



Jenkins County School System

Vision: Joining Communities and Schools for Success

Mission: Educating all students for college and careers.

Tara R. Cooper, Superintendent

1152 E. Winthrop Avenue • Millen, Georgia • 30442

Telephone (478) 982 – 4305 • Fax (478) 249– 1005 • www.jchs.com

VIA ECFS

November 16, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: CC Docket No. 02-6 – Request For Review And Waiver Concerning USAC Denial Of Form 500 Change To Extend Service Delivery Deadline - Jenkins County School District (BEN 127336) - Funding Year 2016 – Funding Request No. 1699034326

Applicant Name: Jenkins County School District
Billed Entity Number: 127336
Funding Year: 2016
FCC Registration Number: 0011882842
Form 471 App. Number(s): 16168663
Funding Request Number: 1699034326
Service Provider: Micro Technology Consultants, Inc.
Service Provider Invoice No.: 14300546

Dear Ms. Dortch:

Jenkins County School District ("Jenkins County" or "District"), acting pursuant to Sections 54.719-54.721 of the Commission's rules¹, hereby timely files this Request for Review and Waiver ("Request"). The Request seeks review of the adverse decision of the Administrator of the Universal Service Administrative Company ("USAC") denying an FCC Form 500 change to correct an administrative and clerical error and extend the service delivery date for approved Category 2 services under Funding Request Number 1699034326 for E-Rate Funding Year 2016 ("FRN") provided to the District.²

1. Background: The Cabling Project And Its Unavoidable Delay

Jenkins County is a small rural school district in the State of Georgia. On or about November 28, 2016, USAC approved Category 2 funding under the FRN for the District. The FRN was for the cabling of the new consolidated school (Jenkins County High School, Jenkins County Middle School, and Jenkins

¹ 47 C.F.R. §§ 54.719-54.721.

² This Request is timely filed because the final day of the 60-day appeal period is November 17, 2018.

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Vice Chairman
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County Elementary School). The cabling project supported by the FRN covers all of the eligible network cabling and fiber for the entire building. The original contract expiration date was September 30, 2017.

The building is a new construction and due to construction-related issues outside of the District's control, the completion of the project was pushed back, necessitating the need for an extension of time to complete the work. The delay of the construction prevented the approved contractor on the FRN (Micro Technology Consultants, Inc. ("MTC")) from meeting the initial timeline, and that timeline was necessarily extended. Again, the initial delay was due to construction issues unrelated to the project on the FRN, which pushed the low-voltage phase back. Soon after, the county was effected by the fallout from Hurricane Irma in September of 2017. The location in the "affected impact" area of Hurricane Irma further delayed construction.

Once it came to the District's attention that the construction project could not be completed by the original contract expiration date, the District, on or about September 21, 2017, filed and certified a Form 500 seeking an extension for Funding FRN stating in relevant part:

"The start date for construction of the new school was delayed for various reasons, thus delaying the erate funded project. Additional time is needed for the project due to delays in construction of the facility."³

The Form reflects that a change in both the Service Start Date and the Contract Expiration Date was requested. As a result, USAC approved an advance of the Contract Expiration Date one year – from September 30, 2017 until September 30, 2018. All work was completed by June 22, 2018, well within the approved contract extension date and what should have been an extended time for delivery had this ministerial and clerical error not been made. The District has paid its non-discounted share of the project.

The District has met all deadlines for filing the online extension and been timely on all communication regarding E-Rate funding. Jenkins County is a very small school system located in a very rural area. As such, it is underfunded and has limited resources, which leads to a lack of sufficient personnel resources. This makes it extremely difficult, if not impossible, to keep up with the dizzying array of program changes that have occurred over the last 3 years with the EPC and new Form 500 filing process.

