



# E-Rate Support Services

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P.O. Box 40204 • Spokane, WA 99220 • ph. 206-856-7349

September 25, 2018

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554  
VIA FCC ELECTRONIC COMMENT FILING SYSTEM

Re **CC Docket No. 02-6**  
Request for Review of Administrator's Decision  
FCC Form 472 BEAR Invoice #2805130  
Funding Application #579663  
FRN 1612875  
Applicant Floyd Municipal School District (BEN 143331)

With this letter Floyd Municipal School District ("FMSD") appeals a 7/27/2018 decision by the Universal Service Administrative Company ("USAC") to deny FMSD's appeal of USAC's 4/30/2018 decision to deny payment on FCC Form 472 BEAR Invoice #2805130 (the "BEAR Form") seeking reimbursement for services funded under FRN 1612875 (the "Funding Request").

FMSD prays that the Federal Communications Commission will direct USAC to disburse funding to it in the amount of the committed funding for the Funding Request.

## **Background**

On 4/27/2018 FMSD submitted the BEAR Form requesting reimbursement of \$1,592.68 for E-Rate program support for Funding Year 2007 eligible expense for services provided by New Mexico RSA4 East-Limited Partnership ("NM RSA4 East") (SPIN 143001087) under FRN 1612875. However, since the committed funding amount for FRN 1612875 was \$1,168.32, reimbursement in that amount was expected.

On 4/30/2018 USAC's Ms. Antonina Parisi via email<sup>1</sup> rejected the reimbursement request, stating that "This invoice cannot be processed due the Invalid SPIN 143001087".

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<sup>1</sup> See 4/30/2018 Email from Antonina Parisa, attached hereto as Exhibit A.

The FCC Form 472 User Guide provides that with respect to the SPIN to be entered in an FCC Form 472 reimbursement request, “Please be sure to obtain this information from your FCDL for the Funding Request Numbers (FRNs) for which you are seeking reimbursement”<sup>2</sup>. In the underlying Funding Application<sup>3</sup>, SPIN 143001087 for service provider NM RSA4 East does in fact appear as the service provider for FRN 1612875, and it was SPIN 143001087 which appeared in the Funding Commitment Decision Letter.

USAC’s SPIN Changes webpage<sup>4</sup> specifies that the SPIN for a funding request can be changed in the event of an acquisition or merger. Records from New Mexico’s Secretary of State show that this entity was registered with that office on 9/19/1995<sup>5</sup>, and that the registration continues to be active<sup>6</sup>. This demonstrates that the service provider continues to be an independent entity (and therefore not the object of an acquisition or merger). Therefore, the SPIN which appeared on the Funding Application is the SPIN which must properly appear on the FCC Form 472 reimbursement request, and USAC erred in its rejection of the reimbursement request.

In its 7/27/2018 decision on appeal USAC provided the following rationale for its denial:

The service provider cited on your invoice is no longer active in our system, therefore your appeal is denied. Review FCC Order 15-53, released may 8, 2015 for information on the acquisition.

The order which USAC cited<sup>7</sup> (the “AT&T-Plateau MO&O”) provides only for the assignment of cellular license KNKN598 and International Section 214 Authorization ITC-214-20030912-00435 – i.e., a license to use or operate an apparatus for the transmission of energy or communications or signals by radio and a related authorization for certain international communications services – and does not provide in any manner whatsoever for any acquisition or merger.

## **Analysis**

FMSD submitted an FCC Form 472 reimbursement request in compliance with FCC rules and USAC’s published procedures. In particular, the SPIN which appeared on that

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<sup>2</sup> See FCC Form 472 User Guide at [www.usac.org/\\_res/documents/sl/pdf/forms/FCC-Form-472-UserGuide.pdf](http://www.usac.org/_res/documents/sl/pdf/forms/FCC-Form-472-UserGuide.pdf) (retrieved 5/23/2018)

<sup>3</sup> See Funding Application No. 579663, attached hereto as Exhibit B.

<sup>4</sup> See USAC’s SPIN Changes webpage at [www.usac.org/sl/applicants/before-youre-done/spin-changes/default.aspx](http://www.usac.org/sl/applicants/before-youre-done/spin-changes/default.aspx) (retrieved 5/23/2018).

