


Smoky Hill
Education
Service Center
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Federal Communications Commission
Office of the Secretary

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Letter of Appeal
WC Docket No. 02-60

April 15, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

CC: 02-6

Appellant/Organization Name: **Clay Center Unified School District 379**
Contact Person Name: **Tamera Burke**
Contact Mailing Address: **605 E. Crawford, Salina, KS 67401**
Contact Phone Number: **785-825-9185**
Contact Fax: **785-825-9195**
Contact Email Address: **tburke@smokyhill.org**

DOCKET FILE COPY ORIGINAL

Funding Year: **2012-2013**
Billed Entity Number: **137973**
Service Provider Identification Number: **14303533**
Form 471 Application Number: **826231**
FRN: **2254862**

We are appealing the decision that the On-Premise Priority 1 Equipment lease for FRN 2254862 is ineligible as a Priority 1 service. After the agreed upon reduction, we cannot find any evidence that this equipment does not meet eligibility guidelines.

On October 25, 2012 a USAC reviewer determined that the On-Premise Priority 1 equipment used for this video distance learning funding request was only 91% eligible. We agreed with that decision.

On January 24, 2014 a USAC reviewer decided that the equipment lease on FRN 2254862 was not eligible as a Priority 1 even though it meets all the requirements for On-Premise Priority 1 equipment. As a result, a COMAD was completed for \$8,147.20.

We would like a revised funding commitment decision letter with the eligible pre-discount amount of \$27,072. With a 67% discount percentage, we would like this FRN funded for \$18,138.24.

Please see the attached correspondence and documentation including the definition of eligibility.

No. of Copies rec'd 041
List ABCDE

Documents included

Date	Time	Document #	Page #	Description
		1.0	4-5	2012 Eligible Services List regarding On-Premise Priority 1 Equipment
		2.0	6-8	On-Premise Priority 1 Equipment guidelines
February 23, 2012		3.0	9-18	Form 471 for FRN 2254862
November 29, 2012		3.1	19-21	FCDL for FRN 2254862
August 17, 2012	7:47 AM	4.0	22	Email from USAC reviewer requesting vendor documentation and the Tennessee test for FRN 2254862.
August 17, 2012	7:47 AM	4.1	23-27	Attachment included with USAC reviewer email requesting vendor documentation and the Tennessee test for FRN 2254862.
August 28, 2012	2:27 PM	4.2	28-30	Response to USAC reviewer with vendor documentation and the Tennessee test for FRN 2254862.
August 28, 2012	2:27 PM	4.3	31-32	Attachment included with response to USAC reviewer with vendor documentation and the Tennessee test for FRN 2254862.
August 30, 2012	9:14 AM	5.0	33	Email from USAC reviewer requesting equipment SKU and diagram for FRN 2254862.
August 30, 2012	9:14 AM	5.1	34-36	Attachment included with USAC reviewer email requesting equipment SKU and diagram for FRN 2254862.
September 11, 2012	4:06 PM	5.2	37-38	Response to USAC reviewer with equipment SKU and diagram for FRN 2254862.
September 11, 2012	4:06 PM	5.3	39	Attachment included with response to USAC reviewer with equipment SKU and diagram for FRN 2254862.
October 10, 2012	8:03 AM	6.0	40	Email from USAC reviewer requesting lease cost associated with equipment for FRN 2254862.
October 10, 2012	8:03 AM	6.1	41-42	Attachment included with USAC reviewer email requesting lease cost associated with equipment for FRN 2254862.
October 16, 2012	4:22 PM	6.2	43	Response to USAC reviewer with lease cost associated with equipment for FRN 2254862.
October 25, 2012	7:04 AM	7.0	44	Email from USAC reviewer requesting confirmation of cost allocating 9% of equipment lease cost for FRN 2254862.
October 25, 2012	7:04 AM	7.1	45-51	Attachment included with USAC reviewer email requesting confirmation of cost allocating 9% of equipment lease cost for FRN 2254862.
October 25, 2012	10:13 AM	7.2	52	Response to USAC reviewer with confirmation of cost allocating 9% of equipment lease cost for FRN 2254862.
January 8, 2014	11:44 AM	8.0	53	Email from USAC reviewer requesting identification of ineligible charges associated with equipment lease for FRN 2254862.
January 8, 2014	11:44 AM	8.1	54-55	Attachment included with USAC reviewer email requesting identification of ineligible charges associated with equipment lease for FRN 2254862.
January 23, 2014	5:07 PM	8.2	56	Response to USAC reviewer with identification of ineligible charges associated with equipment lease for FRN 2254862.
January 23, 2014	5:07 PM	8.3	57-58	Attachment included with response to USAC reviewer with identification of ineligible charges associated with equipment lease for FRN 2254862.

