

**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 Sherman Independent School District	)	Application No. 161053993
of Funding Decisions by the	)	
Universal Service Administrative Company	)	

**REQUEST FOR REVIEW AND/OR WAIVER  
BY THE SHERMAN INDEPENDENT SCHOOL DISTRICT  
OF FUNDING DECISIONS BY THE  
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission's rules,<sup>1</sup> the Sherman Independent School District<sup>2</sup> (Sherman ISD or the District) hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to reduce Sherman ISD's commitments and seek recovery of funding disbursed for several funding requests on FCC Form 471 #161053993 for funding year 2016.<sup>3</sup>

USAC denied Sherman ISD's appeal of these revised funding commitments and recovery efforts on the grounds that Sherman ISD's FCC Form 486 had been filed late, and that Sherman ISD's appeal had itself been filed late. Both of these grounds are incorrect. First, Sherman ISD qualified for the relief the Bureau outlined in the *Archdiocese of New Orleans*

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<sup>1</sup> 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

<sup>2</sup> Billed Entity Number 140482.

<sup>3</sup> Exhibit 1, list of revised funding commitment decision letters (RFCDLs) and recovery of improperly disbursed funding letters (RIDFs); see also Exhibit 2, RFCDLs, dated July 9, 2018.

*Order*;<sup>4</sup> accordingly, its late-filed FCC Form 486 should not have been the basis for either the recovery effort or the appeal denial. Furthermore, the Commission has directed USAC not to recover funds when disbursed due to a procedural error. Finally, USAC incorrectly determined that Sherman ISD's appeal was itself filed late. The appeal was filed on time, as it was filed within 60 days of the decisions it was appealing. As such, Sherman ISD respectfully requests that the Bureau grant this appeal and reverse USAC's decision to reduce Sherman ISD's funding commitment and seek recovery of more than \$250,000 in funding.

In the alternative, Sherman ISD respectfully requests a waiver of the Commission's rules to the extent necessary to grant the requested relief. It is contrary to public policy and does not advance the goals of the E-rate program to recover more than \$250,000 when the only issue was that the applicant missed the USAC-established administrative deadline by only a few days.<sup>5</sup>

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<sup>4</sup> *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, para. 10 (WCB 2016) (*Archdiocese of New Orleans*).

<sup>5</sup> The Form 486 deadline is a administrative deadline established by USAC in order to increase efficiency in the administration of the program.

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## **I. BACKGROUND**

Sherman Independent School District is a public school district based in Sherman, Texas, and is located approximately 45 minutes north of Dallas. Sherman ISD serves more than 7,000 students across 12 campuses: one high school, one middle school, one intermediate school, seven elementary schools, an early childhood center, and a learning center.

On March 28, 2016, Sherman ISD posted its FCC Form 470 #160033183 seeking bids for Category 1 voice, data transmission, and Internet access services for funding year 2016. On May 26, 2016, Sherman ISD filed its FCC Form 471 #161053993, which included FRNs for Category 1 voice, data transmission and Internet access services.<sup>6</sup> The total funding commitment requested on the FCC Form 471 was \$390,196.85.<sup>7</sup>

About a year later—on March 16, 2017—USAC issued a funding commitment decision letter (FCDL) for this application, approving \$388,617.46 in funding for the requested FRNs.

On July 29, 2017, USAC sent an email to Sherman ISD technology director Mignon Plyler containing an urgent reminder that Sherman ISD needed to file its Form 486 within the next 15 days.<sup>8</sup> According to that email, the due date was August 13, 2017. Ms. Plyler filed Sherman ISD's Form 486 on August 7, 2017.<sup>9</sup> On February 5, 2018, USAC sent a notice that the

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<sup>6</sup> See Exhibit 3, data retrieval tool.

<sup>7</sup> Sherman ISD did not use the funding from FRN 1699132781 representing a commitment request of \$44,820.

<sup>8</sup> Exhibit 4, USAC Notification – FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, Sherman Indep School District, 140482, dated July 29, 2018.

<sup>9</sup> Exhibit 5, FCC Form 486 certification dated August 7, 2017. Ms. Plyler also received a Form 486 reminder notification via email on July 13, 2017. Exhibit 6, USAC Notification – FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, Sherman Indep School District, 140482, dated July 13, 2018. Given that the FCDL was issued for the entire application on the same day, the date the FCC Form 486 was due should have been the same for all funding requests on the application.

Form 486 was approved.<sup>10</sup> Sherman ISD subsequently invoiced USAC and received \$254,975.28 in funding for its eligible broadband services.

On July 9, 2018, USAC issued a revised FCDL, reducing Sherman ISD's funding commitment from \$125,980.80 to \$31,495.20 for FRN #1699132317 for a loss of \$94,485.<sup>11</sup> On July 18, 2018, USAC issued a Recovery of Improperly Disbursed Funds Letter (RIDF) seeking recovery of \$160,489.70 of "funds committed in violation of [FCC] rules" for the rest of the FRNs listed in Exhibit 1.<sup>12</sup> The letter claimed that the "[f]unds disbursed are greater than the commitment amount," even though the funds disbursed were not more than the amount committed by USAC in March 2017, and Sherman ISD never received a revised FCDL for any of these FRNs.<sup>13</sup>

On September 6, 2018, Sherman ISD filed a timely appeal of the July 9 and July 17 revised FCDLs and the July 18 RIDF.<sup>14</sup> Although USAC had not explained its reason for reducing Sherman ISD's funding commitment and seeking recovery, Sherman ISD surmised that USAC had revised Sherman ISD's service start date because USAC believed Sherman ISD's

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<sup>10</sup> Exhibit 7, FCC Form 486 Notification Letter dated February 5, 2018. The approved service start dates were changed to April 9, 2017, but the column noting the service start date change indicator is marked "N," presumably indicating that the service start date was not changed. Further, the funding commitment amounts did not change, except for FRN 1699132781. For that FRN, Sherman ISD had told USAC it did not want to use any of its funding commitment for that FRN in funding year 2016.

<sup>11</sup> Exhibit 2, Revised FCDL for FRN #1699132317. On July 17, 2018, USAC issued a second Revised FCDL for this application, reducing its funding commitment from \$3,830.40 to \$957.60 for FRN #1699131457 for a loss of \$2,882.40. No funds were disbursed for this FRN. Exhibit 8, Revised FCDL for FRN #1699131457.

<sup>12</sup> Exhibit 9, Recovery of Improperly Disbursed Funds letter, dated July 18, 2018.

<sup>13</sup> *Id.*

<sup>14</sup> Exhibit 10, Sherman ISD Appeal to USAC, Sept. 6, 2018 (exhibits omitted). An appeal of a USAC decision is due 60 days after the issuance of the decision. 47 C.F.R. § 54.719.

Form 486 may have been filed a few days late. Accordingly, Sherman ISD explained in its appeal that it met the criteria for relief set out in the *Archdiocese of New Orleans Order*.

USAC denied Sherman ISD's appeal on September 19, 2018, stating the following as its reasons for denial:

Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018.

Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.<sup>15</sup>

As noted above, Sherman ISD's appeal was filed timely. Appeals to the Commission of USAC decisions are due within 60 days.<sup>16</sup> As such, this appeal is timely filed.

## **II. USAC'S REASONS FOR DENIAL ARE CONTRARY TO COMMISSION PRECEDENT AND POLICY AND ARE FACTUALLY INACCURATE**

Sherman ISD respectfully asks the Bureau to grant this appeal because the first of USAC's two stated grounds for denying the underlying appeal is contrary to established Commission precedent and policy, and the second is factually incorrect. With respect to the filing of its FCC Form 486, Sherman ISD satisfied the standard for relief set out in the *Archdiocese of New Orleans Order*, and thus USAC should never have reduced funding and initiated recovery efforts in the first place. In addition, USAC's recovery efforts are contrary to

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<sup>15</sup> Exhibit 11, USAC Appeal Denial.

<sup>16</sup> 47 C.F.R. § 54.720(a).

the Commission’s directive that USAC not recover funds when disbursed due to a procedural error—in this case, a late-filed form. Finally, USAC’s conclusion that Sherman ISD’s appeal was filed late is simply wrong: Sherman ISD was appealing the revised FCDLs and RIDFs that it received in July, not the FCC Form 486 notification that it had received in February. Accordingly, USAC provided no legitimate reason for reducing Sherman ISD’s funding commitment and no legitimate reason for denying its appeal.

**A. Sherman ISD’s Late-Filed FCC Form 486 Qualified for Relief Under the *Archdiocese of New Orleans Order***

All applicants are required to file the FCC Form 486 annually to notify USAC of the date that they began receiving E-rate supported services and to certify compliance with the Children’s Internet Protection Act (CIPA).<sup>17</sup> USAC procedures require applicants to submit their FCC Form 486 no later than 120 days after the date service began or no later than 120 days after the date USAC issued a funding decision commitment letter (FCDL), whichever is later.<sup>18</sup> If an applicant files its Form 486 late, USAC will set the service start date to the date 120 days before receipt of the Form 486, and the applicant will only receive funding for the time period after the reset service start date, not the actual service start date.<sup>19</sup>

In 2016, the Wireline Competition Bureau articulated a new standard for granting appeals of USAC’s denials of late-filed Forms 486 in an order called the *Archdiocese of New Orleans Order*.<sup>20</sup> The Bureau ruled that appeals for late-filed Forms 486 were to be granted by USAC where (1) the Form 486 was filed no later than 120 days after the last day to receive service for

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<sup>17</sup> 47 C.F.R. § 54.520. <https://www.usac.org/sl/applicants/step05/default.aspx>.