<sup>5</sup> See Articles of Formation, attached hereto as Exhibit C.

<sup>6</sup> See business registration record retrieved 6/28/2018 showing “NEW MEXICO RSA 4 EAST LIMITED PARTNERSHIP” with status “Active”, attached hereto as Exhibit D.

<sup>7</sup> See Applications of AT&T Inc., E.N.M.R. Telephone Cooperative, Plateau Telecommunications, Inc., New Mexico RSA 4 East Limited Partnership, and Texas RSA 3 Limited Partnership, For Consent To Assign Licenses and Authorizations, 30 FCC Rcd 5107 (2015)

reimbursement request is the proper SPIN. Nevertheless, USAC erred by declining to honor the reimbursement request.

In USAC's denial of FMSD's appeal, USAC essentially provides two reasons for its denial. First, USAC states that the service provider is no longer active in its system; and second, USAC states that an acquisition occurred (of New Mexico RSA4 East-Limited Partnership and related entities by AT&T Inc.).

Regarding USAC's systems, USAC erred in deleting its service provider record for NM RSA4 East from its systems. This service provider was and is an independent entity, and it is and forever will be the entity that provided the funded services.

USAC further erred by claiming that an acquisition occurred (which could lead to a SPIN change). The AT&T-Plateau MO&O which USAC cited in its appeal denial decision does not provide for any acquisition or merger; it merely grants approval for NM RSA4 East and related entities to convey radio licenses and related authorizations.

**Request for Relief**

For the reasons stated in this letter, FMSD requests that the Commission direct USAC to disburse to FMSD the \$1,168.32 committed funding amount for FRN 1612875.

Respectfully,

E-RATE SUPPORT SERVICES



David A. Behar  
General Manager

**Attachments:**

- Appendix A: 4/3/2018 email from Antonina Parisa
- Appendix B: FCC Form 471 Funding Application #579663
- Appendix C: Articles of Formation
- Appendix D: Business Registration Record

**APPENDIX A**  
**to September 25, 2018 appeal letter**  
**4/3/2018 email from Antonina Parisa**

SLD Invoice # 2805130 / SP Invoice # RSA4\_FY2007

Inbox x ESS x USAC x



Antonina Parisi <Antonina.Parisi@usac.org>

Apr 30 ☆



to david ▾

SLD Invoice No	SP_App Invoice No	Line ID	Customer Billed Date	471	FRN	SPIN	Service Provider Name	Applicant Name	BEN	Undiscounted Amt	Discounted Amt
2805130	RSA4_FY2007	9154671	01-Jul-07	579663	1612875	143001087	New Mexico RSA4 East-Limited Partnership	FLOYD MUNICIPAL SCHOOL DIST	143331	1990.85	1592.68

I am reviewing your request for reimbursement of the invoice line/s noted above. This invoice cannot be processed due the Invalid SPIN 143001087. Please review the SPIN Change instructions on USAC's Website. This invoice will be rejected.

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

**Antonina (Nina) Parisi**  
**Case Management Associate, Invoicing Team**  
**Schools and Libraries Program**  
[30 Lanidex Plaza West | Parsippany, NJ 07054](#)  
T: 973.581.5188 | F: 973.599.6539  
[Antonina.Parisi@usac.org](mailto:Antonina.Parisi@usac.org)

\*Starting April 1, 2018, USAC will migrate [sluniversalservice.org](mailto:sluniversalservice.org) email address to [usac.org](mailto:usac.org) email addresses. To ensure you still receive important emails, please add [usac.org](mailto:usac.org) to the company's white list.

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.