January 23, 2014	5:07 PM	8.4	59	Attachment included with response to USAC reviewer with identification of ineligible charges associated with equipment lease for FRN 2254862.
January 23, 2014	5:07 PM	8.5	60	Attachment included with response to USAC reviewer with identification of ineligible charges associated with equipment lease for FRN 2254862.
January 24, 2014	9:08 AM	9.0	61	Email from USAC reviewer providing notification of funds to be recovered for FRN 2254862.
January 24, 2014	9:08 AM	9.1	62-63	Attachment included with USAC reviewer email providing notification of funds to be recovered for FRN 2254862.
February 7, 2014	6:44 PM	9.2	64-65	Response to USAC reviewer with disagreement of recovery of funds and notification we reserve the right to appeal the decision for FRN 2254862.
February 10, 2014	11:50 AM	10.0	66	Email from USAC reviewer providing notification of funds to be recovered as a result of leased equipment being moved to internal connections for FRN 2254862.
February 10, 2014	11:50 AM	10.1	67-68	Attachment included with USAC reviewer email providing notification of funds to be recovered as a result of leased equipment being moved to internal connections for FRN 2254862.
February 10, 2014	3:37 PM	10.2	69	Response to USAC reviewer with disagreement of recovery of funds as a result of leased equipment being moved to internal connections and notification we reserve the right to appeal the decision for FRN 2254862.

Sincerely,

Tamera Burke

Tamera Burke
E-Rate Consultant

Telecommunications Services

Eligibility Requirements for all Telecommunications Services:

To be eligible for support, telecommunications services must be provided by a telecommunications carrier, that is, a company that offers telecommunications services on a common carriage basis. A telecommunications service is "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public...." 47 U.S.C. § 153(46). All telecommunications carriers must be common carriers and are required by the Commission to file FCC Form 499A (*Telecommunications Reporting Worksheet*). Note that not every service listed on a telephone bill is a telecommunications service.

Except as otherwise indicated in this section, support in this funding category is available only for telecommunications services or for services that are an integral component part of a telecommunications service. Support in this funding category is also available for maintenance and technical support appropriate to maintain reliable operation when provided as a component of an eligible telecommunications service. Please see the Miscellaneous section of this document for additional entries applicable to Telecommunications Services, such as charges for installation and configuration. Support is not available for end-user equipment purchased by applicants.

In addition, some service offerings provide a combination of both Internet access and telecommunications services. For example, a service provider may offer local phone service, long distance service, cellular service, and Internet access for one price. For administrative convenience, such a combined offering, if provided by an eligible telecommunications carrier, may be requested in the telecommunications services category of service on the FCC Form 471. Alternatively, funding may be requested as two separate requests, with the price of the offering appropriately allocated between the telecommunications services and Internet access categories.

If Internet access is being requested in the telecommunications services category, applicants must indicate that Internet access is being sought on FCC Form 470. Please note that funding of Internet access in the telecommunications services category does not relieve applicants of complying with the requirements of the Children's Internet Protection Act (CIPA).

Function	Description
<p>Digital Transmission Services</p>	<p>A telecommunications service that provides transmission from an eligible school or library facility to other locations beyond the school or library is eligible for discount. Digital transmission services refer to data links that connect multiple points using any available technology. An eligible digital transmission service may be used to connect an eligible location to the Internet or <u>Internet2</u>. Digital transmission services used to link local networks are commonly called "wide area networks" (<u>WANs</u>).</p> <p>Eligible digital transmission technologies include, but are not limited to:</p> <ul style="list-style-type: none"> • <u>Asynchronous Transfer Mode (ATM)</u> • <u>Broadband over Power Lines (BPL)</u> • <u>Digital Subscriber Line (DSL)</u> • <u>DS-1, DS-3</u> • <u>Ethernet</u> • <u>Fiber</u> • <u>Frame Relay</u> • <u>Integrated Services Digital Network (ISDN, BRI, PRI)</u> • <u>OC-1, OC-3, OC-12, OC-n</u> • <u>Satellite service</u> • <u>Switched Multimegabit Data Service (SMDS)</u> • <u>T-1, T-3, Fractional T-1</u> • <u>Wireless</u> <p>Components required as an integral part of a digital transmission service are eligible for discount, such as:</p> <ul style="list-style-type: none"> • costs of a <u>permanent virtual circuit (PVC)</u> • costs of <u>trunk lines</u> • reasonable installation costs <p>The telecommunications component of:</p> <ul style="list-style-type: none"> • a distance learning capability • video, or • interactive television, is eligible for discount. <p>In addition, the telecommunications component of voice or video <u>conferencing services</u> that provide a means for multiple users to participate in group discussions may be eligible if the services are limited only to eligible educational or library purposes.</p>
<p>Paging</p>	<p><u>Paging</u> services are eligible when integral, immediate, and proximate to the education of students.</p>



[USAC Home](#) | [Schools and Libraries Program](#) | [Applicants](#) | [Before You Begin](#) | [Eligible Services Overview](#) | [On-Premise Priority 1 Equipment](#)

BEFORE YOU BEGIN

School and Library Eligibility	Non-Traditional Education	Eligible Services Overview
Consortia	Educational Service Agencies (ESA)	Eligible Services List
Non-Instructional Facilities	Entity Numbers	

On-Premise Priority 1 Equipment

Equipment located at the applicant site can receive funding as part of a telecommunications or Internet access service in certain limited conditions. In general, equipment that is located at the applicant site is considered for funding under the eligibility requirements for internal connections. However, if the on-premise equipment is an integral part of an end-to-end Priority 1 service (i.e., telecommunications services or Internet access), recurring or non-recurring charges for that service may include the cost of on-premise equipment used by the provider to provide that Priority 1 service.