The District filed the Form 500 intending to obtain a service delivery deadline extension and provide notice of the contract expiration extension, as well as receive the invoice deadline extension that would have accompanied the service delivery extension. The construction project could not be completed on the original timeline, thus the need to extend. The District mistakenly believed that extending the contract would also extend the service delivery date. However, the box requesting a service delivery extension inadvertently was not checked on the electronic form despite the representation of the need for additional time.

The District first became aware of this ministerial and clerical error when the service provider reported that USAC had denied its invoice for the approved discounted amount of the Category 2

³ See Exhibit 1.

support.⁴ Thereafter, on August 2, 2018, the District filed another Form 500 seeking to correct this error.⁵ However, on September 18, 2018, USAC denied approval of this Form 500 change stating that:

“Request received after the FCC deadline for Implementation (Service Delivery) Deadline Extension requests which was 9/30/2017.”⁶

2. The District’s Ministerial And Clerical Error: Failure To Check The Service Delivery Extension Request Box

As noted above, consistent with the need to extend the period for performing the contract until September 30, 2018 (which USAC approved), the District intended to extend the Service Delivery deadline co-terminus with that date. However, Jenkins County mistakenly believed that extending the contract would also extend the service delivery date. As a result, the box requesting a service delivery extension was not checked on the electronic form despite the representation of the need for additional time. This was an unintended clerical and ministerial error that should be allowed to be corrected.

As further noted, all work was completed by June 22, 2018, well within the approved contract extension date and what should have been an extended time for delivery had this ministerial and clerical error not been made.

Had the intended service delivery extension been sought and granted in tandem with the contract extension, the work completion deadline would have been September 30, 2018 and the invoicing deadline under FCC rules would have been at least January 29, 2019.

3. The District’s Ministerial And Clerical Error Should Not Deprive Approved Support For Work Performed Within The Approved Contract Performance Period.

The District was not aware of the ministerial and clerical error with respect to the Form 500 until USAC denied the MTC invoice in June of 2018. Thereafter, it filed the second Form 500 to correct the situation.

The District respectfully submits that “rigid adherence” to the Form 500 requirements here – where there was a clear statement by the District that the time for performing the work needed to be extended – “does not further the purposes of [the E-Rate Program] or serve the public interest.”⁷ There

⁴ The USAC denial occurred on or about June 22, 2018. MTC completed the approved cabling work by June 22, 2018, well within the extended contract period. However, when MTC submitted the Invoice upon completion, USAC rejected the request citing the following reasons: “Invoice Received Date [06/22/2018]: Later Than FCC Extension Date [05/29/2018]⁴; Ship Date [06/21/2018] > [09/30/2017] Ship Extension Date; one time cost; Ship Date Outside of Funding Year | 06/22/2018 |SPIF.” MTC has itself appealed this denial to the Commission after unsuccessfully appealing to USAC.

⁵ See Exhibit 2.

⁶ See Exhibit 3.

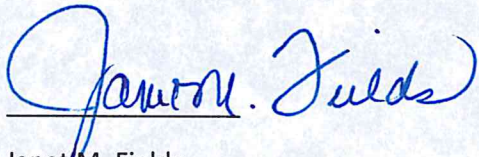
⁷ See *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library, Archer City, TX, et al.*, Order, 23 FCC Rcd 15518, 15522 ¶18 (Wireline Comp. Bur. 2008). (“Archer Library”); see also *In the Matter of Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School New Orleans, LA, et al.*, Order, 21 FCC Rcd 5316 (2006).

is no evidence of waste, fraud and abuse. The unintentional administrative error here does not reveal any "misuse of funds or failure to adhere to core program requirements."⁸ The unintended failure of the District to check a box on an electronic form is well within the category of ministerial and clerical errors that the FCC has permitted to be corrected in the past.⁹

The need for a service delivery extension – delay in construction beyond the District's control – is one of the express criteria for granting such a justification of such an extension.¹⁰ Failure to allow such an extension here would unfairly deprive the District of approved E-Rate support for which it is eligible and MTC performed the work to earn. Consistent with the intent of the District, the Commission should waive any administrative and clerical error and allow correction of the Form 500 also to specify a Service Delivery Extension Request until September 30, 2018 and allow MTC to resubmit the invoice for payment within 30 days of grant of this Request.