**APPENDIX B**  
**to September 25, 2018 appeal letter**  
**FCC Form 471 Funding Application #579663**

6/13/2018

471 Information

FCC Form 471	Do not write in this area.	Approval by OMB 3060-0806
<b>Schools and Libraries Universal Service</b> <b>Description of Services Ordered and Certification Form 471</b> <b>Estimated Average Burden Hours per Response: 4 hours</b> This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services. <b>Please read instructions before beginning this application. (You can also file online at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a>.)</b> <b>The instructions include information on the deadlines for filing this application.</b>		
Applicant's Form Identifier (Create your own code to identify THIS form 471)		Form 471 Application# (To be assigned by administrator)
200708471		579663
<b>Block 1: Billed Entity Information</b> (The "Billed Entity" is the entity paying the bills for the service listed on this form.)		
<b>1 a</b>	Name of Billed Entity FLOYD MUNICIPAL SCHOOL DIST	
<b>2 a</b>	Funding Year: July 1, 2007 Through June 30: 2008 Billed Entity Number: 143331	
<b>4 a</b>	Street Address, P.O. Box, or Routing Number HIGHWAY 267	
	City FLOYD	
	State NM	
	Zip Code 88118	
<b>5 a</b>	Type of Application <input type="checkbox"/> Individual School (individual public or non-public school) <input checked="" type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities	
<b>6</b>	Contact Person's Name Paul M. Benoit	
First, if the Contact Person's Street Address is the same as in Item 4, check this box. <input type="checkbox"/> If not, please complete the entries for the Street Address below.		
<b>b</b>	Street Address, P.O. Box, or Routing Number HIGHWAY 267	
	City FLOYD	
	State NM	
	Zip Code 88118	

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FCC Form 471 - November 2004

Entity Number	143331	Applicant's Form Identifier	200708471
Contact Person	Paul M. Benoit	Phone Number	505-478-2211
<p>This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.</p> <p><b>Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.</b></p>			

[http://sl.universalservice.org/FY14Integration/FY3\\_Form471/FY14-FY8\\_471PrintInfo.asp?\\_prevPage=http://www.slforms.universalservice.org/Form471Expert/Dis...](http://sl.universalservice.org/FY14Integration/FY3_Form471/FY14-FY8_471PrintInfo.asp?_prevPage=http://www.slforms.universalservice.org/Form471Expert/Dis...) 1/8

**Block 2: Impact of Services Ordered on Schools**

IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		275
b	Telephone service: Number of classrooms with phone service	25	25
d	Direct broadband services: Number of buildings served at the following speeds:		
	Less than 10 mbps	0	0
	Between 10 mbps and 200 mbps	0	0
	Greater than 200 mbps	0	0
e	Direct connections to the Internet: Number of drops	105	193
f	Number of classrooms with Internet access	25	25
g	Number of computers or other devices with Internet access	120	120

**Block 3: Impact of Services Ordered on Libraries**

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Worksheet A No: 910196

Student Count: 252

Weighted Product (Sum. Column 8): 201.6

Shared Discount: N/A

1. School Name: FLOYD SCHOOL

2. Entity Number: 230957 NCES:

3. Rural/Urban: Rural

4. Student Count: 252

5. NSLP Students: 178

6. NSLP Students/Students: 70.634%

7. Discount: 80%

8. Weighted Product: 201.6

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: N

**Block 5: Discount Funding Request(s)**

FRN: 1612875 FCDL Date: 04/15/2008	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 531010000620725
13. SPIN: 143001087	14. Service Provider Name: New Mexico RSA4 East-Limited Partnership
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 02/07/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2007	19b. Service End Date: 06/30/2008
20. Contract Expiration Date:	
21. Attachment #:	22. Block 4 Entity Number: 230957
23a. Monthly Charges: \$121.70	23b. Ineligible monthly amt.: \$.00

[http://sl.universalservice.org/FY14Integration/FY3\\_Form471/FY14-FY8\\_471PrintInfo.asp?\\_prevPage=http://www.slforms.universalservice.org/Form471Expert/Dis...](http://sl.universalservice.org/FY14Integration/FY3_Form471/FY14-FY8_471PrintInfo.asp?_prevPage=http://www.slforms.universalservice.org/Form471Expert/Dis...) 2/8

23c. Eligible monthly amt.: \$121.70	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$1,460.40	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00	
23i. Total program year pre-discount amount ( 23e + 23h): \$1,460.40	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$1,168.32	

FRN: 1612912 FCDL Date: 04/15/2008	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 531010000620725
13. SPIN: 143006210	14. Service Provider Name: Yucca Telecommunication Services, Inc
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 02/07/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2007	19b. Service End Date: 06/30/2008
20. Contract Expiration Date:	
21. Attachment #:	22. Block 4 Entity Number: 230957
23a. Monthly Charges: \$262.03	23b. Ineligible monthly amt.: \$ .00
23c. Eligible monthly amt.: \$262.03	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$3,144.36	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00	
23i. Total program year pre-discount amount ( 23e + 23h): \$3,144.36	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$2,515.49	