<sup>18</sup> <https://www.usac.org/sl/applicants/step05/default.aspx>; *Archdiocese of New Orleans* at ¶ 2.

<sup>19</sup> *Id.*

<sup>20</sup> *See Archdiocese of New Orleans*.

the funding request at issue and (2) the applicant has demonstrated good cause for the late filing.<sup>21</sup> The Bureau directed USAC to apply the new late-filed standard to appeals filed with USAC on or after January 30, 2017.<sup>22</sup> Thus, USAC had the authority to grant Sherman ISD's appeal.

As it explained in its appeal to USAC, Sherman ISD met the *Archdiocese of New Orleans Order*'s standard for relief. First, its Form 486 was filed within 120 days of the last day to receive services for the funding request at issue. The last day to receive service for this application was June 30, 2017, and 120 days after that was October 28, 2017. Sherman ISD filed its Form 486 on August 7, 2017—well before that deadline.

Second, Sherman ISD had good cause for the late filing. The Commission has directed USAC to send Form 486 reminder notifications in an effort to reduce the number of appeals due to late-filed forms.<sup>23</sup> USAC sent Sherman ISD two reminder letters regarding the application's Form 486.<sup>24</sup> Ms. Plyler, Sherman ISD's technology director, reviewed one of these reminders, dated July 29, 2017, but did not review the other one because she assumed that they were identical. Both notifications referenced the same application number, and the Form 486 due date should have been the same for the entire application. The July 29 letter noted that Ms. Plyler had 15 days from the date of the letter to file her Form 486, which would have given her until August 13, 2017. Ms. Plyler promptly filed the Form 486 on August 7, which she thought was a week before the deadline. As it turns out, it appears that the reminder letter Ms. Plyler reviewed may

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<sup>21</sup> *Archdiocese of New Orleans*, ¶ 10.

<sup>22</sup> *Archdiocese of New Orleans*, ¶ 12.

<sup>23</sup> *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4723, 4726, ¶ 9 (WCB 2015); *Archdiocese of New Orleans*, ¶ 2.

<sup>24</sup> *See supra* notes 7, 8.



have contained the wrong date. But it was reasonable for Ms. Plyler to rely upon USAC's reminder letter for the deadline.

In spite of all these facts, and notwithstanding the Commission's directive, USAC's denial of Sherman ISD's appeal gave no indication that USAC even considered whether Sherman ISD met the standard in the *Archdiocese of New Orleans Order*. USAC did not address Sherman ISD's arguments or attempt to analyze them in any way. Instead, USAC simply stated that Sherman ISD had failed to submit its FCC Form 486 by USAC's procedural deadline. This absence of analysis violates the clear direction of the Bureau and must be reversed.

As a policy matter, the Commission established the Form 486 standard in the *Archdiocese of New Orleans Order* to ensure that the program's funding was disbursed in a timely fashion.<sup>25</sup> Here, Sherman ISD filing its Form 486 a few days late did not affect the delivery of services nor delay any distribution of funding. In fact, USAC was able to timely disburse the District's E-rate support within the relevant funding year.

**B. USAC Should Not Seek Recovery of Disbursed Funds Where, As Here, the Error Was Procedural in Nature**

The Commission has directed USAC not to seek recovery of funding when the error at issue is a procedural one.<sup>26</sup> Here, not only is the error procedural, in that it was the late filing of a form, but it is not even a violation of Commission rules. The Form 486 procedural deadline was created by USAC, not by the Commission. The Commission has chosen not to codify the deadline through a notice and comment rulemaking. Even if USAC's procedures call for a reset

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<sup>25</sup> *Archdiocese of New Orleans*, ¶¶ 8-9.

<sup>26</sup> *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808, para. 19 (2004) (*Fifth Report and Order*).

of an applicant's service start date when the Form 486 is filed late, if USAC disbursed the funding, it should not now seek recovery of the funding.

Further, in a recent newsletter, USAC itself noted that the rescission of committed funding due to a late-filed Form 486 is a "penalty."<sup>27</sup> Congress has authorized specific situations in which the Commission can assess forfeitures on carriers and others who violate Commission rules.<sup>28</sup> This authority has not been delegated to USAC. In addition, the Commission has established specific procedures that the Commission must follow in order to assess a forfeiture. As such, it is not appropriate for USAC to assess a penalty for filing a form late, especially when, as here, the Form 486 deadline is not a codified Commission rule.

**C. USAC's Assertion That Sherman ISD's Appeal Was Filed Late Is Simply Wrong**

USAC's second ground for denying Sherman ISD's appeal is that it was filed late. In reaching this conclusion, USAC stated: "Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018."<sup>29</sup>

If Sherman ISD had been appealing the FCC Form 486 Notification Letter, its appeal would indeed have been late. However, Sherman ISD was not appealing the FCC Form 486 Notification Letter. It was appealing the revised Funding Commitment Decision Letters (FCDLs) and Recovery of Improperly Disbursed Funds letters (RIDFs) that it received in July 2018, as its appeal clearly indicated. The earliest of these letters was dated July 9, 2018. Thus the appeal deadline was 60 days from July 9, 2018, which was Friday, September 7, 2018.

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<sup>27</sup> See Exhibit 12, USAC newsletter dated October 5, 2018.

<sup>28</sup> See 47 U.S.C. §§ 501, 502, 503.

<sup>29</sup> See Exhibit 11, USAC Appeal Denial.

Sherman ISD filed its appeal on September 6, 2018, as USAC acknowledged; the appeal was therefore filed on time.

It is unclear why USAC decided that Sherman ISD was appealing the FCC Form 486 Notification Letter. RFCDLs and RIDFs are undoubtedly appealable events, as both routinely include instructions for filing appeals. And, again, Sherman ISD's appeal explicitly stated that it was appealing the FCDLs and RIDFs. Indeed, Sherman ISD had no reason to appeal the FCC Form 486 Notification Letter, which did not clearly indicate a revised service start date and gave no indication of a funding commitment adjustment.<sup>30</sup> It was only when Sherman ISD received notification of revised funding commitments and recovery efforts in July that an appeal became necessary. Accordingly, to the extent that USAC may have simply decided that Sherman ISD was misidentifying the basis of its appeal, that decision was completely unfounded and should be reversed.

### **III. IN THE ALTERNATIVE, THE BUREAU SHOULD WAIVE THE COMMISSION'S RULES TO GRANT THE REQUESTED RELIEF**

As explained above, Sherman ISD did not violate the Commission's rules. If the Bureau disagrees, however, Sherman ISD respectfully asks the Bureau to waive the Commission's rules to the extent necessary to grant the requested relief.

Any of the Commission's rules may be waived if good cause is shown.<sup>31</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>32</sup> In addition, the Commission may take into

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<sup>30</sup> See *supra* note 8.

<sup>31</sup> 47 C.F.R. § 1.3.

<sup>32</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>33</sup>

A waiver in this case would be in the public interest. Granting the requested waiver also advances the goals of the E-rate Program. As explained above, Sherman ISD's technology director made every effort to file the necessary forms on time, missing the FCC Form 486 filing deadline at most by a few days only because USAC had given her the wrong deadline. Under these circumstances, the recovery of approximately \$250,000 in funding that has been disbursed, and used to provide eligible services to eligible schools, is grossly disproportionate to the USAC-presumed minor procedural mistake. The few days that Sherman ISD was late in submitting its FCC Form 486 had no impact whatsoever on the proper administration of the fund and prejudiced no other party.

The Commission has previously found that minor mistakes do not warrant a denial of funding.<sup>34</sup> In the *Adams County Order*, the Commission stated that a rule may be waived where the particular facts make strict compliance inconsistent with the public interest.<sup>35</sup> In that case, the Commission stated that, "[r]igid adherence to the rule in these cases... does not further the purposes of the statutory goal mandated by Congress of preserving and advancing universal service for schools and libraries."<sup>36</sup> Reaffirming its prior decision in the *Bishop Perry Order*, the Commission elaborated that "rigid adherence to certain E-rate rules and requirements that are

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<sup>33</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>34</sup> *Requests for Waiver or Review of Decisions 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, ¶¶ 8-10 (2007) (*Adams County Order*).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* ¶ 10.

‘procedural’ in nature does not promote the goals of section 254 of the Act – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest.”<sup>37</sup>

Here, Sherman ISD made a minor procedural mistake by filing its Form 486 a few days late. Just like in the cases in *Adams County*, Sherman ISD’s submission of its form a few days late cannot justify the recovery of a quarter of a million dollars—approximately half of its funding request, especially when USAC’s filing deadline has never been adopted by the Commission. Such an outcome would be inconsistent with the long-standing policies referenced above that the Commission has repeatedly upheld and does not promote the statutory goal of preserving and advancing universal service for schools and libraries or serve the public interest.

Finally, Sherman ISD respectfully points out how arbitrary USAC’s method of dealing with late-filed Form 486s is. It is unclear why USAC chose, when it established the FCC Form 486 filing deadline, to reset the service start date by 120 days from the date the Form 486 was filed, but this decision leads to arbitrary and unfair outcomes. Applicants that make the exact same mistake are treated very differently depending upon when in the funding year USAC issues the FCDL. If the Form 486 is, say, four days late, any reduction in funding should—at most—be prorated for those four days only instead of for four months’ worth of funding.

