockton requests the Commission waive whatever other rules may be necessary to effectuate its grant of this appeal.

Respectfully submitted,

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September 13, 2016

CERTIFICATE OF SERVICE

This is to certify that on this 13th day of September, a true and correct copy of the foregoing Request for Review was sent via email to:

Schools and Libraries Division, Universal Service Administrative Company,
Appeals@sl.universalservice.org

/s/ Gina Spade

Attachments

	Affidavit of Daniel Vigeant
Exhibit 1	Funding Commitment Decision Letter, dated March 3, 2016
Exhibit 2	Mr. Vigeant's notes on bids for voice services
Exhibit 3	Brockton's Verizon bill, March 2016, pages 1-4
Exhibit 4	Bid Evaluation Matrix for Centrex service
Exhibit 5	Bid Evaluation Matrix for Internet access and Revised Evaluation Matrix for Internet access
Exhibit 6	Administrator's Decision on Appeal – Funding Year 2015-16

Affidavit

I, Daniel Vigeant, swear:

1. I am employed by Brockton Public Schools as the Technology Services Director. I have been in this position since January of 2007. As part of my duties I determined Brockton needed Centrex telecommunications and Internet access services for the 2015-2016 school year.
2. I determined that using the Massachusetts master state contract to select the most cost-effective bidder would provide Brockton Public Schools with the best value. Brockton is a public school district with limited financial resources so I always look for the best value and most cost-effective services for any service I purchase on behalf of the district. Brockton has 18,000 students and 2,000 teachers and staff.
3. I began the evaluation by consulting the Massachusetts master state contract's cost tables and identified which companies were offering the services Brockton Public Schools wanted to purchase. Brockton has no district procedures that I am required to follow, other than to comply with state requirements.
4. Using price as the primary factor, I carefully considered pricing and other factors to select the most cost-effective bidder. After finding which companies offered the necessary services, I wrote out by hand each of the company's names and cost. At the time of evaluation, Brockton Public Schools was using Verizon as its service provider, so I looked at Brockton Public Schools' invoice to find the pricing and confirmed that pricing with a Verizon representative.
5. When converting my handwritten notes into a spreadsheet, I accidently transcribed my notes incorrectly and noted that Broadview was a "no bid" company instead of one of the companies that had a price for Centrex. As a result of my review, I selected Verizon as the lowest bidder and provider of the most cost-effective services.

6. When reviewing the cost tables for Internet access services, I followed a similar process. I reviewed the 16 Internet services providers under the Massachusetts state master contract; three (NWN, Presidio, and Thinking Phones) of those did not provide pricing under the contract for the services Brockton was seeking (800 mbps circuits plus an Ethernet connection). Crocker told me in a phone call that it did not provide service to Brockton's geographical region.
7. I used price as the primary factor to review the bids. When creating the Internet provider spreadsheet, however, I accidentally thought that Addition had the best pricing, instead of Lightower. Because of this error, I awarded the most points for price to Addition instead of Lightower. I also determined, however, that switching to a new provider would have cost the school district $42,600 – more than the savings from Lightower's slightly lower price. No carrier was more than $40,000 less than Addition, and Addition was the second-lowest bidder. Therefore, Addition offered the most cost-effective services.
8. Even if I had not made those mistakes, I would have selected the same cost-effective bidders. I am confident I selected the most cost-effective and best value services for the Brockton Public Schools.

I swear that I have read the foregoing and avow the acts stated there in are true and correct to the best of my knowledge and belief.

Daniel Vigeant

Subscribed and sworn to before me this 27th day of April, 2016.

[Seal]

TRACY A. HOLLAND
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
January 27, 2023

Notary Public

Exhibit 1

USAC
Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2015: 07/01/2015 - 06/30/2016)

March 3, 2016

Nichole Oneal
BROCKTON PUBLIC SCHOOL DIST
5701 E. Circle Drive #380
ONeal Consulting
Cicero, NY 13039

Re: FCC Form 471 Application Number: 1036475
Billed Entity Number (BEN): 120639
Billed Entity FCC Registration Number (FCC RN): 0011812971
Nickname: Brockton-18

Thank you for your Funding Year 2015 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, $42,200.68 is "Approved."
- The amount, $839,437.25 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, as products and services are being delivered and billed.

