

Appendix D –
Affidavit of David V. Abbott

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

Re: Appeal of USAC Denial of 2014 Funding Year Application

Form 471 Application No. 936734

Entity & BEN: Rhode Island Department of Elementary and Secondary Education
BEN 120839; FCC RN 0012488854
Contact Person: David V. Abbott, Deputy Commissioner/General Counsel
Contact Information: 255 Westminster Street, Providence, RI 02903-3400
Email: david.abbott@ride.ri.gov
Telephone: (401) 222-8703; (401) 258-6132
Service Providers: OSHEAN (SPIN 143005312); Fiber Technologies (SPIN 143019354); Cox
Rhode Island (SPIN 143016764)
FRNs: OSHEAN (2627750); Fiber Technologies (2627626); Cox Rhode Island
(2632881)

AFFIDAVIT OF DAVID V. ABBOTT

I, David V. Abbott, being first duly sworn on oath, hereby deposes and states:

1. I am over the age of eighteen and the statements in this affidavit are based on my personal knowledge.
2. I have been employed by the Rhode Island Department of Elementary and Secondary Education (RIDE) since December 10, 2001, and currently serve as Deputy Commissioner and General Counsel.
3. For the period of November 16, 2012 through June 30, 2014, I have also served as the Interim Chief of the Division of Fiscal Integrity and Efficiencies, which includes the Office of Statewide Efficiencies, which is responsible for all aspects of E-rate funding.
4. Cynthia Brown is the Director of the Office of Statewide Efficiencies and is the direct supervisor of E-rate Coordinator Karen Cooper.
5. On Friday March 21, 2014, Director Brown delivered to me three E-rate service provider contracts: OSHEAN (signed by vendor 2/26/2014)(Appendix C), Fiber Technologies (signed by vendor on 2/27/2014)(Appendix D), and Cox Rhode Island (signed by vendor on 3/21/2014)(Appendix E). Upon delivery, Director

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Brown asked when the Commissioner would be able to sign the three contracts. I explained that the Commissioner was out of state that day, but that the Commissioner and I had a meeting to sign contracts on Tuesday, March 25th at 10:00 and that she could count on them getting signed at that time.

6. Commissioner Gist personally signs all contracts and grant awards on behalf of RIDE, but routinely does not date such documents, leaving that task to administrative staff.
7. As part of my duties as General Counsel, I personally review all contracts and grant awards that require the Commissioner's signature and present such documents for her signature in a weekly meeting held for that purpose.
8. During the week of March 24 through March 28, my only meeting with the Commissioner was on Tuesday, March 25th from 10:00 a.m. to 11:00 a.m.
9. During that March 25th meeting, I presented Commissioner Gist with three E-rate service provider contracts for her signature: OSHEAN, Fiber Technologies, and Cox Rhode Island.
10. Commissioner Gist signed all three E-rate service provider contracts within the time frame of our meeting, which ran from 10:00 a.m. to 11:00 a.m.
11. Immediately following my March 25th meeting with Commissioner Gist, I delivered the three signed and executed E-rate service provider contracts to Director Cynthia Brown.
12. At some point on the morning of March 26, 2014, prior to submission of supplementary materials, Director Brown entered that day's date (3/26/14) on all three E-rate service provider contracts.
13. Director Brown mistakenly entering the incorrect date of execution of the three E-rate service provider contracts was a clerical error in her performance of a ministerial function, and does nothing to alter the timeliness of the actual execution of said contracts.

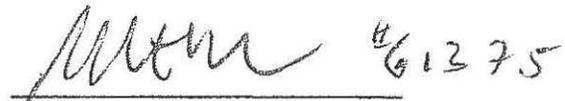
APPENDIX B

FURTHER AFFIANT SAYETH NOT.



David V. Abbott

SUBSCRIBED AND SWORN to before this 3rd day of July, 2014,
by David V. Abbott.



Notary Public

My Commission expires: 11/23/15