Perversely, USAC’s approach penalizes applicants whose FCDLs are issued later in the funding year more than those whose FCDLs are issued earlier in the funding year. For example, if an applicant receives its FCDL on July 1 of a funding year, its Form 486 is due 120 days later—October 29. Under USAC’s procedures, a Form 486 filed four days late would result in a revised service start date of July 5. In contrast, if an applicant receives its FCDL on February 1,

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<sup>37</sup> *Id.*

its Form 486 is due June 1 (in a non-leap year). A Form 486 filed four days late would result in a revised service start date of February 5. In these situations, the applicants were both four days late, but one applicant would lose only four days' worth of funding while the other, who committed the exact same minor mistake, would lose more than seven months' worth of funding—simply based on how timely USAC was in issuing an FCDL. This disparate treatment for applicants who have made the exact same mistake is arbitrary, and Sherman ISD respectfully argues that the Bureau should not uphold a recovery based on such an arbitrary procedure.

For all of these reasons, it is in the public interest for the Bureau to grant the requested waiver.

#### **IV. CONCLUSION**

For the reasons discussed above, Sherman ISD respectfully asks the Bureau to grant this appeal, or in the alternative to waive the Commission's rules to the extent necessary to grant the requested relief.

Respectfully submitted,

/s/ Gina Spade

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*Counsel for Sherman Independent School District*

November 15, 2018

### **CERTIFICATE OF SERVICE**

This is to certify that on this 15<sup>th</sup> day of November, 2018, a true and correct copy of the foregoing Request for Review was sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.

/s/ Theresa Schrader

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Theresa Schrader

### **Attachments**

Affidavit of Mignon Plyler

- Exhibit 1      List of FRNs at Issue
- Exhibit 2      Revised Funding Commitment Decision Letter dated July 9, 2018
- Exhibit 3      Application information, data retrieval tool
- Exhibit 4      USAC Notification – FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, Sherman Indep School District, 140482, dated July 29, 2018
- Exhibit 5      FCC Form 486 Certification submitted August 7, 2017
- Exhibit 6      USAC Notification – FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, Sherman Indep School District, 140482, dated July 13, 2018
- Exhibit 7      FCC Form 486 Notification Letter dated February 5, 2018
- Exhibit 8      Revised FCDL for FRN #1699131457
- Exhibit 9      Recovery of Improperly Disbursed Funds letter dated July 18, 2018
- Exhibit 10      Sherman ISD Appeal to USAC, Sept. 6, 2018
- Exhibit 11      USAC Appeal Denial
- Exhibit 12      USAC News Brief dated October 5, 2018



**Affidavit of Mignon Plyler**

**STATE OF TEXAS            )**

**) SS**

**COUNTY OF GRAYSON )**

I, Sherman ISD technology director Mignon Plyler, swear:

1. That I was the Technology Director for Sherman ISD from July 1, 2000 to November 13, 2018.
2. That I have read the foregoing appeal and avow the information stated therein is true and correct to the best of my knowledge and belief.

Further Affiant Sayeth Not.



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Mignon Plyler  
Technology Director  
2701 Loy Lake Road  
Sherman, TX 75090  
(903) 891-6400

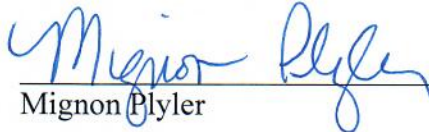
**VERIFICATION**

**STATE OF TEXAS** )

) SS

**COUNTY OF GRAYSON** )

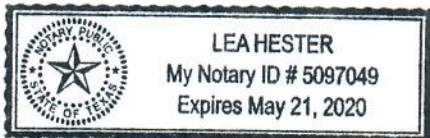
COMES NOW, Mignon Plyler, and being first duly sworn upon my oath, state that I have read the foregoing Affidavit, and that the facts contained therein are true and correct to the best of my knowledge, information and belief, and that I sign the same as my free act and deed.

  
Mignon Plyler

On this 13<sup>th</sup> day of November, 2018, before me, a Notary Public in and for said state, personally appeared Mignon Plyler, known to me to be the person who executed the within Affidavit, and acknowledged to me that she executed the same for the purposes therein stated and that she executed the same as her free act and deed.

  
Notary Public

My Commission Expires: 05/21/2020



## **EXHIBIT 1**

<b>Funding Year</b>	<b>Form 471#</b>	<b>FRN#</b>	<b>RFCDL</b>
2016	161053993	1699132317	07/09/18
2016	161053993	1699131457	07/17/18

<b>Funding Year</b>	<b>Form 471#</b>	<b>FRN#</b>	<b>RIDF</b>
2016	161053993	1699132029	07/18/18
2016	161053993	1699132557	07/18/18
2016	161053993	1699124957	07/18/18
2016	161053993	1699131366	07/18/18
2016	161053993	1699132690	07/18/18
2016	161053993	1699132654	07/18/18
2016	161053993	1699124521	07/18/18

## **EXHIBIT 2**

# Revised Funding Commitment Decision Letter

## Funding Year 2016

**Contact Information:**

Mignon Plyler  
SHERMAN INDEP SCHOOL DISTRICT  
2701 Loy Lake Road  
SHERMAN, TX 75090  
[mplyler@shermanisd.net](mailto:mplyler@shermanisd.net)

**BEN:** 140482**Post Commitment Wave:** 51

## Totals

Original Commitment Amount	\$125,980.80
<b>Revised Commitment Amount</b>	<b>\$31,495.20</b>

## What is in this letter?

Thank you for submitting your post-commitment request for **Funding Year 2016 Schools and Libraries Program (E-rate) funding**. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

## Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 51

- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
  - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
  - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
  - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

## How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

**Note:** The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 51

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

## Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

## Notice on Rules and Funds Availability

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





**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 51

## Revised Funding Commitment Decision Overview

### Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699132317	Frontier Southwest Incorporated	Appeals	\$31,495.20	Approved



**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 51

<b>Post Commitment Request Number:</b> 110586	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Approved
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<b>FRN:</b> 1699132317	<b>Service Type:</b> Data Transmission and/or Internet Access	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161053993</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	3		
Total Eligible Recurring Charges	\$39,369.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$39,369.00	
Discount Rate		80.00%	
Revised Committed Amount		\$31,495.20	

Dates	
Service Start Date	4/9/2017
Contract Expiration Date	6/30/2017
Contract Award Date	
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Frontier Southwest Incorporated
SPIN (498ID)	143004789
Contract Number	
Account Number	210-005-1893-090810-5
Establishing FCC Form 470	160033183

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

<b>Revised Funding Commitment Decision Comments:</b>
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<b>Post Commitment Rationale:</b>
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Your post-commitment request for Funding Year2016 Schools and Libraries Program (E-rate) funding commitment has been revised to reflect the correct commitment amount.



**E-Rate Productivity Center** Thank you for your Funding Year 2016 Application for Universal Service Support and for any assistance you provided throughout our review.

This post contains your Funding Commitment Decision Letter for the FY 2016 FCC Form 471 Application Number 161053993 for SHERMAN INDEP SCHOOL DISTRICT – BEN 140482. The attached .csv file contains information about the committed status of the funding requests, and the FCDL Supplement contains additional important information. The FCDL date is 3/16/2017.

Please open the .csv file below for complete details about the commitments made for each of the Funding Requests. This file can be opened in any spreadsheet program. To make the information easier to read, first select the entire spreadsheet and then expand all of the columns in the document (in Excel, double click on the divider between the column headings, A, B, etc).

We are also sending this information to your service providers so that preparations can begin for delivering services based on the approved discount(s) after you file your FCC Form 486, Receipt of Service Confirmation Form.

The FCDL Supplement document provides more important information including steps for appealing USAC's funding decisions.

The "More Info" link below provides summary data about the commitments made to your company in this wave. Click on the date/time below to display the entire notification for easy printing.

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 the Children's Internet Protection Act (CIPA) requirements.
- File the FCC Form 486 once you are ready to begin receiving services.
- If you are paying the full bill, invoice USAC using the FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form.



[FY 2016 FCDL Supplement](#)  
PDF 224 KB



[FCC Form 471 - 161053993 - SHERMAN INDEP SCHOOL DISTRICT](#)  
CSV 4 KB

Fm 471 2016 - #16105...

Mar 22, 2017 ☆ 🔒 [Comment](#) [Hide Info](#) ▲

<b>FCC Form 471 Application Number</b>	161053993
<b>Billed Entity Number (BEN)</b>	140482
<b>Billed Entity Name</b>	SHERMAN INDEP SCHOOL DISTRICT
<b>Billed Entity FCC RN</b>	0013050166
<b>Applicant's Form Identifier</b>	Fm 471 2016
<b>FCDL Date</b>	Mar 16, 2017
<b>Approved Amount</b>	\$388,617.46
<b>Denied Amount</b>	\$0.00
<b>Notification Generated By</b>	<a href="mailto:mplyler@shermanisd.net">mplyler@shermanisd.net</a>
<b>Notification Generated On</b>	03/22/2017 12:37 PM EDT