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,
   - Applicant BEN and Service Provider Identification Number (SPIN),
   - FCC Form 471 Application Number 1036475 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.orgor 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.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to Disposal or Trade-in of Equipment posted in the Reference Area of our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: BROCKTON PUBLIC SCHOOL DIST
BEN: 120639
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1036475
Funding Request Number: 2822240
Funding Status: Not Funded
Service Type: Voice Services
FCC Form 470 Application Number: 110350000864310
SPIN: 143001291
Service Provider Name: Verizon Massachusetts
Contract Number: ITT46
Billing Account Number: 508-580-7000
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 09/19/2012
Contract Expiration Date: 09/30/2017
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $257,151.24
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $257,151.24
Discount Percentage Approved by the USAC: 70%
Funding Commitment Decision: $0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: This FRN references contract ITT46, which awarded contracts for the requested services to multiple vendors. Because ITT46 is a multiple award schedule, the applicant must conduct a mini-bid evaluation process to compare all winning bidders and to select the most cost-effective solution. FCC Rules require applicants to carefully consider all bids submitted by service providers and to choose the most cost effective solution. Documentation provided demonstrates that the applicant did not consider all of the bids that were submitted. Therefore, the applicant has violated the competitive bidding program rules.

FCDL Date: 03/03/2016
Wave Number: 039
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Nichole Oneal
Consultant Registration Number (CRN): 16024811
Consultant Employer: ONeal Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: BROCKTON PUBLIC SCHOOL DIST
BEN: 120639
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1036475
Funding Request Number: 2822244
Funding Status: Not Funded
Service Type: Voice Services
FCC Form 470 Application Number: 110350000864310
SPIN: 143001291
Service Provider Name: Verizon Massachusetts
Contract Number: ITT46
Billing Account Number: 508-897-1800
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 09/19/2012
Contract Expiration Date: 09/30/2017
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $4,655.88
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $4,655.88
Discount Percentage Approved by the USAC: 70%
Funding Commitment Decision: $0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: This FRN references contract ITT46, which awarded contracts for the requested services to multiple vendors. Because ITT46 is a multiple award schedule, the applicant must conduct a mini-bid evaluation process to compare all winning bidders and to select the most cost-effective solution. FCC Rules require applicants to carefully consider all bids submitted by service providers and to choose the most cost effective solution. Documentation provided demonstrates that the applicant did not consider all of the bids that were submitted. Therefore, the applicant has violated the competitive bidding program rules.

FCDL Date: 03/03/2016
Wave Number: 039
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Nichole Oneal
Consultant Registration Number (CRN): 16024811
Consultant Employer: ONeal Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: BROCKTON PUBLIC SCHOOL DIST
BEN: 120639
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1036475
Funding Request Number: 2822246
Funding Status: Not Funded
Service Type: Voice Services
FCC Form 470 Application Number: 110350000864310
SPIN: 143001197
Service Provider Name: Verizon Business Global LLC
Contract Number: ITT46
Billing Account Number: Y2690694
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 09/19/2012
Contract Expiration Date: 09/30/2017
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $311.52
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $311.52
Discount Percentage Approved by the USAC: 70%
Funding Commitment Decision: $0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: This FRN references contract ITT46, which awarded contracts for the requested services to multiple vendors. Because ITT46 is a multiple award schedule, the applicant must conduct a mini-bid evaluation process to compare all winning bidders and to select the most cost-effective solution. FCC Rules require applicants to carefully consider all bids submitted by service providers and to choose the most cost effective solution. Documentation provided demonstrates that the applicant did not consider all of the bids that were submitted. Therefore, the applicant has violated the competitive bidding program rules.

FCDL Date: 03/03/2016
Wave Number: 039
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Nichole Oneal
Consultant Registration Number (CRN): 16024811
Consultant Employer: ONeal Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: BROCKTON PUBLIC SCHOOL DIST
BEN: 120639
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1036475
Funding Request Number: 2822270
Funding Status: Funded
Service Type: Voice Services
FCC Form 470 Application Number: 110350000864310
SPIN: 143000677
Service Provider Name: Verizon Wireless (Cellco Partnership)
Contract Number: ITT46
Billing Account Number: 986463127-00001
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 09/19/2012
Contract Expiration Date: 09/30/2017
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $53,106.60
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $53,106.60
Discount Percentage Approved by the USAC: 70%
Funding Commitment Decision: $37,174.62 - FRN approved as submitted