FRN: 1613346 FCDL Date: 04/15/2008	
10. Original FRN:	
11. Category of Service: Internet Access	12. 470 Application Number: 531010000620725
13. SPIN: 143006210	14. Service Provider Name: Yucca Telecommunication Services, Inc
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?: N
17. Allowable Contract Date: 02/07/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2007	19b. Service End Date: 06/30/2008
20. Contract Expiration Date:	
21. Attachment #:	22. Block 4 Entity Number: 230957
23a. Monthly Charges: \$593.06	23b. Ineligible monthly amt.: \$ .00
23c. Eligible monthly amt.: \$593.06	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$7,116.72	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00	
23i. Total program year pre-discount amount ( 23e + 23h): \$7,116.72	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$5,693.38	

FRN: 1613956 FCDL Date: 04/15/2008	
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<b>10. Original FRN:</b>	
<b>11. Category of Service:</b> Internet Access	<b>12. 470 Application Number:</b> 531010000620725
<b>13. SPIN:</b> 143020189	<b>14. Service Provider Name:</b> eChalk Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b> N	<b>15b. Contract Number:</b> 05-2148-02B
<b>15c. Covered under State Master Contract:</b> Y	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b>	<b>16b. Multiple Billing Account Numbers?:</b> N
<b>17. Allowable Contract Date:</b> 02/07/2007	<b>18. Contract Award Date:</b> 02/07/2007
<b>19a. Service Start Date:</b> 07/01/2007	<b>19b. Service End Date:</b>
<b>20. Contract Expiration Date:</b> 06/30/2008	
<b>21. Attachment #:</b>	<b>22. Block 4 Entity Number:</b> 230957
<b>23a. Monthly Charges:</b> \$ 00	<b>23b. Ineligible monthly amt.:</b> \$ 00
<b>23c. Eligible monthly amt.:</b> \$0.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00	
<b>23f. Annual non-recurring (one-time) charges:</b> 4350	<b>23g. Ineligible non-recurring amt.:</b> 696
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$3,654.00	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$3,654.00	
<b>23j. % discount (from Block 4):</b> 80	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$2,923.20	

<b>FRN:</b> 1614124 <b>FCDL Date:</b> 04/15/2008	
<b>10. Original FRN:</b>	
<b>11. Category of Service:</b> Internal Connections	<b>12. 470 Application Number:</b> 531010000620725
<b>13. SPIN:</b> 143010085	<b>14. Service Provider Name:</b> Education Technologies, Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b> N	<b>15b. Contract Number:</b> Floyd.y10
<b>15c. Covered under State Master Contract:</b> Y	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b>	<b>16b. Multiple Billing Account Numbers?:</b> N
<b>17. Allowable Contract Date:</b> 02/07/2007	<b>18. Contract Award Date:</b> 02/07/2007
<b>19a. Service Start Date:</b> 07/01/2007	<b>19b. Service End Date:</b>
<b>20. Contract Expiration Date:</b> 06/30/2008	
<b>21. Attachment #:</b>	<b>22. Block 4 Entity Number:</b> 230957
<b>23a. Monthly Charges:</b> \$ 00	<b>23b. Ineligible monthly amt.:</b> \$ 00
<b>23c. Eligible monthly amt.:</b> \$0.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00	
<b>23f. Annual non-recurring (one-time) charges:</b> 160810.09	<b>23g. Ineligible non-recurring amt.:</b> 0
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$160,810.09	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$160,810.09	
<b>23j. % discount (from Block 4):</b> 80	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$128,648.07	

<b>FRN:</b> 1615760 <b>FCDL Date:</b> 04/15/2008	
<b>10. Original FRN:</b>	
<b>11. Category of Service:</b> Basic Maintenance of Internal Connections	<b>12. 470 Application Number:</b> 531010000620725
<b>13. SPIN:</b> 143010085	<b>14. Service Provider Name:</b> Education Technologies, Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b> N	<b>15b. Contract Number:</b> FloydY10
<b>15c. Covered under State Master Contract:</b> Y	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b> N/A	<b>16b. Multiple Billing Account Numbers?:</b> N
<b>17. Allowable Contract Date:</b> 02/07/2007	<b>18. Contract Award Date:</b> 02/07/2007



19a. Service Start Date: 07/01/2007	19b. Service End Date:
20. Contract Expiration Date: 06/30/2008	
21. Attachment #:	22. Block 4 Entity Number: 230957
23a. Monthly Charges: \$1,289.18	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$1,289.18	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$15,470.16	
23f. Annual non-recurring (one-time) charges: 0	
23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00	
23i. Total program year pre-discount amount ( 23e + 23h): \$15,470.16	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$12,376.13	

## Block 6: Certifications and Signature

Application ID: 579663

Do not write in this area.