## **EXHIBIT 3**

BEN	BEN_NAME	FRN	FCC Form 471	Status	Service Type	Service Provider	Service Start Date	Contract Expiration Date	Award Date	Months Of Service In Funding Year	Total Eligible Recurring Charges	Total Eligible One Time Charges	Total Pre-Discount Charges	Discount Rate	Committed Amount	FCDL Comments	Wave Number	Last Allowable Date For One Time Services
140482	SHERMAN INDEP SCHOOL DISTRICT	1699132317	161053993	Funded	Data Transmission and/or Internet Access	Frontier Southwest Incorporated	7/1/2016	6/30/2017		12	\$157,476 00	\$0 00	\$157,476 00	80 00%	\$125,980 80		38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699131457	161053993	Funded	Voice	MCI Communications Corp	7/1/2016	6/30/2017		12	\$9,576 00	\$0 00	\$9,576 00	40 00%	\$3,830 40	MR1: The FRN was modified from 1 line to 300 lines to agree with the applicant documentation	38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699132029	161053993	Funded	Data Transmission and/or Internet Access	MCI Communications Corp	7/1/2016	6/30/2019	5/26/2016	12	\$79,107 84	\$0 00	\$79,107 84	80 00%	\$63,286 27		38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699132557	161053993	Funded	Data Transmission and/or Internet Access	Frontier Southwest Incorporated	7/1/2016	6/30/2019	3/25/2014	12	\$68,929 32	\$0 00	\$68,929 32	80 00%	\$55,143 46		38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699124957	161053993	Funded	Data Transmission and/or Internet Access	Cable One, Inc	7/1/2016	6/30/2020	4/9/2015	12	\$59,400 00	\$0 00	\$59,400 00	80 00%	\$47,520 00		38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699131366	161053993	Funded	Voice	Frontier Southwest Incorporated	7/1/2016	6/30/2017		12	\$64,800 00	\$0 00	\$64,800 00	40 00%	\$25,920 00	MR1: The FRN was modified from 1 line to 300 lines to agree with the applicant documentation	38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699132690	161053993	Funded	Voice	Verizon Wireless (Cellco Partnership)	7/1/2016	6/30/2017		12	\$28,800 00	\$0 00	\$28,800 00	40 00%	\$11,520 00		38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699132654	161053993	Funded	Voice	Frontier Southwest Incorporated	7/1/2016	6/30/2017		12	\$24,055 92	\$0 00	\$24,055 92	40 00%	\$9,622 37	MR1: The amount of the funding request was changed from \$2,331 65 Amount Requested Total Charges - Original to \$2,004 66 Amount Requested Total Charges - Modified to remove DID of Ten, DID numbers, Additional Listing, Directory Assistance the ineligible product(s) or service(s)	38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699124521	161053993	Funded	Voice	AT&T Corp	7/1/2016	6/30/2017		12	\$2,435 40	\$0 00	\$2,435 40	40 00%	\$974 16	MR1: The Local Phone Service for FRN Line Item 1699124521 was modified from 1 to 9 to agree with the applicant documentation	38	9/30/2017
140482	SHERMAN INDEP SCHOOL DISTRICT	1699132781	161053993	Funded	Data Transmission and/or Internet Access	Unite Private Networks, LLC	4/1/2017	4/30/2027	5/26/2016	3	\$56,025 00	\$0 00	\$56,025 00	80 00%	\$44,820 00		38	9/30/2017
														<b>TOTAL:</b>	<b>\$388,617.46</b>			

## **EXHIBIT 4**

Zimbra

mplyler@shermanisd.net

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**USAC Notification - FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, SHERMAN INDEP SCHOOL DISTRICT, 140482**

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**From :** EPC Application Administrator  
<EPC.Application.Administrator@usac.org>

Sat, Jul 29, 2017 04:14 AM

**Sender :** portal@usac.org

**Subject :** USAC Notification - FCC Form 486 Urgent  
Reminder Letter issued for FCC Form 471  
161053993, SHERMAN INDEP SCHOOL  
DISTRICT, 140482

**To :** mplyler@shermanisd.net,  
mplyler@shermanisd.net

External images are not displayed. [Display images below](#)

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An FCC Form 486 Urgent Reminder Notification for one or more FRNs on FCC Form 471 161053993 (Fm 471 2016), filed by SHERMAN INDEP SCHOOL DISTRICT (140482), has been issued and is available in your news feed. The specific FRNs for which your FCC Form 486 is overdue are included in your notification.

The deadline to file your form has passed, but this notification provides a 15 day grace period to file without penalty. If you do not submit the FCC Form 486 by the end of the grace period, USAC will change the service start date for the funding requests, which means that you will lose funding. The later you file the form, the more funding will be removed. Specifically, for each month that the form is late, USAC will remove the funds associated with one month of service on the FRN.

To view the notification listing the specific FRNs at issue, login to USAC's E-rate Productivity Center (EPC) by clicking on the link below.

[Login to EPC](#)

If you have questions, or believe that you received this notification in error, please Contact Us or call the USAC Client Service Bureau at (888) 203-8100 for further assistance.



Sincerely,  
Universal Service Administrative Co.

*NOTE: Please do not reply to this email.*

This message has been sent by EPC

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## **EXHIBIT 5**

Records / FCC Forms 486

## FRM 486 Funding Year 2016 - #57943

[Summary](#)
[Associated FRNs](#)
[Review Inquiries](#)
[News](#)
[Related Actions](#)

In-Review

Outreach

Review Completed

Notification Issued

## FCC Form 486 Form Details

View Status (+)

Funding Year 2016

Submitting Organization SHERMAN INDEP SCHOOL DISTRICT (BEN: 140482)

Created By Mignon Plyler

Created On 8/7/2017 5:13 PM EDT

## Billed Entity Information

SHERMAN INDEP SCHOOL DISTRICT

PO BOX 1176

SHERMAN, TX 75090

903-891-6400

Billed Entity Number: 140482

FCC Registration Number: 0013050166

Applicant Type: School District

## Main Contact

Name User has been deactivated

Email mpplier@shermanisd.net

Phone Number 903-891-6423

## Service Information

FRN Number	Application Number	FRN Nickname	Category of Service	SPIN	Service Provider	Actual Service Start Date	Approved Service Start Date
1699124521	161053993	AT&T Perring	Category 1	143001192	AT&T Corp.	7/1/2016	
1699124957	161053993	Cable One	Category 1	143010484	Cable One, Inc	7/1/2016	
1699131366	161053993	Frontier Centranet Basic Phone Service	Category 1	143004789	Frontier Southwest Incorporated	7/1/2016	
1699131457	161053993	Verizon Long Distance	Category 1	143001197	MCI Communications Corp	7/1/2016	
1699132029	161053993	Verizon Internet Service	Category 1	143001197	MCI Communications Corp	7/1/2016	
1699132317	161053993	SISD TLS CIRCUIT Group 1	Category 1	143004789	Frontier Southwest Incorporated	7/1/2016	
1699132557	161053993	Sherman ISD SDTS Circuits 2	Category 1	143004789	Frontier Southwest Incorporated	7/1/2016	
1699132654	161053993	Frontier/Verizon PRI Circuits	Category 1	143004789	Frontier Southwest Incorporated	7/1/2016	
1699132690	161053993	Verizon Wireless Service	Category 1	143000677	Verizon Wireless (Cellco Partnership)	7/1/2016	
1699132781	161053993	10 G Fiber Services	Category 1	143029868	Unite Private Networks, LLC	11/1/2017	
1 - 10 of 10							

## Original Certifications

- ☐ The Funding Requests listed in this FCC Form 486 have been approved by USAC as shown in my Funding Commitment Decision Letter (FCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.
- ☐ I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this FCC Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year in which they apply for discounts.
- ☐ I certify that the services listed on this FCC Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the FCC Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this FCC Form 486 except for those services provided under tariff or on a month-to-month basis. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity; that I have examined this request; and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
- ☐ I understand 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 services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for at least ten years (or whatever retention period is required by the rules in effect at the time of this certification) after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records, including FCC Forms 479 where required, and, if audited, will make such records available to the Administrator.
- ☐ I certify that as of the date of the start of discounted services: a. the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).
- ☐ I certify that as of the date of the start of discounted services: Pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486: (FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
- ☐ I certify that as of the date of the start of discounted services: The Children's Internet Protection Act does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 is (are) receiving discount services only for telecommunications services.
- ☐ I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), do not apply.
- ☐ I certify as the Billed Entity for the consortium that I have collected duly completed and signed FCC Forms 479 from all eligible members of the consortium.
- ☐ I certify that some or all of the eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver, and upon request from the Administrator I can provide this information.
- ☐ I certify that no eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver.

## FCC Notice Required By The Paperwork Reduction Act (OMB Control Number: 3060-0853)

Part 54 of the Federal Communications Commission's (FCC) rules authorize the FCC to collect the information requested in this form. Responses to the questions herein are required to obtain the benefits sought by this application. Failure to provide all requested information will delay processing or result in the form being returned without action. Information requested by this form will be available for public inspection. The information provided will be used to determine whether approving this request is in the public interest. We have estimated that each response to this collection of information will take 1 hour. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0853), Washington, DC 20554. We will also accept your comments via the Internet if you send them to [pra@fcc.gov](mailto:pra@fcc.gov). Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

FCC Form 486

OMB Control No. 3060-0853

December 2013

## Approved Certifications

- ☐ I certify that the services listed on this FCC Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the FCC Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this FCC Form 486 except for those services provided under tariff or on a month-to-month basis. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity; that I have examined this request; and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
- ☐ I understand 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 services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for at least ten years (or whatever retention period is required by the rules in effect at the time of this certification) after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records, including FCC Forms 479 where required, and, if audited, will make such records available to the Administrator.

## Approved CIPA Certifications

- ☒ I certify that as of the date of the start of discounted services: a. the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).
- ☐ I certify that as of the date of the start of discounted services: Pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486: (FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
- ☐ I certify that as of the date of the start of discounted services: The Children's Internet Protection Act does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 is (are) receiving discount services only for telecommunications services.