Strict conditions apply to the provision of support for Priority 1 services that include on-premise equipment.

The conditions set forth below for eligibility of on-premise Priority 1 equipment are based on an order released by the Federal Communications Commission (FCC) involving a challenge by the state of Tennessee (FCC 99-216, released August 11, 1999). USAC uses the principles set forth in the Tennessee Order as a processing standard for funding requests that include service provider charges for the use of on-premise equipment.

The Principle

It is important to understand what characteristics distinguish on-premise equipment eligible as part of an end-to-end Priority 1 service from internal connections equipment (Priority 2).

Components of internal connections are "necessary" to transport information within a school campus or library branch. Internal connections do not include connections extending beyond a school campus or library branch. FCC rules indicate that "(t)here is a rebuttable presumption that a connection does not constitute an internal connection if it crosses a public right of way." Thus, connections beyond an applicant's premises are presumed to be a part of Priority 1 services (either telecommunications services or Internet access) and connections within an applicant's premises are presumed to be internal connections.

In the normal application of this rule, the actual demarcation point between the local network and the Priority 1 services is typically at a wiring closet or computer room within the facilities. This is consistent with historical precedent of network systems, which traditionally rely on a specific dividing line or "demarcation" between a location's inside facilities and outside facilities. (A demarcation at the exact property boundary line would not be practical.)

In the Tennessee Order, the FCC affirmed that components located at the applicant site were presumed to be internal connections, but also discussed the basis by which this presumption could be overcome. The specific conditions relied upon by the FCC are described in the next section. In addition, several underlying requirements are an integral part of the approach and these are described in Section 3.

The FCC has indicated that support may be provided for basic termination equipment, such as a CSU/DSU, cable modem, network interface device, or copper-to-fiber converter. In the case of such a single basic termination component at the applicant's site, the requirement to meet all conditions as provided in this document does not apply. The term "single" is used to apply to no more than one component per site. Configurations of more than a single basic termination component, such as configurations utilizing routers or other complex equipment, must meet the requirements indicated in the following sections.

Eligibility Conditions

The on-premise Priority 1 equipment must be an integral component of the telecommunications or Internet access service. Support for services that includes charges for on-premise Priority 1 equipment is permissible when all of the following conditions are met:

Same Service Provider: The on-premise equipment will be provided by the same service provider that provides the eligible telecommunications or Internet access service of which it is a part. The on-premise Priority 1 equipment is part of the service provider's infrastructure that is used to provide an eligible telecommunications or Internet access service. All parts of this eligible telecommunications or Internet access service must be obtained from a single service provider.

Requests for services on the FCC Form 471 (Services Ordered and Certification Form) require the applicant to identify a single service provider for each funding request, so this provision is automatically enforced when the full service is described by a single funding request (i.e., a single FCC Form 471, Block 5).

An applicant is allowed to describe a single telecommunications or Internet access service with on-premise equipment in more than one funding request of an FCC Form 471, but only if the applicant provides clear information in the attachments required by Item 21 of FCC Form 471, so that USAC understands the nature of the complete configuration. These multiple funding requests must be featured on a single FCC Form 471. Each separate funding request that is comprised of such a complete telecommunications or Internet access service must specify the same service provider. In other words, the same Service Provider Identification Number (SPIN) must be indicated in each request.

Document 2.0

Maintenance Is the Responsibility of the Service Provider. Since the on-premise components are merely a part of service provider infrastructure used to provide a telecommunications or Internet access service, then the service provider must maintain the components as part of the service provided. The charges of the service provider can include a separate maintenance fee. The applicant may not contract with a different party for maintenance of the service provider facilities, nor may the applicant provide its own maintenance of service provider components.

No Transfer of Ownership or Lease-Purchase Option. The on-site components cannot be owned by the applicant at any time now or in the future. If an explicit or implicit option for the applicant to purchase the components exists and the applicant chooses to exercise this option, they will no longer be in compliance with the rules of the program. However, the presence of an option, in and of itself, would not make the applicant non-compliant with program rules.

If a transfer of ownership is discovered at a future date, USAC will require the return of any funds improperly obtained. Criminal penalties may also apply.

Initial Capital Costs Cannot Exceed Certain Thresholds. Service providers are limited in their ability to recoup the initial costs of construction or installation. Such upfront reimbursements must be limited to less than 67 percent of total charges. This 67 percent limit is evaluated by dividing the initial capital costs by all charges of the service over the funding year, subject to these further criteria: Initial capital costs include costs for equipment and its installation, but not costs for maintenance.

The initial capital costs comprising the numerator for this calculation include only the costs for on-site equipment and its related installation. Initial capital costs for equipment and installation located outside of applicant facilities need not be included.

An applicant cannot avoid requirements regarding upfront charges by merely spreading what would otherwise be a one-time charge over multiple recurring payments in a single funding year. USAC will compare monthly charges during the first year of a contract with monthly charges in subsequent years when making this evaluation.