FCDL Date: 03/03/2016
Wave Number: 039
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Nichole Oneal
Consultant Registration Number (CRN): 16024811
Consultant Employer: ONeal Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: BROCKTON PUBLIC SCHOOL DIST
BEN: 120639
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1036475
Funding Request Number: 2822276
Funding Status: Funded
Service Type: Voice Services
FCC Form 470 Application Number: 110350000864310
SPIN: 143000677
Service Provider Name: Verizon Wireless (Cellco Partnership)
Contract Number: ITT46
Billing Account Number: 786581495-00001
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 09/19/2012
Contract Expiration Date: 09/30/2017
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $7,180.08
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $7,180.08
Discount Percentage Approved by the USAC: 70%
Funding Commitment Decision: $5,026.06 - FRN approved as submitted

FCDL Date: 03/03/2016
Wave Number: 039
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Nichole Oneal
Consultant Registration Number (CRN): 16024811
Consultant Employer: ONeal Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: BROCKTON PUBLIC SCHOOL DIST
BEN: 120639
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1036475
Funding Request Number: 2822278
Funding Status: Not Funded
Service Type: Internet Access
FCC Form 470 Application Number: 110350000864310
SPIN: 143004624
Service Provider Name: Merrimack Education Center
Contract Number: ITT46
Billing Account Number: N/A
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 09/19/2012
Contract Expiration Date: 09/30/2017
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $728,838.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $728,838.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: $0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: MR1: The FRN Line Item 5 was removed and FRN was modified from $62,586.50 per month and a one-time charge of $1,550.00 to $60,736.50 per month to agree with the applicant documentation. <><><><><> DR1: The winning vendor was not selected in accordance with the vendor evaluation process described in the vendor selection documentation provided by you during the review. Although price of eligible products and services was given the highest points, the vendor with the lowest cost was not awarded the most points in the Cost of Eligible Services factor. This means you did not adhere to your own criteria in the vendor selection process.

FCDL Date: 03/03/2016
Wave Number: 039
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Nichole Oneal
Consultant Registration Number (CRN): 16024811
Consultant Employer: ONeal Consulting

Exhibit 2

vendor	price
382	no bid
AT	$12 IP only
Broadview	$20.83
centuryLink	no bid
Comcast	no bid
DSCI	no bid
Level 3	no bid
Paetec	no bid
Sprint	no bid
verizon	$3.37
Crocker	$40.90

verizon

Exhibit 3

Billing Date: 03/18/16 Page 1 of 300
Telephone Number: 508 580 7000
Account: 508 580 7000 602 006 4
How to Reach Us: See page 2

CITY OF BROC SCH DEPT
43 CRESCENT
ACCOUNTS PAYABLE
BROCKTON MA 02301-4311

Account Summary

Previous Charges	$21,051.79
Payments and Adjustments	-21,576.78
Credit Balance	**-$524.99**
New Charges	
Verizon (page 3)	$21,976.59
Total New Charges Due April 19	**$21,976.59**
Total Due	**$21,451.60**

Manage Your Account Online
See reverse side for details.

Thank You for Choosing Verizon for your regional service!
You can find out more about Verizon and its services at verizon.com or use our voice-prompt system at 1-800-523-0559.

These monthly charges are for your service from February 19 to March 18.

Mail payments to:
Verizon, PO Box 15124, Albany NY 12212-5124

Change of address?
Go to verizon.com/billingaddress or call us.

▼ Detach & return payment slip with your check, payable to Verizon.

Account: 508 580 7000 602 006 4

New Charges Due: 04/19/16

Total Due $21,451.60 031816

Amount Paid:
$ 21,451.60

00000001 09 SP 2.740 4060831H 0001 XX
CITY OF BROC SCH DEPT 99S
43 CRESCENT
ACCOUNTS PAYABLE
BROCKTON MA 02301-4311

VERIZON
PO Box 15124
ALBANY NY 12212-5124

0200508580700060200661 02 16129000005249910002145160 06

How to Reach Us

Billing Questions	enterprisecenter.verizon.com	1-800-903-1526	8:30am - 5pm M-F
Order Questions	enterprisecenter.verizon.com	1-800-903-1526	8:30am - 5pm M-F
Online billing and payment	enterprisecenter.verizon.com		24 hours a Day
Repair	enterprisecenter.verizon.com	1-800-769-4656	24 hours a Day
Pay by Phone Service*	(third party fee applies)	1-800-345-6563	24 hours a Day
Payment Arrangements		1-800-440-8052	7:00am-6:00pm CST M-F