## Certification Details

Certified By Mignon Plyler

Certified On 8/7/2017 5:12 PM EDT

PRINT PREVIEW ✓

## **EXHIBIT 6**

Zimbra

mplyler@shermanisd.net

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**USAC Notification - FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, SHERMAN INDEP SCHOOL DISTRICT, 140482**

---

**From :** EPC Application Administrator  
<EPC.Application.Administrator@usac.org>

Thu, Jul 13, 2017 04:14 AM

**Sender :** portal@usac.org

**Subject :** USAC Notification - FCC Form 486 Urgent  
Reminder Letter issued for FCC Form 471  
161053993, SHERMAN INDEP SCHOOL  
DISTRICT, 140482

**To :** mplyler@shermanisd.net,  
mplyler@shermanisd.net

External images are not displayed. [Display images below](#)

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An FCC Form 486 Urgent Reminder Notification for one or more FRNs on FCC Form 471 161053993 (Fm 471 2016), filed by SHERMAN INDEP SCHOOL DISTRICT (140482), has been issued and is available in your news feed. The specific FRNs for which your FCC Form 486 is overdue are included in your notification.

The deadline to file your form has passed, but this notification provides a 15 day grace period to file without penalty. If you do not submit the FCC Form 486 by the end of the grace period, USAC will change the service start date for the funding requests, which means that you will lose funding. The later you file the form, the more funding will be removed. Specifically, for each month that the form is late, USAC will remove the funds associated with one month of service on the FRN.

To view the notification listing the specific FRNs at issue, login to USAC's E-rate Productivity Center (EPC) by clicking on the link below.

[Login to EPC](#)

If you have questions, or believe that you received this notification in error, please Contact Us or call the USAC Client Service Bureau at (888) 203-8100 for further assistance.

Sincerely,  
Universal Service Administrative Co.

*NOTE: Please do not reply to this email.*

This message has been sent by EPC

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**EXHIBIT 7**



## E-rate Productivity Center FCC Form 486 Notification Letter

This FCC Form 486 Notification Letter is an acknowledgement that USAC has received and reviewed SHERMAN INDEP SCHOOL DISTRICT's FCC Form 486 - 57943 for Funding Year 2016 on 2/5/2018. Important information about your form is included in the attached Excel file. Please review it carefully to understand any changes that were made to the FCC Form 486 and/or the FRNs you included.

Each service provider featured on approved forms will also be notified of the information contained in this notification.

Click on the date/time at the bottom of this FCC Form 486 Notification letter to see a printable version.

### NEXT STEPS

- Discuss with your service provider whether you would like discounts on your bills or to pay your bills in full and be reimbursed for discounts.
- Invoice USAC before the invoice deadline using the applicant invoice (BEAR Form – FCC Form 472) for reimbursements after paying the bills in full or the service provider invoice (SPI Form – FCC Form 474) for discounts. Whichever method you choose, you must pay your non-discount portion, as stated in Program rules. Program rules also require that participants maintain all documentation for at least ten years after delivery of discount service.

Please keep a copy of this notification for your records.



[FCC Form 486 - 57943 - FRM 486 Funding Year 2016](#)

XLSX 13 KB

FRM 486 Funding Year ... #140482 - SHERMAN I...

Feb 5 2018 ☆ 🔒 [Comment](#) [Hide Info](#) ▲

**FCC Form 486 #** 57943

**Billed Entity** SHERMAN INDEP SCHOOL DISTRICT (BEN: 140482)

**Certification Date** Aug 7, 2017

BEN:	BEN Name:	FCC Form 486 Number:	FCC Form 486 Nickname:	Funding Request Number (FRN):	Funding Request Nickname:	Form 471 Application Number:	Service Provider Name:	Service Provider Identification Number:	Billing Account Number:	Actual Service Start Date:	Approved Service Start Date:	Service Start Date Change Indicator:	Service Start Date Change Explanation:	Current Funding Commitment:
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699124521	AT&T Perring	161053993	AT&T Corp.	143001192	9037869452	07/01/2016	04/09/2017	N		974.16
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699124957	Cable One	161053993	Cable One, Inc	143010484	23404-055120-01-6	07/01/2016	04/09/2017	N		47,520.00
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699131366	Frontier Centranet Basic Phone Service	161053993	Frontier Southwest Incorporated	143004789	210-188-3461-102398-5	07/01/2016	04/09/2017	N		25,920.00
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699131457	Verizion Long Distance	161053993	MCI Communications Corp	143001197	Y2203504	07/01/2016	04/09/2017	N		3,830.40
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699132029	Verizion Internet Service	161053993	MCI Communications Corp	143001197	Contract DIR-TEX-AN-NG	07/01/2016	04/09/2017	N		63,286.27
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699132317	SISD TLS CIRCUIT Group 1	161053993	Frontier Southwest Incorporated	143004789	210-005-1893-090810-5	07/01/2016	04/09/2017	N		125 980.80
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699132557	Sherman ISD SDTS Circuits 2	161053993	Frontier Southwest Incorporated	143004789	9031973435 903aa93342	07/01/2016	04/09/2017	N		55,143.45
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699132654	Frontier/Verizon PRI Circuits	161053993	Frontier Southwest Incorporated	143004789	Vz 9038131538 Vz 9038918987	07/01/2016	04/09/2017	N		9,622.36
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699132690	Verizon Wireless Service	161053993	Verizon Wireless (Cellco Partnership)	143000677	542044682-000010	07/01/2016	04/09/2017	N		11,520.00
140482	SHERMAN INDEP SCHOOL DISTRICT	57943	FRM 486 Funding Year 2016	1699132781	10 G Fiber Services	161053993	Unite Private Networks, LLC	143029868	New Account	11/01/2017	11/01/2017	N		0.00

## **EXHIBIT 8**

# **Revised Funding Commitment Decision Letter**

## **Funding Year 2016**

**Contact Information:**

Mignon Plyler  
SHERMAN INDEP SCHOOL DISTRICT  
2701 Loy Lake Road  
SHERMAN, TX 75090  
[mplyler@shermanisd.net](mailto:mplyler@shermanisd.net)

**BEN:** 140482**Post Commitment Wave:** 52

## **Totals**

Original Commitment Amount	\$3,830.40
<b>Revised Commitment Amount</b>	<b>\$957.60</b>

## **What is in this letter?**

**Thank you for submitting your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding.** Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

## **Next Steps**

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 52

- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
  - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
  - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
  - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

## How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

**Note:** The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 52

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

## **Obligation to Pay Non-Discount Portion**

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

## **Notice on Rules and Funds Availability**

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



**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 52

## Revised Funding Commitment Decision Overview

### Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699131457	MCI Communications Corp	Appeals	\$957.60	Approved





**BEN Name:** SHERMAN INDEP SCHOOL DISTRICT

**BEN:** 140482

**Post Commitment Wave:** 52

<b>Post Commitment Request Number:</b> 110396	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Approved
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<b>FRN:</b> 1699131457	<b>Service Type:</b> Voice	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471: 161053993</b>			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	3		
Total Eligible Recurring Charges	\$2,394.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$2,394.00	
Discount Rate		40.00%	
Revised Committed Amount		\$957.60	

Dates	
Service Start Date	4/9/2017
Contract Expiration Date	6/30/2017
Contract Award Date	
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	MCI Communications Corp
SPIN (498ID)	143001197
Contract Number	
Account Number	Y2203504
Establishing FCC Form 470	160033183

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

**Revised Funding Commitment Decision Comments:**

**Post Commitment Rationale:**

Your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding commitment has been revised to reflect the correct commitment amount.

## **EXHIBIT 9**



## Recovery of Improperly Disbursed Funds Letter

Mignon Plyler  
SHERMAN INDEP SCHOOL  
DISTRICT  
2701 Loy Lake Road  
SHERMAN, TX 75090

07/18/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

**Total amount to be recovered:** **\$160,489.70**

FCC Form 471	FRN	Commitment adjustment	Total amount to be recovered	Explanation(s)	Party to recover from
161053993	1699132029	\$0.00	\$47,464.70	Funds disbursed are greater than the commitment amount	BEN
161053993	1699132557	\$0.00	\$41,357.61	Funds disbursed are greater than the commitment amount	BEN
161053993	1699124957	\$0.00	\$35,640.00	Funds disbursed are greater than the commitment amount	BEN
161053993	1699131366	\$0.00	\$19,440.00	Funds disbursed are greater than the commitment amount	BEN
161053993	1699132690	\$0.00	\$8,640.00	Funds disbursed are greater than the commitment amount	BEN
161053993	1699132654	\$0.00	\$7,216.77	Funds disbursed are greater than the commitment amount	BEN
161053993	1699124521	\$0.00	\$730.62	Funds disbursed are greater than the commitment amount	BEN

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

### Recovery of Improperly Disbursed Funds

Our review of your Universal Service Schools and Libraries Support Program (or E-rate) funding request(s) referenced in the Adjustment Report has determined funds were improperly disbursed in violation of Federal Communications Commission (FCC) rules. A copy of that Adjustment Report is also attached to this letter.

FCC rules require the Universal Service Administrative Company (USAC) to recover funding when it is determined that funding was disbursed in violation of the rules. This letter notifies you that USAC will be recovering funding that was improperly disbursed and provides information on how to appeal this decision.



This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

## FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>.

## To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Recovery of Improperly Disbursed Funds) and the decision you are appealing:
  - a. Appellant name;
  - b. Applicant name and service provider name, if different from appellant;
  - c. Applicant BEN and Service Provider Identification Number (SPIN);
  - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
  - e. "Recovery of Improperly Disbursed Funds," AND the exact text or the decision that you are appealing.
- 3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division



## Adjustment Report

FCC Form 471 Application Number:	161053993
Funding Request Number:	1699132029
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$47,464.70
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	140482
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	MCI Communications Corp
SPIN:	143001197
Original Funding Commitment:	\$63,286.27
Adjusted Funding Commitment:	\$15,821.57
Funds Disbursed to Date:	\$63,286.27

## Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699132029. Based on an internal review, the funding amount was confirmed to be \$15,821.57 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$47,464.70 in improperly disbursed funds from the applicant.