Additionally, contracts that require applicants to pay most or all of the cost of service provider infrastructure over an abbreviated time period raise the issue of whether the most cost-effective service has been selected.

Note that an additional program rule may require that initial capital costs be amortized. This additional requirement applies regardless of whether any service provider infrastructure is located at the applicant site. See Wide Area Networks (WAN).

On-site Components Cannot Be Used for Any Other Purpose. Since the on-premise Priority 1 components are a part of the service provider's infrastructure, and not the applicant's, the components cannot be used by the applicant for any purpose beyond the telecommunications or Internet access service being obtained from that service provider.

For example, assume that a network router located at the applicant site is part of a telecommunications or Internet access service under the on-premise provisions. This router cannot be used to distribute any other information, such as local area network traffic, beyond the Priority 1 telecommunications or Internet access service. The on-premise Priority 1 service must have a single demarcation point to the applicant's local network. However, in the case of multiple on-premise Priority 1 services, there may be a single demarcation point to the applicant's local network for each service (i.e., voice, video or data).

Further, assume that routers at multiple school or library locations are interconnected in order to provide Internet access to these locations. Funding for Priority 1 Internet access may include recurring or non-recurring charges for the routers only if those routers are used exclusively to provide Internet access. If information is exchanged directly among the school or library locations across the WAN links, the routers would not be eligible to lease as part of a Priority 1 Internet access service. WAN links used to provide Internet access also must be the most cost-effective means for obtaining Internet access.

The Local Network Is not Dependent on the Equipment. The internal network at the site must continue to function without connection to the service provider on-premise equipment. Applicants cannot overcome this requirement by installing redundant components because that would be contrary to the requirement to select the most cost-effective service. For instance, on-premise components such as network hubs and network switches that are used to distribute transmissions to multiple locations within a local area network would not meet this requirement because if they were removed then the communication paths among the various network points would be broken. Similarly, a PBX that routes calls within a school or library would not be eligible for support as Priority 1 on-premise equipment.

Must Allow Sharing of Facilities. The underlying concept of the on-premise Priority 1 approach is that service providers can choose to locate some of their own infrastructure at the applicant site if certain conditions are met. The FCC Order indicates that service providers must have the flexibility to make this infrastructure available on a shared basis to other customers, since such sharing arrangements can result in reduced costs. The applicant may be the only party using the equipment, but there can be no contractual, technical, or other limitation that would prevent the service provider from using equipment that would normally be shared in other similar arrangements with other customers. Applicants must be willing to accept the possibility that the service provider would use the on-premise Priority 1 equipment for additional customers.

Fundamental Eligibility Requirements

The conditions described above have several implications. Additionally, overall program rules and eligibility requirements apply regardless of whether on-premise components are included.

Limited to WAN Components. The FCC's Tennessee Order involved the demarcation between local area network and wide area network. Components that are a part of a local area network are not included.

On-premise equipment must be essential to provision of Priority 1 service. The on-premise equipment must be an integral part of the Priority 1 telecommunications service or Internet access service, such that the service could not be provided without the component in question.

Must have a Specific Demarcation. A single dividing line between a Priority 1 service and the local network components is a fundamental part of the FCC's Tennessee Order. Internal wiring (or wireless capability) that connects multiple locations within a school or library is inherently a part of the local network. A single demarcation is allowable for each service.

Must be Continuous. The components that make up the end-to-end service must be directly connected and cannot have cabling, network hubs, or other components within this directly connected architecture, unless these other components are also part of end-to-end service and meet all other requirements.

Must be Economically Justifiable. Configurations that attempt to meet the conditions by including redundant components or components that do not provide reasonable functional utility are contrary to program requirements to choose the most cost-effective service.

Must Meet Program Definitions for Telecommunications or Internet Access Service. A telecommunications service is defined as "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." Telecommunications is defined as "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received." Eligible Internet access is limited to "basic conduit access" to the Internet, including email. See [FCC 97-157](#), released May 8, 1997. Separate charges for content or additional information services and capability are not eligible.

USAC's Role

USAC may evaluate three initial areas when determining the eligibility of an on-premise Priority 1 funding request:

- Has the applicant demonstrated compliance with each specific condition?
- Is cost information sufficient to confirm compliance with the requirement that upfront, capital charges are less than 67 percent of total charges in the funding year?
- Is the location and configuration of equipment consistent with the requirements for on-premise Priority 1 equipment? A diagram that shows how the components are interconnected with an applicant's internal connections components may be required to confirm that the proposed configuration is acceptable.

Additional information also may be requested, if appropriate, for the funding request at hand.

The FCC Form 471 Item 21 attachment is used to provide information required in the above review. Applicants can speed the review process by including clear and sufficient information in this attachment including an indication of which portions of the funding request are on-premise (both the lease of on-premise equipment and installation of on-premise equipment).

During USAC's review process, if any on-site components are determined not to qualify as part of Priority 1 services, they will be evaluated as internal connections. Thus, a funding request could be found to contain a combination of a Priority 1 service and internal connections. In this circumstance, the funding request is evaluated based on the procedure described in [Service Category Adjustments](#).

