



GILROY UNIFIED SCHOOL DISTRICT

7810 Arroyo Circle, Gilroy, CA 95020

March 11, 2015

Letter of Appeal

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No 02-6

Request for Waiver of "Administrator's Decision on Invoice Deadline Extension Request" regarding FRN 2255018, issued on January 16, 2015

Authorized person who can best discuss this Appeal with you

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

Information

<u>Entity</u>	Gilroy Unified School District
<u>Billed Entity Number</u>	144283
<u>Funding Year</u>	2012-13
<u>471 Number</u>	830048
<u>Funding Request Number</u>	2255018
<u>Service Provider / SPIN</u>	Verizon California Inc. / 143004769
<u>Reimbursement Requested</u>	\$141,564.38

Document Being Appealed: "Administrator's Decision on Invoice Deadline Extension Request" regarding FRN 2255018, issued on January 16, 2015¹

ADL Items Being Appealed (same for all three FRNs):

Decision on Request: "This serves as acknowledgement and dismissal of your request for a deadline extension for the following FRNs"

Explanation: "Current deadline extension rules and procedures do not allow approval for the reason submitted."

Request for Waiver:

Gilroy Unified School District (the District) respectfully requests the Commission to waive its new policy on BEAR deadline extensions and instruct the Schools and Libraries Division's (SLD) to accept the District's 11/13/2014 Invoice Deadline Extension Request for FRN

¹ Email from Schools and Libraries Division, Universal Service Administrative Company (deadline@sl.universalservice.org), to Matthew Hetman (mhetman@erate360.com), eRate 360 Solutions (consultant for Gilroy USD), dated Friday, January 16, 2015; subject: "Administrator's Decision on Invoice Deadline Extension Request", regarding 18 FRNs including FRN 2255018.

2255018 in 471 application number 830048.² This will permit the service provider, Verizon California Inc. (Verizon) to submit a Form 474 (SPI) for reimbursement of \$141,564.38 of E-rate discounts for this FRN. Because the District paid the full amount of the Verizon invoices, the SPI reimbursement will be a badly needed lump-sum credit to the District.

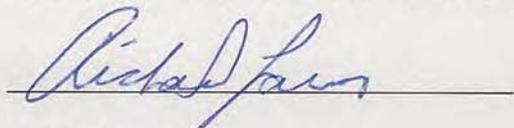
On 10/23/2014 the District's E-rate consultant, Matthew Hetman, submitted online BEAR # 2096134 for FRN 2255018³ for Verizon's certification. Verizon refused to certify the BEAR form,⁴ and on 10/23/2014 a Verizon agent explained to Mr. Hetman that they were obligated to submit a SPI for this type of FRN for a California school. In an email the same day the agent included a form for the District to complete and return to Verizon providing Verizon with information necessary to prepare a SPI form.⁵

Mr. Hetman completed the 3-page form and verified the information with the District, but was unable to provide the form to Verizon in time for Verizon to file their SPI form. Subsequently, on 11/13/2014, Mr. Hetman submitted the Invoice Deadline Extension Request.

The District was unaware the Verizon would not certify a BEAR form for FRN 2255018 – we do not know of any provision in the E-rate rules for Verizon's action. This refusal by Verizon – totally beyond the control of the District – is depriving the District of \$141,564.38. Our BEAR form was filed sufficiently before the 10/28/2014 deadline to allow Verizon time to review and certify the BEAR. We respectfully request the Commission to waive its policy on BEAR deadline extensions so that Verizon can file a SPI for the \$141,564.38 of discounts.

We thank the Commission for its consideration in this matter. We are available to respond to questions or to provide any further information requested by the Commission in its review of this appeal.

Authorized signature for this Appeal⁶



Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054

Date: 3/11/15

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

² Email from the SLD to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, on November 13, 2014, subject: "SLD Inquiry #: 22- 694558 Received", acknowledging SLD's receipt of Mr. Hetman's requested extension.

³ FCC Form 472 # 2096134 for SPIN 143004769 (Verizon California Inc.), FRN 2255018 in Form 471 # 830048, submitted on 10/23/2014 8:29 AM by Gilroy USD; and email from the SLD to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, on 10/23/2014 8:29 AM, subject: "Online BEAR 2096134 successfully30submitted".