## Adjustment Report

FCC Form 471 Application Number:	161053993
Funding Request Number:	1699132557
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$41,357.61
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	140482
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Frontier Southwest Incorporated
SPIN:	143004789
Original Funding Commitment:	\$55,143.45
Adjusted Funding Commitment:	\$13,785.86
Funds Disbursed to Date:	\$55,143.45

## Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699132557. Based on an internal review, the funding amount was confirmed to be \$13,785.84 ,which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$41,357.61 in improperly disbursed funds from the applicant.



## Adjustment Report

FCC Form 471 Application Number:	161053993
Funding Request Number:	1699124957
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$35,640.00
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	140482
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Cable One, Inc
SPIN:	143010484
Original Funding Commitment:	\$47,520.00
Adjusted Funding Commitment:	\$11,880.00
Funds Disbursed to Date:	\$47,520.00

## Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699124957. Based on an internal review, the funding amount was confirmed to be \$11,880.00 which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$35,640.00 in improperly disbursed funds from the applicant.



## Adjustment Report

FCC Form 471 Application Number:	161053993
Funding Request Number:	1699131366
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$19,440.00
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	140482
Services Ordered:	Voice
Service Provider Name:	Frontier Southwest Incorporated
SPIN:	143004789
Original Funding Commitment:	\$25,920.00
Adjusted Funding Commitment:	\$6,480.00
Funds Disbursed to Date:	\$25,920.00

## Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699131366. Based on an internal review, the funding amount was confirmed to be \$6,480.00, which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$19,440.00 in improperly disbursed funds from the applicant.





## Adjustment Report

FCC Form 471 Application Number:	161053993
Funding Request Number:	1699132690
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$8,640.00
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	140482
Services Ordered:	Voice
Service Provider Name:	Verizon Wireless (Cellco Partnership)
SPIN:	143000677
Original Funding Commitment:	\$11,520.00
Adjusted Funding Commitment:	\$2,880.00
Funds Disbursed to Date:	\$11,520.00

## Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699132690. Based on an internal review, the funding amount was confirmed to be \$2,880.00, which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$8,640.00 in improperly disbursed funds from the applicant.



## Adjustment Report

FCC Form 471 Application Number:	161053993
Funding Request Number:	1699132654
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$7,216.77
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	140482
Services Ordered:	Voice
Service Provider Name:	Frontier Southwest Incorporated
SPIN:	143004789
Original Funding Commitment:	\$9,622.36
Adjusted Funding Commitment:	\$2,405.59
Funds Disbursed to Date:	\$9,622.36

## Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699132654. Based on an internal review, the funding amount was confirmed to be \$2,405.59, which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$7,216.77 in improperly disbursed funds from the applicant.



## Adjustment Report

FCC Form 471 Application Number:	161053993
Funding Request Number:	1699124521
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$730.62
Explanation(s):	Funds disbursed are greater than the commitment amount
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	140482
Services Ordered:	Voice
Service Provider Name:	AT&T Corp.
SPIN:	143001192
Original Funding Commitment:	\$974.16
Adjusted Funding Commitment:	\$243.54
Funds Disbursed to Date:	\$974.16

## Funding Commitment Adjustment Explanation:

During USACs review, it was determined that funds were improperly disbursed for funding request 1699124521. Based on an internal review, the funding amount was confirmed to be \$243.54 ,which is less than the amount that was disbursed. Therefore, USAC will seek recovery of \$730.62 in improperly disbursed funds from the applicant.

## **EXHIBIT 10**



**BROADBAND**  
LEGAL STRATEGIES

1629 K STREET, N.W. SUITE 300  
WASHINGTON, DC 20006

September 6, 2018

Letter of Appeal  
Universal Service Administrative Company  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsippany, NJ 07054-0685

Re: Appeal of Sherman Independent School District, FY2016; BEN: 140482

Dear Appeals Reviewer:

Pursuant to 47 C.F.R. § 54.719(a), Sherman Independent School District (Sherman ISD or the District) hereby respectfully submits this appeal of decisions by the Universal Service Administrative Company (USAC) to reduce Sherman ISD's commitment and seek recovery of funding from Sherman ISD's application for funding year 2016:

<b>Funding Year</b>	<b>Form 471#</b>	<b>FRN#</b>	<b>RFCDL</b>
2016	161053993	1699132317	07/09/18
2016	161053993	1699131457	07/17/18

<b>Funding Year</b>	<b>Form 471#</b>	<b>FRN#</b>	<b>RIDF</b>
2016	161053993	1699132029	07/18/18
2016	161053993	1699132557	07/18/18
2016	161053993	1699124957	07/18/18
2016	161053993	1699131366	07/18/18
2016	161053993	1699132690	07/18/18
2016	161053993	1699132654	07/18/18
2016	161053993	1699124521	07/18/18

Contact:

/s/ Gina Spade

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Gina Spade  
Broadband Legal Strategies  
1629 K Street, NW Suite 300  
Washington, DC 20006  
DC Bar # 452207  
gina@broadbandlegal.com  
202-907-6252  
*Counsel for Sherman Independent School District*

## **USAC's Reason for Reduction and/or Recovery of Funding**

Your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding commitment has been revised to reflect the correct commitment amount.<sup>1</sup>

### **Summary**

Sherman ISD respectfully appeals USAC's decision to reduce its commitments and seek recovery of funding disbursed for several funding requests on FCC Form 471 #161053993 for funding year 2016.

Although USAC did not explain why it reduced Sherman's funding, it appears that USAC has revised Sherman's service start date because USAC believes the District's Form 486 may have been filed a few days late.

Sherman ISD meets the standard for relief set in the Commission's *Archdiocese of New Orleans* order. In that order, the Commission directed USAC to waive USAC's procedural deadline as long as an applicant had filed its Form 486 no later than 120 days after the last day to receive service for that funding year and as long as it had good cause. Sherman ISD meets both criteria. Further, the Federal Communications Commission (Commission) has directed USAC not to recover funds when disbursed due to a procedural error. As such, Sherman ISD requests that USAC grant this appeal and reverse its decision to reduce the funding commitment and seek recovery of more than \$250,000 in funding.

### **Background**

Sherman Independent School District is a public school district based in Sherman, Texas and is located approximately 45 minutes north of Dallas. Sherman ISD serves more than 7,000 students across 12 campuses: one high school, one middle school, one intermediate school, seven elementary schools, an early childhood center, and a learning center.

On March 28, 2016, Sherman ISD posted its FCC Form 470 #160033183 seeking bids for Category 1 voice, data transmission, and Internet access services for funding year 2016. On May 26, 2016, Sherman ISD filed its FCC Form 471 #161053993, which included the above-referenced FRNs for Category 1 data transmission and Internet access services. The total funding commitment requested on the FCC Form 471 was \$390,196.85.<sup>2</sup>

About a year later—on March 16, 2017—USAC issued the FCDL for this application, approving \$388,617.46 in funding for the requested FRNs.<sup>3</sup> On July 29, 2017, USAC sent an email to Sherman ISD technology director Mignon Plyler containing an urgent reminder that Sherman

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<sup>1</sup> Exhibit 1, Revised Funding Commitment Decision Letter, dated July 9, 2018.

<sup>2</sup> Sherman ISD did not use the funding from one of the funding requests worth \$44,820.

<sup>3</sup> Exhibit 2, Funding Commitment Decision Letter (data retrieval tool).

ISD needed to file its Form 486 within the next 15 days.<sup>4</sup> According to that email, the due date would have been August 13, 2017. Ms. Plyler filed Sherman ISD's Form 486 on August 7, 2017.<sup>5</sup> On February 5, 2018, USAC sent a notice that the Form 486 was approved.<sup>6</sup> Sherman ISD subsequently invoiced USAC and received \$254,975.28 in funding for its eligible broadband services.

On July 9, 2018, USAC issued a Revised FCDL, reducing its funding commitment from \$125,980.80 to \$31,495.20 for FRN #1699132317 for a loss of \$94,485.<sup>7</sup> On July 17, 2018, USAC issued a second Revised FCDL for this application, reducing its funding commitment from \$3,830.40 to \$957.60 for FRN #1699131457 for a loss of \$2,882.40.<sup>8</sup> Sherman ISD received eligible services under both FRNs in funding year 2016.

On July 18, 2018, USAC issued a Recovery of Improperly Disbursed Funds Letter (RIDF) requesting recovery of \$160,489.70 of "funds committed in violation of [FCC] rules" for the rest of the FRNs referenced above.<sup>9</sup> The letter claimed that the "[f]unds disbursed are greater than the commitment amount," even though the funds disbursed were not more than the amount committed by USAC and Sherman ISD had never received a revised RCDL for any of these FRNs.<sup>10</sup>

The FCC has indicated that applicants should initially file an appeal to USAC on issues related to late-filed Form 486s.<sup>11</sup> An appeal of a USAC decision is due 60 days after the issuance of the decision.<sup>12</sup> As such, this appeal is timely filed.

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<sup>4</sup> Exhibit 3, USAC Notification – FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, Sherman Indep School District, 140482, dated July 29, 2018.