For Your Information

***Pay By Phone Service**
This service is optional and provided by an independent third party vendor for a fee.

Manage Your Account Online

1. Go to http://www.verizonenterprise.com and select Register.

2. Enter your invitation code A7RTYF7D8W and complete the simple registration process.*

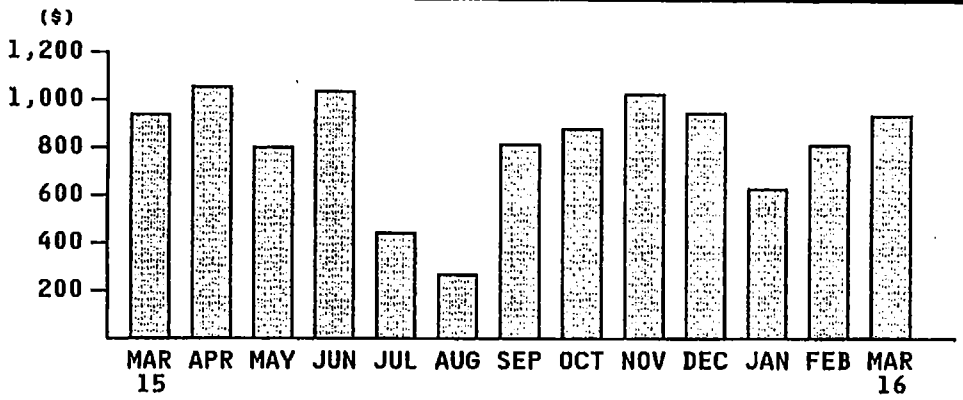
3. Upon signing into Verizon Enterprise Center you will have immediate access to your Billing account.

**The Invitation Code provided expires on 4/29/2016 and provides access to your billing information, including Customer Proprietary Network Information as defined by the FCC and the CPNI statute at 47 U.S.C. sec. 222(h) (1). Any person who enters the Invitation Code online will be understood by Verizon to be your authorized and authenticated representative. Protect this Invitation Code as you would any password.*

verizon

Exhibit 3

Comparative analysis Verizon calling services



Note: Adjustments to previous Calling Services amounts are not reflected in chart. Current charges in the Comparative Analysis are itemized under the Calling Services section to follow. Monthly fluctuations are possible due to the number of business days in a calendar month.

Verizon payments and adjustments

Transactions through March 23, 2016

Payments	
Mar 11 Payment	$21,051.79CR
Total payments	**21,051.79CR**
Adjustments	
Feb 25 Contract Credit	524.99CR
Total adjustments	**524.99CR**
Total payments and adjustments	**$21,576.78CR**

The above payments and adjustments are not included in the total current charges.

Verizon current charges

Monthly charges	$18,917.81
Enhanced services	1,483.25
Other charges and credits	354.48
Local usage charge	126.67
911/Disability Access Fee	145.47
Calling services	948.91
Total new charges for Verizon	**$21,976.59**

Other charges and credits

	Per Month	From	Thru	Amount
Management Fee		1-19-16	2-18-16	$146.21
Order Completed Mar 1				
C5FY9079N				
Request Number NSPE0010090482				
One Time Charges				
Service Ordering				57.00
Equipment Installed on Board				

Other charges and credits (continued)

	Per Month	From	Thru	Amount
1 Federal Access Recovery Charge	.47			
1 Vintage Centrex EUCL Offset	.05			
1 Federal Universal Service Fund Surcharge - Business Centrex	.23			
1 Federal Subscriber Line Charge	6.44			
Monthly Charge Increase	7.09	2-19-16	3-01-16	$3.07CR
Order Completed Mar 1				
C5FY9079N				
Request Number NSPE0010090482				
on 508 580-7390				
One Time Charges				
Installation Charge				50.00
Long Distance Selection				
on 508 580-7390				
MCI WorldCom				
707 17th Street				
Suite 4100				
Denver, CO 80202				
1-800-444-2222				
Regional Carrier Selection				
on 508 580-7390				
Verizon				
Equipment Added to Station 7390				
1 Main Line	3.37			
Monthly Charge Increase	3.37	2-19-16	3-01-16	1.46CR
Order Completed Mar 11				
C5FC1034B				
Request Number NSPE0010133750				
on 508 580-7601				
One Time Charges				
Install 1 Features Added				2.14
Station Equipment Removed 7601				
1 Exchange Access	2.24			
1 *69 Denial	.50			
1 Main Line	3.37			
Monthly Charge Decrease	6.11	2-19-16	3-11-16	4.68
Equipment Added to Station 7601				
1 Exchange Access	2.24			
1 *69 Denial	.50			
1 Main Line	3.37			
Monthly Charge Increase	6.11	2-19-16	3-11-16	4.68CR
Order Completed Mar 11				
C5FC1034B				
Request Number NSPE0010133750				
on 508 580-7602				
One Time Charges				
Install 1 Features Added				2.14
Install 1 Features Added				2.14
Station Equipment Removed 7602				
1 Exchange Access	2.24			
1 *69 Denial	.50			
1 Main Line	3.37			
Monthly Charge Decrease	6.11	2-19-16	3-11-16	4.68
Equipment Added to Station 7602				