⁴ Email from the SLD to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, and Whitney Hansen, Verizon California Inc., on October 23, 2014, subject: "Online BEAR Certification Results", reporting Verizon California Inc failure to certify FRN 2255018 in BEAR Invoice 2096134.

⁵ Email from Whitney Hansen, Business Sales Support Specialist, Verizon, to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, on October 23, 2014, subject: "Verizon Data Gathering Form for FY2012 & FY2013 Gilroy US"

⁶ "Letter of Agency" from Alvaro Meza, Assistant Superintendent – Business Services for Gilroy Unified School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of Gilroy USD.

mgh

From: deadline@sl.universalservice.org
Sent: Friday, January 16, 2015 2:48 PM
To: mhetman@erate360.com
Subject: Administrator's Decision on Invoice Deadline Extension Request

This serves as acknowledgement and dismissal of your request for a deadline extension for the following FRNs:

2255018

- 2260596
- 2260598
- 2260604
- 2260613
- 2260636
- 2380479
- 2380517
- 2380550
- 2380613
- 2380648
- 2380674
- 2380704
- 2380740
- 2380782
- 2380817
- 2380842
- 2380865

Current deadline extension rules and procedures do not allow approval for the reason submitted.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be **POSTMARKED** within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Administrative Decision you are appealing. Indicate the relevant funding year and the date of this letter. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the SLD Invoice Number from the top of your letter.
3. When explaining your appeal, copy the language or text from this letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, 30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

Schools and Libraries Division
Universal Service Administrative Company

This e-mail has been generated programmatically. Please do not respond to this e-mail.

mg

From: sldcaseattachments@sl.universalservice.org
Sent: Thursday, November 13, 2014 9:25 AM
To: mhetman@erate360.com
Subject: SLD Inquiry #: 22-694558 Received

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-694558.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Here is the information you submitted:

[FirstName]=Matthew [LastName]=Hetman [JobTitle]=Consultant [EmailAddress]=mhetman@erate360.com [WorkPhone]=8885357771104 [FaxPhone]=8665693019 [PreviousCaseNumber]=0 [FormType]=Invoice Extension [Owner]=DEADLINEEXTENSIONS [DateSubmitted]=11/13/2014 9:23:26 AM [AttachmentFlag]=Y[Question2]=Matthew Hetman, Consultant on behalf of Gilroy Unified SD ; Phone: 888-535-7771 ext 104; email - mhetman@erate360.com We Request an Invoice Extension Date until December 30, 2014 for Billed Entity Number: 144283, Gilroy Unified SD for Funding Year 15 due to documentation requirements that necessitate third-party contact or certification. 471# 830048, FRN 2255025 , Telecommunications Service; Service Provider: Verizon Online, LLC SPIN 143005440, committed amount \$809.40. 471# 830048, FRN 2255018 , Telecommunications Service; Service Provider: Verizon California Inc. SPIN 143004769, committed amount \$183,849.84

NOTE 3

Need Help?

- [BEAR Home](#)
- [New BEAR Form](#)
- [Track Form](#)
- [Bulk Download](#)
- [Terms and Conditions](#)
- [Logout](#)

View BEAR Invoice

PRINTABLE PAGE

The following invoice has been successfully submitted for certification:

Invoice ID: 2096134

Created on 10/23/2014 8:29 AM

Last updated on 10/23/2014 8:29 AM

Applicant Form Identifier 144283F15VC

Block 1: Header Information

[Need Help?](#)

1. Billed Entity Name GILROY UNIFIED SCHOOL DISTRICT	2. Billed Entity Number 144283	3. Service Provider Identification Number (SPIN) 143004769
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4. Contact Name	Matthew Hetman
5. Contact Telephone Phone	(888) 535-7771 ext. 104
Contact Fax	(866) 569-3019
Contact Email	mhetman@erate360.com

6. Total Reimbursement Amount
(total from Block 2, Column 14)
\$ 141564.38

Block 2: Line Item Information Per Funding Request Number

[Need Help?](#)

	7. FCC Form 471 Application Number	8. Funding Request Number (FRN)	10. Customer Billed Date	11. Shipping date to Customer or Last Day of Work Performed (mm/dd/yyyy)	12. Total (Undiscounted) Amount for Service	13. Discount Rate	14. Discount Amount Billed to USAC (Column 12 multiplied by Column 13)	Approval Status
1)	830048	2255018	7/1/2012		\$ 183849.84	77	\$ 141564.38	AWAITING SP CERTIFICATION

Block 3: Billed Entity Certification

[Need Help?](#)

Contact Information for Billed Entity Authorized Person:

By logging into your account using your PIN, checking this box, and clicking the "certify" button at the end of the form, you have electronically signed the form. You are reminded that an electronic signature is the same as a handwritten signature on the form. To see a copy of the Terms and Conditions to which you previously agreed, please click on the "Terms and Conditions" menu above.