Entity Number	143331	Applicant's Form Identifier	200708471
Contact Person	Paul M. Benoit	Phone Number	505-478-2211

## Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ 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, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in 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 Form 471 (Add the entities from Item 23i on all Block 5 Discount Funding Requests.)	\$191,655.73
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$153,324.59
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$38,331.14
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
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 resources necessary to make effective use of the discounts. (Add	\$38,331.14

Items 25c and 25d.)

- f. ☐ Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☐ an individual technology plan for using the services requested in this application; and/or  
 b. ☒ higher-level technology plan(s) for using the services requested in this application; or  
 c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ 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.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes 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. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this 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.
31. ☒ 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.
32. ☒ I certify that I will retain required documents for a period of at least five years 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.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ 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

[http://sl.universalservice.org/FY14Integration/FY3\\_Form471/FY14-FY8\\_471PrintInfo.asp?\\_prevPage=http://www.slforms.universalservice.org/Form471Expert/Dis...](http://sl.universalservice.org/FY14Integration/FY3_Form471/FY14-FY8_471PrintInfo.asp?_prevPage=http://www.slforms.universalservice.org/Form471Expert/Dis...) 6/8

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 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.

35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date **2/7/2007**

**The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts 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, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 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.

**Please submit this form to:**

**SLD-Form 471  
P.O. Box 7026  
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,  
mail this form to:**

**SLD Forms  
ATTN: SLD Form 471  
3833 Greenway Drive  
Lawrence, Kansas 66046  
(888) 203-8100**

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**APPENDIX C**  
**to September 25, 2018 appeal letter**

**Articles of Formation**

STATE OF NEW MEXICO



OFFICE OF THE  
SECRETARY OF STATE  
FILE NO. 2200

**CERTIFICATE**

I, STEPHANIE GONZALES, SECRETARY OF STATE FOR NEW MEXICO, DO HEREBY CERTIFY

that

**NEW MEXICO RSA 4 EAST LIMITED PARTNERSHIP**, a foreign limited partnership, has been filed in accordance with the provisions of section 54-2-49 NMSA, 1978 compilation. This item was filed on **September 19, 1995** and will remain in effect until the limited partnership's registration is cancelled or withdrawn from the state.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE  
OF NEW MEXICO, IN THE CITY OF SANTA FE, THE CAPITAL,  
ON THIS **19th** DAY OF **September** **1995** A.D.

*Stephanie Gonzales*

SECRETARY OF STATE

**STATEMENT OF REGISTRATION  
OF  
FOREIGN LIMITED PARTNERSHIP**

1. The name of the foreign limited partnership and the name under which it proposes to register and transact business in New Mexico is:

**NEW MEXICO RSA 4 EAST LIMITED PARTNERSHIP**

2. The state of the foreign limited partnership formation is Delaware and the date of formation was April 9, 1991.

3. The agent for service of process on the foreign limited partnership is:

ENMR Telephone Cooperative, Inc.  
Attn: General Manager  
7111 North Prince Street  
P.O. Box 1947  
Clovis, New Mexico 88101-1947  
505-389-5100 (voice)  
505-389-5103 (fax)

4. The Secretary of State of the State of New Mexico is appointed the agent of the foreign limited partnership for service of process if the above agent's authority has been revoked or if the agent cannot be found or served with the exercise of reasonable diligence.

5. The principal office of the foreign limited partnership is at 7111 North Prince Street, Clovis, New Mexico 88101-1947.

6. The name and address of each general partner is as follows:

ENMR Telephone Cooperative, Inc.  
7111 North Prince Street  
P.O. Box 1947  
Clovis, New Mexico 88101-1947

Yucca Telecommunications Systems, Inc.  
201 West Second Street  
Portales, New Mexico 88130

7. The office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign

limited partnership to keep those records until the foreign limited partnership's registration in this state is canceled or withdrawn is located at:

7111 North Prince Street  
P.O. Box 1947  
Clovis, New Mexico 88101-1947

DATED this 18th day of September, 1995.

