CC Docket No. 02-6

To Whom It May Concern,

Montrose County School District is requesting review and reconsideration of the USAC decision to deny the FRNs listed below for violating the commissions competitive bidding rules for failing to post an FCC form 470 for the category of service for which the applicant sought funding on the FCC form 471. We request that this denial be remanded to USAC for proper review and allow the applicant to adjust the service type to align with the form 470 in the same manner that would have been done during a PIA review.

FRN: 1799020413 and 1799020416

The explanation for each FRN stated “Failure to post a FCC Form 470 for the category of service for which the applicant sought funding on the FCC Form 471.” Specifically, failing to list Basic Maintenance of Internal Connections on the form 470.

History

Montrose County School District completed the form 470 for funding years 16 & 17 requesting bids for a wireless LAN solution and wireless access points. The form 470 requested Internal Connections and Managed Broadband Services and an RFP was attached.

Montrose completed the form 471 by requesting Internal Connections and Basic Maintenance of Internal Connection instead of the Managed Internal Broadband Services that was listed on the form 470. The application went through PIA review and was issued a favorable Funding Commitment Decision Letter for all FRN in question.

USAC is now adjusting the commitment and asking the applicant to return a significant amount of money because the incorrect service type was selected under the correct category of service.

Discussion

We are under the impression that once the application is submitted to USAC, it undergoes a review. During the review, applicants provide additional information or documentation regarding the application that was submitted. Ministerial and clerical errors can be made to an application when it is clear that an error occurred during the completion of the forms. In addition, reviewers will ask applicants to clarify or provide a reason for applying in an incorrect manner to determine if the error was ministerial and or clerical.

We understand that the EPC system performs an initial check of the application and barring any exceptions, the application could be funded without an actual PIA review member looking at the application. Earlier this year, USAC notified applicants that one of the exceptions was not working correctly and applications that should have been flagged for additional review were not. The exception that was not working was the exception that looks for a mismatch between the form 470 and the form 471.

Applicants that were notified of this system error were given the opportunity to make any adjustments needed to correct the mismatch. These corrections ranged from changing the service type or removing an FRN because it was filed incorrectly. All of these options were provided prior to issuing a denial or a Funding Commitment Decision Letter.

Montrose County School District was not given the opportunity to correct the error in their application. Instead, USAC approved the application, paid the invoice then denied and requested the return of funds that were committed in previous years and adjusting commitments.

The same effort on USACs behalf to cure their system issue should be afforded to all applicants despite the stage in the application process because the initial review was not performed correctly.

Montrose did not intend to violate the competitive bidding rules. In fact, licenses are required to be purchased by the manufacturer of the wireless access points and comes as a non-negotiable rate from the manufacturer to the vendor offering these licenses to this school district. These licenses are to be filed under the same service type as the equipment. A clerical error relative to the category of service was made upon submission of the funding request from this school district to USAC.

If the FCC upholds the USAC decision to recover or refuse to pay the amount previously stated, then this will present a hardship to our students by impacting instruction in our classrooms. This school district will be compelled to reduce financial support of instructional technology for students in our classrooms by eliminating planned purchases of digital curriculum, digital applications, and purchase of tablet devices for students to use during instructional time. In addition, previously planned professional development for our teachers utilizing instructional technology will also be reduced or completely eliminated if USAC seeks to recover or refuses to pay the amount previously stated.

My hope is that my appeal of this clerical error will not compel this school district to reduce planned financial support of instructional technology for our students and professional development for our teachers.

Sincerely,

Steve McEwin

District Administrator

Montrose County School District

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