Submission Date 10/23/2014

⋮

17. Name MATTHEW HETMAN
18. Title/Position CONSULTANT ON BEHALF OF BEN
20. Address 1 ERATE 360 SOLUTIONS, LLC
Address 2 322 ROUTE 46W, SUITE 280W
City PARSIPPANY
State NJ
Zip Code 07054 -

19. Phone Number (888) 535-7771 ext. 104
19a. Fax Number (866) 569-3019
19b. Email MHETMAN@ERATE360.COM
19c. Name of Authorized Person's Employer eRate 360 Solutions, LLC

27. Applicant Remittance Information

Name Alvaro Meza
Title/Position Assistant Superintendent-Business Service
Phone Number (408) 848-7126
Address 1 Gilroy Unified SD
Address 2 7810 Arroyo Cir
City Gilroy
State CA
Zip Code 95020

Additional Comments:

Account # 45450039162-8096105

OMB Number 3060 - 0856 Form 472

[SLD Home](#) | [Contact Us](#)

Client Service Bureau: 1-888-203-8100

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mgh

From: no-reply@solixinc.com
Sent: Thursday, October 23, 2014 8:30 AM
To: MHETMAN@ERATE360.COM
Subject: Online BEAR 2096134 successfully submitted.

A Bear Online form has been accepted and is awaiting certification by the Service Provider.

Online Bear Invoice Number: 2096134

Online Bear Submit Date: 10/23/2014

Service Provider Response Deadline: 11/7/2014 or FRN Invoice Deadline, whichever is earlier.

[View Bear Details](#)

mgh

From: no-reply@solixinc.com
Sent: Thursday, October 23, 2014 11:53 AM
To: whitney.hansen@verizon.com; MHETMAN@ERATE360.COM
Subject: Online BEAR Certification Results

The Service Provider for BEAR Invoice 2096134 has certified 0 out of 1 line items.
If some of your items were not certified, you are advised to contact the Service Provider.

Bear Certification Date: 10/23/2014

[View Bear Form Status](#)

mgh

From: Hansen, Whitney R <whitney.hansen@verizon.com>
Sent: Thursday, October 23, 2014 11:39 AM
To: mhetman@erate360.com
Subject: Verizon Data Gathering Form for FY2012 & FY2013 Gilroy USD
Attachments: 471 DGF E-RATE 2012 (FY15)[R].doc; 471 DGF E-RATE 2013 (FY16).doc

Mr. Hetman,

Attached please find Verizon's data gathering forms for FY2012 & FY2013. Please fill out the forms and return them to me as soon as possible.

I will process the refund request, as soon as the extensions are approved.

Please call me if you have any questions.

Thank you,

Whitney Hansen
Business Sales Support Specialist
E-rate Customer Support | Network Field Ops
Verizon Global Network Service Delivery & Assurance
Office: (866) 483-8858 | Fax: (805) 375-9154

Letter of Agency

Gilroy Unified School District
Billed Entity Number: 144283

Letter of Agency For FY 15 (2012 - 2013) and FY16 (2013-2014)

I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Fred Josephs, Bert Garofano, and John Harvey to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of **Gilroy Unified School District** for all eligible services outlined in the most current "Eligible Services List" published by USAC. I understand that, in submitting these forms on our behalf, you are making certifications for **Gilroy Unified School District**. By signing this Letter of Agency, I make the following certifications

- (a) I certify that **schools in our district** are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our **school district** has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our **school district** is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of priority two services. The plan(s) is written at the following level(s):
 an individual technology plan for using the services requested in this application; and/or
 higher-level technology plan(s) for using the services requested in this application; or
 no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our **school district** has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to eRate 360 Solutions, LLC for E-rate submission is true.

District: Gilroy Unified School District

Date: FEB 1, 2012

Signature: 

Printed Name: Alvaro Lopez

Title: Assistant Supt., Business Services