This adjustment of service categories may result in the denial of all or part of the funding request. For this reason, applicants should ensure that the requests for funding for on-premise Priority 1 services are consistent with the administrative procedures.

Configuration Examples

The following diagrams have been created to assist applicants and service providers in understanding the acceptable and unacceptable configurations for on-premise Priority 1 equipment (the diagrams will open in separate browser windows):

- Example 1: Router No**
Router that does not meet the on-premise Priority 1 conditions
- Example 2: Router Maybe**
Router that might meet the on-premise Priority 1 conditions
- Example 3: Multiple Service No**
Multiple service request with a router that does not meet the on-premise Priority 1 conditions
- Example 4: Multiple Service Maybe**
Multiple service request with a router that might meet the on-premise Priority 1 conditions
- Example 5: WAN Maybe**
Wide area network configuration that might meet the on-premise Priority 1 conditions

SUBMIT	NAVIGATE	EXPLORE
Forms Making Payments	Home About USAC Contributors Service Providers	High Cost Lifeline Rural Health Care Schools and Libraries
		Trainings & Outreach Subscription Center Careers Media Appeals & Audits
		Forms Search Tools FCC Orders FCC Filings Contact Us

**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471**

Estimated Average Burden Hours per Response: 4 hours

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) 37947112A	Form 471 Application #: 826231 <small>(To be assigned by administrator)</small>
-----------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------

Block 1: Billed Entity Address and Identifications

1 Name of Billed Entity
CLAY CENTER UNIFIED SCHOOL DISTRICT 379

2 Funding Year 2012

3a Entity Number 137973

3b FCC Registration Number 0007622335

4a Street Address, P.O. Box, or Route Number
807 DEXTER ST

City CLAY CENTER State KS Zip Code 67432-

4b Telephone Number (785) 632-3176

4c Fax Number (785) 632-5020

5a Type of Application (check only one)

- Individual School (individual public or non-public school)
- School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
- Library (including library system, library outlet/branch or library consortium as defined under LSTA)
- Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)
- Statewide application for (enter 2-letter state code) representing (check all that apply)
 - All public schools/districts in the state
 - All non-public schools in the state
 - All libraries in the state

5b Recipient(s) of Services:

- Private Public Charter
- Tribal Head Start State Agency

Entity Number: 137973	Applicant's Form Identifier: 37947112A
Contact Person: Tamera Burke	Contact Phone Number: (785) 825-9185

Block 1: Billed Entity Address and Identifications (continued)

6a Contact Person's Name
Tamera Burke

If the Contact Person's Street Address is the same as **Item 4** above, check here. If not, complete Item 6b.

6b Street Address, P.O. Box, or Route Number
NOTE: USAC will use this address to mail correspondence about this form.
605 East Crawford

City Salina State KS Zip Code 67401-

Check the box next to your preferred mode of contact and provide your contact information. One box **MUST** be checked and an entry provided.

- 6c** Telephone Number (785) 825 - 9185
- 6d** Fax Number (785) 825 - 9195
- 6e** E-Mail Address tburke@smokyhill.org
Re-enter E-mail Address tburke@smokyhill.org

6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address

If a consultant is assisting you with your application process, please complete Item 6g below:

6g Consultant Name TAMERA BURKE
Name of Consultant's Employer Smoky Hill Education Service Center
Consultant's Street Address 605 East Crawford

City Salina State KS Zip Code 67401
Consultant's Telephone Number (785) 825-9185 Ext.

Consultant's Fax Number (785) 825-9195
Consultant's E-mail Address tburke@smokyhill.org
Re-enter E-mail Address tburke@smokyhill.org
Consultant Registration Number 16049052

Document 3.0

Entity Number: 137973		Applicant's Form Identifier: 37947112A	
Contact Person: Tamera Burke		Contact Phone Number: (785) 825-9185	
Complete this information on EVERY Form 471 you file for the services requested on that form. Please complete all rows that apply to services for which you are requesting discounts.			
Schools/school districts complete the left-hand column and libraries complete the right-hand column. Consortia complete all that apply.			Document 3.0
Block 2: Impact of Services Ordered for Schools and Libraries from this Form 471			
		Schools	Libraries
7a	Number of students or patrons to be served	1368	0
b	Telephone service: Number of classrooms or rooms with phone service	10	0
c	Direct connections to the Internet: Number of drops	3	0
d	Number of classrooms or rooms with Internet access	122	0
e	Number of computers or other devices with Internet access	900	0
f	Number of dial-up Internet access and other connections of up to 200 kbps:	0	0
g	High-speed Internet access services: Number of buildings served at the following speeds (please use advertised download speed coming into building, not actual speed in classroom or work area):	At or greater than 200 kbps and less than 1.5 mbps	0
		At or greater than 1.5 mbps and less than 3 mbps	0
		At or greater than 3 mbps and less than 10 mbps	0
		At or greater than 10 mbps and less than 25 mbps	0
		At or greater than 25 mbps and less than 50 mbps	8
		At or greater than 50 mbps and less than 100 mbps	0
		Greater than 100 mbps	0
Block 3:			
8 [Reserved]			

Entity Number: 137973	Applicant's Form Identifier: 37947112A
Contact Person: Tamera Burke	Contact Phone Number: (785) 825-9185