New Mexico RSA 4 East Limited Partnership

By: Frank Dottle  
Frank Dottle, Executive Vice President  
ENMR Telephone Cooperative, Inc.  
General Partner

STATE OF NEW MEXICO       )  
                                      )     SS  
COUNTY OF CURRY        )

The foregoing document was subscribed and sworn to before me this 18th day of September, 1995, by Frank Dottle, Executive Vice President of ENMR Telephone Cooperative, Inc., for and on behalf of said corporation.

Beth Lindsey  
Notary Public

My commission expires:

January 13, 1999

(SEAL)

**ENMR Telephone Cooperative**  
P.O. Drawer 1947 7111 N. Prince St. Clovis, NM 88102-1947

Beth Schmuck Lindsey  
Staff Attorney  
(505) 389-5100 Ext. 28 • 1-800-432-2369 • FAX (505) 389-1037

September 18, 1995

Stephanie Gonzales  
Secretary of State  
State of New Mexico  
State Capitol, Room 420  
Santa Fe, NM 87503

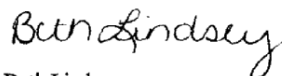
Re: Registration of New Mexico RSA 4 East Limited Partnership

Dear Ms. Gonzales:

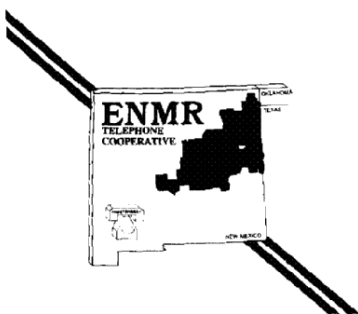
Under Section 54-2-51 NMSA, 1978, the enclosed statement of registration is tendered, along with the filing fee of \$100.00. Please endorse the statement of registration, file the original in your office, and prepare and deliver to me a certified copy thereof.

Thank you.

Sincerely,



Beth Lindsey  
Staff Attorney



LOOKING TO THE FUTURE,  
WITHOUT OVERLOOKING THE MEMBERS.



**APPENDIX D**  
**to September 25, 2018 appeal letter**  
**Business Registration Record**

6/28/2018

Corporations Division

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Business Search

Entity Information

**Entity Details**

Entity Name:	<b>NEW MEXICO RSA 4 EAST LIMITED PARTNERSHIP</b>	Registration #:	<b>2200</b>
Entity Type:	<b>Foreign Limited Partnership</b>	Period of Duration:	<b>NONE</b>
Registration Date in NM:	<b>9/19/1995</b>	Status:	<b>Active</b>

**Contact Information**

Designated Office Address: **NONE**  
Mailing Address: **NONE**  
Email Address:  
Phone:

**Chief Executive Office Information**

Physical Address: **NONE**  
Mailing Address: **NONE**

**Registered Agent Information**

Name:	<b>ENMR TELEPHONE COOPERATIVE INC.</b>	
Physical Address:	<b>7111 N. PRINCE ST., CLOVIS, NM USA</b>	Mailing Address: <b>NONE</b>

**General Partner Information**

General Partner Name	Physical Address	Mailing Address
ENMR TELEPHONE COOPERATIVE, INC.	7111 N. PRINCE ST., CLOVIS, NM USA	NONE
YUCCA TELECOMMUNICATIONS SYSTEMS, INC.	201 W. SECOND ST., PORTALES, NM USA	NONE

**Memo**

Date/Time	Comment	User
ENMR TELEPHONE COOPERATIVE, INC.	7111 N. PRINCE ST., CLOVIS, NM USA	NONE
YUCCA TELECOMMUNICATIONS SYSTEMS, INC.	201 W. SECOND ST., PORTALES, NM USA	NONE

**Filing History**

Filing #	Filing Type	Filing Date	View Filing	Number of Pages	Last Annual Report Year
5174	Business Formation	09/19/1995		4	
Total No. of Records: 1 Page 1 of 1					

**Name History**

Filing Number	Filing Date	Name Changed From
No records to view.		

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