Bid Evaluation Matrix

Phone Company (Voice & PRI & Long Distance)

ITT46

Factors	Total Pts Available	382 Comm Corp	ATT	Broadview	CenturyLink	Comcast	DSCI	Level3	PAETEC	Sprint	Verizon	Crocker Telecomm
Cost of Eligible Svc	40	0	35	0	0	0	0	0	0	0	40	30
Experience	20	0	0	0	0	0	0	0	0	0	20	0
Cost of Ineligible Svc	20	0	5	0	0	0	0	0	0	0	20	5
Service	20	0	0	0	0	0	0	0	0	0	20	0
Total	100	0	40	0	0	0	0	0	0	0	100	35
Per Circuit cost(aproximately 1000 circuits)		No Bid	(IP only) $12	No bid	No Bid	No bid	No Bid	No Bid	No Bid	No bid	$3.37	$40.90

Verizon is the awarded vendor with 100 total points

Exhibit 4

Exhibit 5

Bid Evaluation Matrix

Factors	Total Pts Available	Addition	CELT	AT&T	Broad view	Centurylink/ Qwest	Comcast	Crocker (no service available)	DSCI	Level 3	LightTower	NWN (no service available)	Paetec	Presidio (no service available)	Sprint	Thinking Phone (no service available)	Verizon/Ver Biz/Ver Network/Terr emark
Cost of Eligible Svc	40	40	30	10	10	10	10	0	15	10	10	0	10	0	10	0	15
Experience	20	20	10	0	0	0	10	0	0	0	0	0	0	0	0	0	10
Cost of Ineligible Svc	20	20	10	5	5	5	5	0	5	5	5	0	5	0	5	0	5
Service	20	20	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	100	100	70	15	15	15	25	0	20	15	15	0	15	0	15	0	30

Addition is the awarded vendor with 100 total points

Bid Evaluation Matrix

Revised

Factors	Total Pts Available	35 Addition	25 CELT	AT&T	Broad view	Centurylink/ Qwest	30 Comcast	Crocker (no service available)	DSCI	Level 3	40 LightTower	NWN (no service available)	Paetec	Presidio (no service available)	Sprint	Thinking Phone (no service available)	Verizon/Ver Biz/Ver Network/Terr emark
Cost of Eligible Svc	40	~~40~~	~~30~~	10	10	10	~~20~~	0	15	10	~~10~~	0	10	0	10	0	15
Experience	20	20	10	0	0	0	10	0	0	0	0	0	0	0	0	0	10
Cost of Ineligible Svc	20	20	10	5	5	5	5	0	5	5	5	0	5	0	5	0	5
Service	20	20	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	100	~~100~~	~~70~~	15	15	15	~~25~~	0	20	15	~~15~~	0	15	0	15	0	30
		95	65				45				45						

Addition is the awarded vendor with 100 total points

Exhibit 6

Gina Spade
Broadband Legal Services
1629 K Street, NW Suite 300
Washington, DC 45220

Billed Entity Number: 120639
Form 471 Application Number: 1036475
Form 486 Application Number:

Exhibit 6

Universal Service Administrative Company
Schools & Libraries Division

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

July 19, 2016

Gina Spade
Broadband Legal Services
1629 K Street, NW Suite 300
Washington, DC 45220

Re:	Applicant Name:	BROCKTON PUBLIC SCHOOL DIST
	Billed Entity Number:	120639
	Form 471 Application Number:	1036475
	Funding Request Number(s):	2822240, 2822244, 2822246, 2822278
	Your Correspondence Dated:	April 27, 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 commitment decision for the FCC Form 471 Application Number and funding requests number(s) (FRN(s)) 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):	2822240, 2822244, 2822246, 2822278
Decision on Appeal:	**Denied**
Explanation:	

- USAC denied your funding request because it was determined that you did not consider all of the bids that were submitted. This is a violation of the competitive bidding program rules. There is no evidence that the reason for the excessive costs is due to extenuating circumstances. You have not demonstrated on appeal that USAC's determination was incorrect. Consequently, USAC denies your appeal.

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.

Exhibit 6

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

Schools and Libraries Division
Universal Service Administrative Company

cc: Nichole Oneal