Block 4: Discount Calculation Worksheet

Worksheet - 1392122
Page 1 of 3

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

Document 3.0

Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s):

(For Administrator's Use)

School District or Library System Name:

School District or Library System Entity Number:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount	
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia		
CLAY CENTER MIDDLE SCHOOL	77791 20 04890 00823	R	259	112	43.243%	70	N	N	N	18130					
CLAY CENTER HIGH SCHOOL	77792 20 04890 00824	R	306	98	32.026%	60	N	N	N	18360					
GARFIELD ELEMENTARY SCHOOL	77793 20 04890 00821	R	158	67	42.405%	70	N	N	N	11060					
LINCOLN ELEMENTARY SCHOOL	77794 20 04890 00822	R	367	173	47.139%	70	N	N	N	25690	P				
WAKEFIELD HIGH SCHOOL	77850 20 04890 00829	R	97	38	39.175%	70	N	N	N	6790					
WAKEFIELD ELEM	202814 20 04890 00828	R	181	79	43.646%	70	N	N	N	12670					
CLAY CENTER USD 379 DISTRICT OFFICE	230107	R	0	0	0.000%	68	N	N	N	0					
BUS BARN	16049262	R	0	0	0.000%	68	N	N	N	0					

9b Shared Services

SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.	1368										92700				68%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.															
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.															

Entity Number: 137973		Applicant's Form Identifier: 37947112A	
Contact Person: Tamera Burke		Contact Phone Number: (785) 825-9185	
Block 5: Discount Funding Request(s) Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		Block 5, page 11 of 14 FRN 2254862 (to be assigned by administrator)	
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:			
11 Category of Service (only ONE category should be checked)		23 Calculations	
PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access		PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	
12 Form 470 Application Number 629120000927525		Recurring Charges A. Monthly charges (total amount per month for service) \$2,400.00	
13 SPIN – Service Provider Identification Number 143035333		B. How much of the amount in A is ineligible? \$0.00	
14 Service Provider Name Twin Valley Communications Inc		C. Eligible monthly pre-discount amount (A minus B) \$2,400.00	
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.		D. Number of months service provided in funding year 12	
15b Contract Number USD 379		E. Annual pre-discount amount for eligible recurring charges (C x D) \$28,800.00	
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).		Non-Recurring Charges F. Annual non-recurring charges \$0.00	
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:		G. How much of the amount in F is ineligible? \$0.00	
16a Billing Account Number (e.g., billed telephone number) USD 379		H. Annual eligible pre-discount amount for non-recurring charges (F minus G) \$0.00	
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.		I. Total funding year pre-discount amount (E + H) \$28,800.00	
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 08/22/2011		Total Charges J. Discount from Block 4 Worksheet 67.00	
18 Contract Award Date (mm/dd/yyyy) 11/22/2011		K. Funding Commitment Request (I x J) \$19,296.00	
19 Service Start Date (mm/dd/yyyy) 07/01/2012			
20a Service End Date (mm/dd/yyyy)			
20b Contract Expiration Date (mm/dd/yyyy) 06/30/2015			
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.			
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service:	
		b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1392124	

Entity Number: 137973	Applicant's Form Identifier: 37947112A
Contact Person: Tamera Burke	Contact Phone Number: (785) 825-9185

Document 3.0

Block 6: Certifications and Signature

- 24 I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a 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; and/or
 - b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.
- 25 I certify that the entity I represent or the entities listed on this application have 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 the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	224123.96
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	152403.97
c Total applicant non-discount share (Subtract Item 25b from Item 25a.)	71719.99
d Total budgeted amount allocated to resources not eligible for E-rate support	628000
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	699719.99
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.	

- 26 I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.
- Or I certify that no technology plan is required by Commission rules.
- 27 I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
- 28 I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
- 29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily 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 Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
- 30 I certify that I and the entity(ies) I represent have 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. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 137973	Applicant's Form Identifier: 37947112A
Contact Person: Tamera Burke	Contact Phone Number: (785) 825-9185

Block 6: Certification and Signature (Continued)	Document 3.0
<p>31 <input checked="" type="checkbox"/> 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.</p> <p>32 <input checked="" type="checkbox"/> 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.</p> <p>33 <input checked="" type="checkbox"/> I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts 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.</p> <p>34 <input checked="" type="checkbox"/> 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 listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.</p> <p>35 <input checked="" type="checkbox"/> I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).</p> <p>36 <input checked="" type="checkbox"/> I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).</p> <p>37 <input checked="" type="checkbox"/> I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, 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.</p>	
<p>38 Signature of authorized person <input checked="" type="checkbox"/></p>	<p>39 Date 02/23/2012</p>
<p>40 Printed name of authorized person Chris Modellmog</p> <p>41 Title or position of authorized person Director of Technology</p> <p><input type="checkbox"/> Check here if the consultant in Item 6g is the Authorized Person.</p> <p>42a Street Address, P.O. Box, or Route Number 605 East Crawford</p> <p>City Salina State KS Zip Code 67401-</p>	