<sup>5</sup> Exhibit 4, FCC Form 486 certification dated August 7, 2018. Ms. Plyler also received a Form 486 reminder notification via email on July 13, 2017. Exhibit 5, USAC Notification – FCC Form 486 Urgent Reminder Letter issued for FCC Form 471 161053993, Sherman Indep School District, 140482, dated July 13, 2018. Given that the FCDL was issued for the entire application on the same day, the date the FCC Form 486 was due should have been the same for all funding requests on the application.

<sup>6</sup> Exhibit 6, FCC Form 486 Notification Letter dated February 5, 2018. Note the approved service start dates were changed to April 9, 2017, but the column noting the service start date change indicator is marked "N," presumably indicating that the service start date was not changed. Further, the funding commitment amounts did not change, except for FRN 1699132781. For that FRN, Sherman ISD had told USAC it did not want to use any of its funding commitment for that FRN in funding year 2016.

<sup>7</sup> Exhibit 1, Revised FCDL for FRN #1699132317.

<sup>8</sup> Exhibit 7, Revised FCDL for FRN #1699131457.

<sup>9</sup> Exhibit 8, Recovery of Improperly Disbursed Funds letter, dated July 18, 2018.

<sup>10</sup> *Id.*

<sup>11</sup> 47 C.F.R. § 719; *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, ¶ 12 (WCB 2016) (*Archdiocese of New Orleans*).

<sup>12</sup> 47 C.F.R. § 54.720.

## **Discussion**

All applicants are required to annually file the FCC Form 486 to notify USAC of the date that they began receiving E-rate supported services and to certify compliance with the Children's Internet Protection Act (CIPA).<sup>13</sup> USAC procedures require applicants to submit their FCC Form 486 no later than 120 days after the date service began or no later than 120 days after the date USAC issued a funding decision commitment letter (FCDL), whichever is later.<sup>14</sup> If an applicant files late, USAC will set the service start date to the date 120 days before receipt of the Form 486, and the applicant will only receive funding for the time period after the established service start date, not the actual service start date.<sup>15</sup>

In 2016, the Federal Communications Commission articulated a new standard for granting appeals of USAC's denials of late-filed Forms 486 in an order called the *Archdiocese of New Orleans*.<sup>16</sup> The Wireline Competition Bureau (Bureau or WCB) ruled that appeals for late-filed Forms 486 would be granted by USAC when (1) the Form 486 was filed no later than 120 days after the last day to receive service for the funding request at issue and (2) the applicant has demonstrated good cause for the late filing.<sup>17</sup>

Sherman ISD met this standard. First, the Form 486 was filed within 120 days of the last day to receive services for the funding request at issue. The last day to receive service for this application was June 30, 2017, and 120 days after that would be on October 28, 2017. Sherman ISD filed its Form 486 on August 7, 2017—well before that deadline.

Second, Sherman ISD had good cause for the late filing. The Commission has directed USAC to send Form 486 reminder notifications in an effort to reduce the number of appeals due to late-filed forms.<sup>18</sup> Here, USAC sent two reminder letters for the application's Form 486. Ms. Plyler reviewed the one dated July 29, 2017, as she thought they were the same letter. They referenced the same application number, and the Form 486 due date should have been the same for the entire application. The July 29 letter noted that she had 15 days from the date of the letter to file her Form 486, which would have given her until August 13, 2017. Ms. Plyler then ensured that she had filed the Form 486 on August 7—what she thought was a week before the deadline. As it turns out, it appears that USAC's second reminder letter may have contained the wrong date. But it was reasonable for Ms. Plyler to rely upon USAC's reminder letter for the deadline and such reliance constitutes good cause for the purposes of WCB's standard for a waiver for the deadline.

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<sup>13</sup> 47 C.F.R. § 54.520. <https://www.usac.org/sl/applicants/step05/default.aspx>.

<sup>14</sup> <https://www.usac.org/sl/applicants/step05/default.aspx>; *Archdiocese of New Orleans* at ¶ 2.

<sup>15</sup> *Id.*

<sup>16</sup> *See Archdiocese of New Orleans*.

<sup>17</sup> *Archdiocese of New Orleans*, ¶ 10.

<sup>18</sup> *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4723, 4726, ¶ 9 (WCB 2015); *Archdiocese of New Orleans*, ¶ 2.



The Bureau also directed USAC to apply the new late-filed standard to appeals filed with USAC on or after January 30, 2017.<sup>19</sup> Thus, USAC has the authority to grant this appeal.

In addition, the Commission established the Form 486 standard in *Archdiocese of New Orleans* in order to ensure that the program's funding was disbursed in a timely fashion.<sup>20</sup> Sherman filing its Form 486 a few days late did not affect the delivery of services nor delay any distribution of funding. In fact, USAC was able to timely disburse the district's E-rate support within the relevant funding year.

Further, the District notes that the Commission has directed USAC not to seek recovery of funding when the error at issue is a procedural one.<sup>21</sup> Here, not only was the error procedural, in that it was the late filing of a form, but it is not even a violation of Commission rules or a Commission deadline. The procedure was created by USAC without going through a notice and comment rulemaking, and the Commission has chosen not to codify the deadline.<sup>22</sup>

Finally, the Commission has previously found that minor mistakes do not warrant a denial of funding.<sup>23</sup> In *Adams County*, the Commission stated that a rule may be waived where the particular facts make strict compliance inconsistent with the public interest.<sup>24</sup> In that case, the Commission stated that, "[r]igid adherence to the rule in these cases... does not further the purposes of the statutory goal mandated by Congress of preserving and advancing universal service for schools and libraries."<sup>25</sup> Reaffirming its prior decision in *Bishop Perry Middle School*, the Commission elaborated that "rigid adherence to certain E-rate rules and requirements that are 'procedural' in nature does not promote the goals of section 254 of the Act – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest."<sup>26</sup>

Here, Sherman ISD made a minor procedural mistake by filing its Form 486 a few days late. Just like in the cases in *Adams County*, Sherman ISD's submission of its form a few days late cannot justify the recovery of a quarter of a million dollars—approximately half of its funding request, especially when USAC's procedure has never been adopted by the Commission. Such an outcome would be inconsistent with the long-standing policies referenced above that the

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<sup>19</sup> *Archdiocese of New Orleans*, ¶ 12.

<sup>20</sup> *Archdiocese of New Orleans*, ¶¶ 8-9.

<sup>21</sup> *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808, ¶ 19 (2004) (*Fifth Report and Order*).

<sup>22</sup> Administrative Procedure Act, 5 USC § 553 et seq.

<sup>23</sup> *Requests for Waiver or Review of Decisions 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, ¶¶ 8-10 (2007) (*Adams County*).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at ¶ 10.

<sup>26</sup> *Id.*

Commission has repeatedly upheld and does not promote the statutory goal of preserving and advancing universal service for schools and libraries or serve the public interest.

### **Conclusion**

Sherman ISD respectfully requests USAC to grant its appeal. Sherman ISD meets the standard for relief set in the Commission's *Archdiocese of New Orleans* order: It filed its Form 486 well before the Commission's deadline articulated in that order and Sherman ISD's understandable belief that its Form 486 was due August 13 was good cause for its filing on August 7, 2018. Further, the Commission has directed USAC not to recover funds when disbursed due to a procedural error. As such, Sherman ISD requests that USAC grant this appeal and reverse its decision to seek recovery of funding.

### **Attachments**

- Exhibit 1      Revised Funding Commitment Decision Letter, dated July 9, 2018
- Exhibit 2      Funding Commitment Decision Letter dated March 16, 2017
- Exhibit 3      USAC Notification – FCC Form 486 Urgent Reminder Letter dated July 29, 2017
- Exhibit 4      FCC Form 486 Certification submitted August 7, 2017
- Exhibit 5      USAC Notification – FCC Form 486 Urgent Reminder Letter dated July 13, 2017
- Exhibit 6      FCC Form 486 Notification Letter, dated February 5, 2018
- Exhibit 7      Revised Funding Commitment Decision Letter, dated July 17, 2018
- Exhibit 8      Recovery of Improperly Disbursed Funds letter, dated July 18, 2018

## **EXHIBIT 11**

FRN	FRN Status	471 Application Number	BEN	Billed Ent ty Name	Applicant City	Applicant State	471 Consulting Firm Name	Fund Year	Orig Funding Request	Contd Funding Request	Orig FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Appl cation	FCDL Comment for FRN	PC Wave Number	Revised FCDL Date	Post Commitment Rationale
1699132029	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$63,286.27	\$15,821.57	Data Transmission and/or Internet Access	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 Approved as submitted.	61  63	09/19/2018   10/10/2018	61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.
1699124521	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$974.40	\$243.54	Voice	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 The Local Phone Service for FRN Line Item 1699124521 was modified from 1 to 9 to agree with the applicant documentation.	61  63	09/19/2018   10/10/2018	61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.
1699132317	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$125,980.80	\$31,495.20	Data Transmission and/or Internet Access	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 Approved as submitted.	51  61  63	07/10/2018   09/19/2018   10/10/2018	51-Your post-commitment request for Funding Year2016 Schools and Libraries Program (E-rate) funding commitment has been revised to reflect the correct commitment amount.   61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.
1699132557	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$55,143.46	\$13,785.86	Data Transmission and/or Internet Access	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 Approved as submitted.	61  63	09/19/2018   10/10/2018	61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.
1699124957	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$47,520.00	\$11,880.00	Data Transmission and/or Internet Access	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 Approved as submitted.	61  63	09/19/2018   10/10/2018	61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.