I declare under penalty of perjury that the foregoing statements and representations are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Janet M. Fields
Finance Director
Jenkins County Board of Education
1152 E Winthrop Avenue
Millen, GA 30442
Phone (478) 982-4305
jfields@jchs.com

⁸ Archer Library at ¶18.

⁹ See *In the Matter of Requests for Waiver and review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, MI et al.*, Order, 25 FCC Rcd 17319 (Wireline Compet. Bur. 2010).

¹⁰ See *In the Matter of Request for Review of Decisions of the Universal Service Administrator by Academy Charter School et al.*, Order, 29 FCC Rcd 5820 (Wireline Comp. Bur. 2014); *In the Matter of Request for Review of Decisions of the Universal Service Administrator by Academy Charter School*, Order, 28 FCC Rcd 12685 (Wireline Comp. Bur. 2013).

EXHIBIT 1

SUBMITTING_ORGANIZATION FUNDING_YEAR STATUS CREATED_BY CREATED_ON MAIN_CONTACT_NAME MAIN_CONTACT_PHONE_NUMBER MAIN_CONTACT_EMAIL
JENKINS COUNTY SCHOOL DISTRICT(BEN 2016 In Review jfields@jchs.co 21-Sep-2017 14:48 Burt Carter 478-982-1024 brcarter14@gmail.com

Application Information

Application Number 161018663
Application Nickname New_School_Cabling
Category of Service 2

Selected Change Types

Selected Change Types	Selected?	Narrative
Service Start Date Change	Yes	The start date for construction of the new school facility was delayed for various reasons, thus delaying the erate funded project.
Contract Expiration Date Change	Yes	Additional time is needed for the project due to delays in construction of the facility.
Service Delivery Extension Request	No	
Cancel FRN Request	No	
Reduce FRN Request	No	
Equipment Transfer Request	No	

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization. The public reporting for this collection of information is estimated to range from 1 to 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMO-PERM, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM 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 500

OMB Control No.3060-0853

Estimated time per response:1.5 hours

FRN FRN_NICKNAME
1699034326 Cabling

SPIN SPIN_NAME
14300546 Micro Technology Consultants 12-Apr-2017

ORIGINAL_SERVICE_START_DATE
NEW_SERVICE_START_DATE
12-Apr-2017

FCC Form 500

OMB Control No.3060-0853

Estimated time per response:1.5 hours

FRN FRN_NICKNAME
1699034326 Cabling

SPIN SPIN_NAME ORIGINAL_CONTRACT_EXPIRATION_DATE
14300546 Micro Technology Consultants 30-Sep-2018

NEW_CONTRACT_EXPIRATION_DATE
30-Sep-2018

CERTIFIED_BY **CERTIFIED_ON** **TITLE** **EMPLOYER** **PHONE** **EMAIL**
Janet Fields 21-Sep-2017 14:48:06 Business N.JENKINS COUNTY SC 912-982-6000 jfields@jchs.com

ADDRESS
1152 EAST WINTHROPE AVENUE;;MILLEN,GA 30442

Certifications

<input checked="" type="checkbox"/>	I certify that I am authorized to submit this form 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.
<input checked="" type="checkbox"/>	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.
<input checked="" type="checkbox"/>	I 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 later of the last day of the applicable funding year or the service delivery deadline for the funding request (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.