Entity Number: 137973		Applicant's Form Identifier: 37947112A	
Contact Person: Tamera Burke		Contact Phone Number: (785) 825-9185	
42b	Telephone Number of authorized Person	Ext.	Document 3.0
	(785) 825-9185		
42c	Fax Number of Authorized Person		
	(785) 825-9195		
42d	E-mail Address of authorized Person	erate@smokyhill.org	
	Re-enter E-mail Address	erate@smokyhill.org	
42e	Name of Authorized Person's Employer	Smoky Hill Education Service Center	

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:
 SLD-Form 471
 P.O. Box 7026
 Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
 SLD Forms
 ATTN: SLD Form 471
 3833 Greenway Drive
 Lawrence, Kansas 66046
 (888) 203-8100

FCC Form 471 - October 2010

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Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2012: 07/01/2012 - 06/30/2013)

November 29, 2012

Tamera Burke
CLAY CENTER UNIFIED SCHOOL DISTRICT 379
605 East Crawford
Salina, KS 67401

Re: Form 471 Application Number: 826231
Billed Entity Number (BEN): 137973
Billed Entity FCC RN: 0007622335
Applicant's Form Identifier: 37947112A

Thank you for your Funding Year 2012 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$116,105.42 is "Approved."
- The amount, \$33,276.66 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

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 technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of 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 (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 826231 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2012," AND

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

- The exact text or the decision that you are appealing.
- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

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

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. 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 all 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. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
 Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Billed Entity Name: CLAY CENTER UNIFIED SCHOOL DISTRICT 379
 BEN: 137973
 Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 826231
 Funding Request Number: 2254862
 Funding Status: Funded
 Category of Service: Telecommunications Service
 Form 470 Application Number: 629120000927525
 SPIN: 143035333
 Service Provider Name: Twin Valley Communications Inc
 Contract Number: USD 379
 Billing Account Number: USD 379
 Multiple Billing Account Numbers: N
 Service Start Date: 07/01/2012
 Service End Date: N/A
 Contract Award Date: 11/22/2011
 Contract Expiration Date: 06/30/2015
 Shared Worksheet Number: 1392124
 Number of Months Recurring Service Provided in Funding Year: 12
 Annual Pre-discount Amount for Eligible Recurring Charges: \$27,072.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
 Pre-discount Amount: \$27,072.00
 Discount Percentage Approved by the USAC: 67%
 Funding Commitment Decision: \$18,138.24 - FRN approved; modified by SLD
 Funding Commitment Decision Explanation: The amount of the funding request was
 changed from \$2400/month to \$2256/month to remove: the ineligible product(s): Polycom
 HDX 8000 series 7200-23150-001 ineligible portion of \$144/month.

FCDL Date: 11/29/2012
 Wave Number: 019
 Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013
 Consultant Name: TAMERA BURKE
 Consultant Number (CRN): 16049052
 Consultant Employer: Smoky Hill Education Service Center

Tamera Burke

From: James, SarahAnn [SarahAnn.JAMES@sl.universalservice.org]
Sent: Friday, August 17, 2012 7:47 AM
To: Tamera Burke@1-785-8259195
Cc: Tamera Burke
Subject: FCC Form 471# 826231
Attachments: 15DL.doc

Importance: High

Dear Tamera Burke,

I am currently reviewing your funding year 2012 e-Rate application for **826231**. Additional documentation is required to complete the review of your application.

Please see the attached letter and if you have any questions, please feel free to contact me.

Sincerely,

SarahAnn E. James
Associate Manager, Program Integrity Assurance Reviewer
30 Lanidex Plaza West | Parsippany, NJ 07054
T: 973-581-5029 | F: 973.599.6579
sarahann.james@sl.universalservice.org

Confidentiality Notice: The information in this e-mail and any attachments thereto is intended for the named recipient(s) only. This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is **STRICTLY PROHIBITED**. If you have received this e-mail in error, please immediately notify the sender via return e-mail; delete this e-mail and all attachments from your e-mail system and your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.



Schools and Libraries Division

Aug 17, 2012

Tamera Burke
CLAY CENTER UNIFIED SCHOOL DISTRICT
379
Telephone:
Application Number

(785) 8259185
826231

Response Due Date: September 1, 2012.

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2012 FCC Form 471 Applications to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2012 FCC Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

- I. For FRNs 2254826, 2254862, and 2254827, please submit vendor documentation dated before March 20, 2012 that supports your monthly request. Please be sure to label the documentation by FRN number so it is easy to decipher.

- II. For FRN 2277621, please submit vendor documentation dated before March 20, 2012 that supports your one-time charge request of \$4,720.97.

- III. Based on the documentation you provided during the review of your Funding Year 2012 FCC Form 471 826231 it appears that FRNs 2254826 and 2254862 includes charges associated with the following on-premise equipment:

Equipment.

The FCC has indicated that equipment at the applicant site is presumed to be Internal Connections, but that this presumption can be overcome in certain circumstances. In order for us to evaluate your request, please provide the following information. You may consult with your service provider for assistance, if desired.

Please provide a YES/NO response to the following questions, and include your signature and title; or if responding via email, include your name and title.