FRN	FRN Status	471 Application Number	BEN	Billed Entity Name	Applicant City	Applicant State	471 Consulting Firm Name	Fund Year	Orig Funding Request	Contd Funding Request	Orig FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN	PC Wave Number	Revised FCDL Date	Post Commitment Rationale
1699132654	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$11,191.92	\$2,405.59	Voice	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 The amount of the funding request was changed from \$2,331.65 Amount Requested Total Charges - Original to \$2,004.66 Amount Requested Total Charges - Modified to remove DID of Ten, DID numbers, Additional Listing, Directory Assistance the ineligible product(s) or service(s)	58  61  63	08/30/2018   09/19/2018   10/10/2018	58-This appeal record was created on your behalf to correct certain funding requests on your FCC Form 471, however, no issues were found making the issue moot. The appeal is dismissed.  61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.
1699131366	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$25,920.00	\$6,480.00	Voice	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 The FRN was modified from 1 line to 300 lines to agree with the applicant documentation.	61  63	09/19/2018   10/10/2018	61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.
1699132781	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$44,820.00	\$0.00	Data Transmission and/or Internet Access	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 Approved as submitted.			
1699132690	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$11,520.00	\$2,880.00	Voice	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 Approved as submitted.	58  61  63	08/30/2018   09/19/2018   10/10/2018	58-This appeal record was created on your behalf to correct certain funding requests on your FCC Form 471, however, no issues were found making the issue moot. The appeal is dismissed.  61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.
1699131457	Funded	161053993	140482	SHERMAN INDEP SCHOOL DISTRICT	SHERMAN	TX		2016	\$3,840.00	\$957.60	Voice	38	3/16/2017	MR1 The applicant did not submit any RAL corrections.	MR1 The FRN was modified from 1 line to 300 lines to agree with the applicant documentation.	52  61  63	07/18/2018   09/19/2018   10/10/2018	52-Your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding commitment has been revised to reflect the correct commitment amount.  61-Your FCC Form 486 was not filed within 120 days calculated from 3/16/2017, the date of the FCDL. Your FCC Form 486 was filed and certified on 8/7/2017, which is after the deadline date. Consequently, the Service Start Date has been revised to 4/9/2018, 120 days before the FCC Form 486 certified date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly. The Form 486 Notification Letter was issued on 2/5/2018 and included a spreadsheet that indicates the Service Start Date was changed to 4/9/2018. Our records show that your appeal was filed more than 60 days after the date your Form 486 Notification Letter was issued. Your appeal was filed on 9/6/2018. The Form 486 Notification Letter was issued on 2/5/2018. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.   63-USAC is providing your Revised Funding Commitment Decision Letter (RFCDL) in PDF format.

## **EXHIBIT 12**

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Universal Service  
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## Schools and Libraries Program News Brief

October 5, 2018

**TIP OF THE WEEK:** Review your E-rate Productivity (EPC) profile(s) and update them as needed for the FY2019 application filing window. The [administrative window is now open](#) for you to make changes, and it will remain open until early January 2019.

### Commitments for Funding Year 2018

**Funding Year 2018.** USAC released Funding Year (FY) 2018 Wave 26 Funding Commitment Decision Letters (FCDLs) on October 5. As of October 5, FY2018 commitments total over \$1.81 billion.

On the date that FCDLs are issued, you can access your FCDL notification from the **Notifications** section of your landing page in the E-rate Productivity Center (EPC).

### USAC Seeks IT Enhancement Feedback

The USAC web page – [Share Your E-rate Technical System Ideas](#) – continues to be available for program participants to submit their ideas and feedback for improving and/or enhancing Schools and Libraries information systems. Information submitted to USAC through the feedback form on this webpage should only pertain to proposed changes to the E-rate related information technology (IT) systems.

To share your thoughts and ideas, go to the web page, enter your name and email address, identify your role in the E-rate program, and describe your idea. When you are finished, click the **SUBMIT** button at the bottom of the page.

If we have questions or would like more information about your submission, we may send you a request to the email address you provided. If you do not wish to be contacted by USAC, please notify us by email at [privacy@usac.org](mailto:privacy@usac.org).

**Note that we cannot respond to specific inquiries or requests for assistance through this form.** For these issues, submit a customer service case in EPC or call CSB at 888-203-8100.

### Reminder of Three October 29 Deadlines

October 29, 2018 is the deadline for most program participants to:

1. Certify an invoice for FY2017 recurring services.
2. Request a one-time, 120-day extension of the deadline to file invoices for FY2017 recurring services.
3. Certify an FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act Certification Form for FY2018.

Each of these actions is discussed in more detail below.

#### 1. Certifying an invoice for FY2017 recurring services

For most applicants and service providers, October 29 is the deadline to invoice USAC for FY2017 recurring services.

The invoice deadline is calculated as follows:

- 120 days after the last day to receive service (June 30, 2018) or
- 120 days after the date of the FCC Form 486 Notification Letter

whichever is later.

Applicant and service provider whose FCC Form 486 Notification Letter are dated after June 30, 2018 will have an invoice deadline later than June 30. However, USAC issued most of these letters well before that date (remember we are talking about FY2017 recurring services).

**Applicants who intend to file FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form**, must have a Personal Identification Number (PIN) and an approved FCC Form 498, Service Provider and Billed Entity Identification Number and General Contact Information Form.

- To request a PIN, follow the instructions on the [Personal Identification Number page](#) on the USAC website. USAC will email your PIN to the email address you provide on the [PIN Request Template](#) that you complete in order to request your PIN. Note that you do not need a new PIN if you already have one.
- To start an FCC Form 498, click the [File Online \(EPC\) \(Applicant\)](#) link under the **FCC Form 498** header on the [Forms page](#) to log in to EPC. We suggest that you review the guidance on the [Obtain an Applicant 498 ID page](#) before you start the form. After USAC has reviewed and approved your form, we will issue you an applicant 498 ID, which will then appear on the first page of the online BEAR Form.

To start a BEAR Form, click the [File Online](#) link under the **FCC Form 472** header on the [Forms page](#) and provide your Billed Entity Number (BEN), your PIN, your email address and your last name.

**Service providers who intend to file FCC Form 474, Service Provider Invoice (SPI) Form**, can access the online SPI Form directly by clicking the [File Online](#) link under the **FCC Form 474** header on the [Forms page](#). You can also submit a request to set up electronic invoicing by following the instructions on the [Electronic Invoicing page](#), but keep in mind that it takes time to set up the process and the invoice deadline is only a few weeks away.

## **2. Requesting an extension of the invoice deadline for FY2017 recurring services**

Applicants and service providers can request a one-time, 120-day extension of the invoice deadline for FY2017 recurring services. The deadline to submit such a request is October 29, 2018.

To request an invoice deadline extension for FY2017, applicant and service provider can log in to their EPC account, access the **Invoice Deadline Date Extension Request** tool, and follow the instructions. For more information on how to access and use this tool, review the description in the [September 21 SL News Brief](#).

You must file an extension request for each Funding Request Number (FRN) that you want to extend. You can file for multiple FRNs in a single session, but you must enter all your FRNs – you cannot request extensions by BEN or by FCC Form 471 application number.

**TIP:** For applicant and service provider who meet the following criteria, we suggest that you request an invoice deadline extension if:

- Your FRN is for FY2017 recurring services.
- You have not yet certified your final invoice for your FRN, or you have not yet certified any invoice for the FRN.
- You have an appeal, SPIN change, or service substitution in process for the FRN.



Requesting this deadline now will give you more time to invoice if it takes longer than expected for USAC to issue its decision on your post-commitment change. (Remember that service delivery deadline and therefore invoice deadline are automatically extended only for non-recurring services.)

### **3. Certifying an FCC Form 486 for FY2018**

For many applicants, October 29 is the deadline for certifying an FCC Form 486 for FY2018.

The FCC Form 486 filing deadline is calculated as follows:

- 120 days after the date of the FCDL or
- 120 days after the service start date reported on the FCC Form 486

whichever is later.

Applicants whose services start after July 1, 2018 or whose FCDLs are dated after July 1, 2018 will have an FCC Form 486 deadline later than October 29. However, we encourage you to certify your FCC Form 486 as soon as possible after services start for FY2018 and you can accurately make all of the certification on the form.

To start an FCC Form 486, click the [File Online](#) link under the **FCC Form 486** header on the [Forms page](#) to log in to EPC. You can then click the **FCC Form 486** link at the top of your landing page.

#### ***FCC Form 486 Urgent Reminder Letter***

If we believe your FCC Form 486 is late based on the deadline calculation described above, we will send you an FCC Form 486 Urgent Reminder Letter to remind you of the upcoming deadline. (Note that we use the service start date you reported on your FCC Form 471 to determine when to send the letter, so if your service start date has changed, your deadline may have changed as well.) This letter is posted to your **News** feed in EPC, and we also send an email to the contact person on the FCC Form 471.

You have 15 days after the date of this letter to certify your FCC Form 486 without penalty. Again, if your service start date has changed, the service start date you enter on your certified FCC Form 486 will determine whether we must apply a penalty for late filing.

#### ***Penalty for certifying an FCC Form 486 late***

If you wait more than 15 days to certify your form – or if the service start date you report on your FCC Form 486 is more than 120 days before the date you certify your form – we will adjust your service start date to the date 120 days before the date you certify your form. This adjusted service start date will appear on your FCC Form 486 Notification Letter in EPC, and we will not pay discounts for services received before that adjusted date.

**Please plan to get these three program activities completed before the above deadline if you have not already done so.**

#### **Contact Us!**

If you need assistance, please contact the Client Service Bureau (CSB) at (888) 203-8100  **Call: (888) 203-8100**.