EXHIBIT 2

SUBMITTING_ORGANIZATION FUNDING_YEAR STATUS CREATED_BY CREATED_ON MAIN_CONTACT_NAME MAIN_CONTACT_PHONE_NUMBER MAIN_CONTACT_EMAIL
JENKINS COUNTY SCHOOL DISTRICT18EN 2016 In Review jfields@jhs.cc 02-Aug-2018 17:31 Burt Carter 478-982-1024 bicarter14@gmail.com

Application Information

Application Number 161018663
Application Nickname New_School_Cabling
Category of Service 2

Selected Change Types	Selected?	Narrative
Service Start Date Change	No	
Contract Expiration Date Change	No	
Service Delivery Extension Request	Yes	The school district previously filed the Form 500 appeal extending the service start date and contract expiration date. Our intention was to also extend the service delivery date, but inadvertently omitted that change on the form.
Cancel FRM Request	No	
Reduce FRM Request	No	
Equipment Transfer Request	No	

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization. The public reporting for this collection of information is estimated to range from 1 to 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PENM, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet: if you send them to PRA@fcc.gov, PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM 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.

FRN FRN_NICKNAME SPIN SPIN_NAME
1699034325 Cabling 143005461 Micro Technology Consultants, Inc.

Service Provider Questions

Was the service provider unable to complete delivery and installation for reasons beyond their control?
Was the service provider unwilling to complete delivery and installation after USAC withheld payment for more than 60 days on an invoice for those services?

Yes
No

CERTIFIED_BYCERTIFIED_ON **TITLE** **EMPLOYER** **PHONE** **EMAIL** **ADDRESS**
Janet Fields 02-Aug-2018 17:31:53 Business Manager JENKINS COUNTY SCHOOL DISTRICT 912-982-6000 jfields@jchs.com 1152 EAST WINTHROPE AVENUE,;MILLEN,GA 30442

Certifications	
<input checked="" type="checkbox"/>	I certify that I am authorized to submit this form 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.
<input checked="" type="checkbox"/>	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.
<input checked="" type="checkbox"/>	I 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 later of the last day of the applicable funding year or the service delivery deadline for the funding request (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.

EXHIBIT 3



Universal Service
Administrative Co.

September 18, 2018

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Burt Carter
JENKINS COUNTY SCHOOL DISTRICT
1152 EAST WINTHROPE AVENUE
MILLEN, GA 30442
blcarter14@gmail.com

BEN: 127336

Post Commitment Wave: 61

Totals

Original Commitment Amount	\$154,419.39
Revised Commitment Amount	\$154,419.39

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:

- FCC Form 500 - Service Delivery Extension Request

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: JENKINS COUNTY SCHOOL DISTRICT

BEN: 127336

Post Commitment Wave: 61

- 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: JENKINS COUNTY SCHOOL DISTRICT

BEN: 127336

Post Commitment Wave: 61

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.

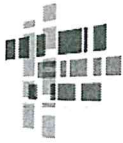
For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

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: JENKINS COUNTY SCHOOL DISTRICT

BEN: 127336

Post Commitment Wave: 61

Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699034326	Micro Technology Consultants, Inc.	FCC Form 500 - Service Delivery Extension Request	\$154,419.39	Denied



BEN Name: JENKINS COUNTY SCHOOL DISTRICT

BEN: 127336

Post Commitment Wave: 61

Post Commitment Request Number: 117961	Post Commitment Request Type: FCC Form 500 - Service Delivery Extension Request	Post Commitment Decision: Denied
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FRN: 1699034326	Service Type: Internal Connections	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161018663			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	3		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$181,669.87
Total Pre-Discount Charges		\$181,669.87	
Discount Rate		85.00%	
Revised Committed Amount		\$154,419.39	

Dates	
Service Start Date	4/12/2017
Contract Expiration Date	9/30/2018
Contract Award Date	3/31/2016
Service Delivery Deadline	9/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Micro Technology Consultants, Inc.
SPIN (498ID)	143005461
Contract Number	
Account Number	
Establishing FCC Form 470	160029260

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:

Post Commitment Rationale:

Request received after the FCC deadline for Implementation (Service Delivery) Deadline Extension requests which was 9/30/2017.