1. Is the leased on-premise equipment an integral component of a Telecommunications or Internet Access service? ___ Yes ___ No

2. Will the leased on-premise equipment be provided by the same service provider that provides the associated Telecommunications Service or Internet Access service? ___
Yes ___ No
3. Does responsibility for maintaining the equipment rest with the service provider? ___
Yes ___ No
4. Will ownership of the equipment transfer to the school or library in the future? ___ Yes ___ No
5. Does the relevant contract or lease include an option for the applicant to purchase the equipment? ___ Yes ___ No
- 5a. If Yes, do you intend to exercise this option? Yes ___ No ___
6. Will the leased equipment be used at the applicant site for any purpose other than receipt of the eligible Telecommunications Services or Internet Access of which it is a part? ___
Yes ___ No
7. Will the school's or library's internal communication systems (e.g., LAN, video, phone, or other communication system) continue to work if the component is disconnected? ___
Yes ___ No.
8. Are there any contractual, technical, or other limitations that would prevent the service provider from using its network equipment, in part, for other customers? ___ Yes ___ No
9. Please provide the full make and model of the equipment for each FRN.

For additional information regarding on-premise equipment, please visit <http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services/priority-one.aspx>.

IV. Based upon our review of your Funding Year 2012 FCC Form 471 application 826231, we have determined that the entities listed below are included in your request for services and they appear to be Pre-K facilities.

The entities are: **LINCOLN ELEMENTARY SCHOOL.**

In your state, separate Pre-K facilities dedicated to Pre-K instruction are not eligible for funding. However, services can be eligible for Pre-K student populations, if the Pre-K facility is part of (a component of) a regular elementary or secondary school.

Please advise if the Pre-K facility(ies) are a separate facility(ies), or if they are part of an elementary or secondary school. If the Pre-K facility(ies) are separate, for each FRN please provide a dollar cost allocation or percentage of total cost for the E-rate services being provided to Pre-K students in those facilities.

Failure to respond to the above questions or provide the required supporting documentation will result in a cost allocation of t Pre-K services for each FRN and possible denial of your funding requests.

Please be advised that the removal of Pre-K students from Block 4 of your FCC Form 471 may increase or decrease your discount percentage, which could impact your funding.

Your response must be on appropriate school letterhead and be signed and dated by a chief school official (e.g., Principal, Superintendent). If responding via email, please provide the name and title of the chief school official providing the response.

For further information regarding Pre-K facilities, please refer to the USAC website at: <http://www.usac.org/sl/applicants/beforeyoubegin/non-traditional/default.aspx>.

- V. Based upon review of your Funding Year 2012 FCC Form 471 application # 826231, it appears that FRN 2254812 has the same contract number as FRN 2133653, that appeared on your Funding Year 2011 FCC Form 471 application number **788552**. The Contract Expiration Date ("CED") you entered in Block 5, Item 20 of your Funding Year 2012 FCC Form 471, has changed from **06/30/2012 to 9/30/2012**. The CED is different from the CED that appeared on your Funding Year 2011 FCC Form 471.

The Program rules require that a new FCC Form 470 be posted to the USAC website for at least 28-Days prior to extending an existing contract unless the establishing FCC Form 470 or RFP (if any) for the original contract made all potential bidders aware of your plans to extend the contract beyond its initial term.

To assist us in the review of your application, please provide a copy of the original contract signed and dated by the applicant, a copy of any contract extension (signed and dated by the applicant), and any bid documentation related to the original contract. Failure to provide a signed and dated contract may be cause for denial of the above-referenced Funding Year 2012 FRN. If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to us during the review of another FCC Form 471 application. However, please provide us with the State Master Contract name and number. If you have already submitted the relevant contract information in connection with the review of another FCC Form 471 application, please provide the FCC Form 471 application number involved so that we can locate the contract documentation in our files.

Please answer the following questions, and provide the requested documentation where required:

1. Has the CED changed to a date later than what was reported on your Funding Year 2011 FCC Form 471 application # 788552, FRN 2133653? Yes No
2. Was FCC Form 470 # **834940000602166** the FCC Form 470 that established the competitive bidding process for the contract extension? Yes No

If No, please provide us with the correct FCC Form 470 number. The establishing FCC Form 470 is the specific FCC Form 470, which was posted to the USAC website for that particular service for at least 28 days, and pursuant to which a contract was signed, extended, or an agreement was entered into with a service provider for that service. For a request in the Basic Maintenance of Internal Connections (BMIC) service category that was filed prior to May 1, 2005, it is possible that the establishing FCC Form 470 was filed under the Internal Connections service category (prior to May 1, 2005 the BMIC service category did not exist on the FCC Form 470). Please note that the establishing FCC Form 470 could have been posted by your State, if the requested services are being purchased off of a State Master Contract. Please indicate if this is the case.

3. Did you post a FCC Form 470 for the required 28 day period for the extension? Yes No? If No, please explain.
4. Was the CED change based on an extension option/clause in the original FCC Form 470 or RFP? Yes No. If yes, please provide any extension agreement, signed and dated by the applicant, and confirm the FCC Form 470 number used to start the 28-day competitive bidding process for this extension.

For additional information see: <http://www.usac.org/sl/applicants/step03/contracts.aspx..>