

April 25, 2015

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Federal Communications Commission:

Please find the enclosed Request for Review and Request for Waiver on behalf of Mannsville School District 7, Mannsville, Oklahoma for denial of the applicant's letter of appeal regarding a Form 486 that was filed after the 120 day deadline.

Respectfully submitted,

  
Deborah Sovereign, Consultant

Enclosures

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Request for Review of a )  
Decision of the Universal Service )  
Administrator and Request for Waiver ) CC Docket No. 02-6  
 )  
by )  
 )  
Mannsville School District 7 )  
Mannsville, Oklahoma )

**REQUEST FOR REVIEW  
PETITION FOR WAIVER**

**MANNSVILLE SCHOOL DISTRICT 7  
MANNSVILLE, OKLAHOMA**

April 25, 2015

Deborah Sovereign  
Jane Kellogg

Kellogg & Sovereign Consulting, LLC  
1101 Stadium Drive  
Ada, OK 74820  
(580) 332-1444  
(580) 332-2532 (facsimile)  
Email: dsovereign@kelloggllc.com

Mannsville School District 7, Mannsville, Oklahoma (“Mannsville”) respectfully requests that the Federal Communications Commission (“FCC” or “Commission”) review a decision of the Administrator of the Universal Service Administrative Company (“USAC”) to deny the applicant’s appeal regarding a late filed Form 486 for E-rate Funding Year 2014.

Applicant Name: Mannsville School District 7

Billed Entity Number: 139860

Form 471 Application Number: 988180

Form 486 Application Number: 1057574

Funding Request Number(s): 2696098, 2696115, 2696169, 2696182, 2692658

Mannsville School had engaged the services of a consulting firm, Softline Essentials, LLC. According to the Superintendent of Schools, David Herron, the consultant did not file the applicant’s Form 486 for E-rate FY 2014.

Mr. Herron was not aware that the Form 486 had not been filed until he was notified by a service provider who was unsuccessful invoicing for services with USAC. The Superintendent immediately filed the Form 486 on December 31, 2014. When Mr. Herron received his Form 486 Notification Letter, he was very upset to find that the service start date had been changed to September 2, 2014 and that the small rural school district with only 92 students had just lost 2 months of valuable E-rate funding totaling \$5,009.72. Mr. Herron was so upset that he contacted our firm for assistance. We advised Mr. Herron to immediately file an appeal with USAC which he did on February 3, 2015.

Unfortunately, USAC denied Mr. Herron’s appeal stating that “On November 19, 2014, USAC mailed an ‘Urgent Reminder’ letter providing Mannsville School District 7 with additional time and a new deadline to submit and/or certify their FCC Form 486.” For reasons stated by Mr. Herron in his letter dated February 2, 2015, he was not aware that the Form 486 had not been filed as he was relying on the consultant firm to file the Form 486 on his behalf.

Since Mr. Herron took action as soon as he was aware of the problem and since the loss of the full two months of funding will create an undue hardship on this very small, rural,

Oklahoma school, we are respectfully requesting a waiver of the 120 day deadline for filing the Form 486 and consideration of the funding as originally requested.

Respectfully Submitted,



Deborah J. Sovereign, Consultant

**ATTACHMENTS**

1. Administrator's Decision on Appeal – Funding Year 2014
2. Letter from Superintendent of Schools Mr. David Herron
3. Funding Commitment Decision Letter
4. Letter of Agency

MANNSVILLE SCHOOL DISTRICT 7  
FCC REQUEST FOR REVIEW & PETITION FOR WAIVER  
ERATE FY 2014  
FORM 471 # 988180, FORM 486 # 1057574

# **ATTACHMENT 1**



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2014-2015**

March 09, 2015

David Herron  
Mannsville School  
509 East School Street  
P.O. Box 68  
Mannsville, OK 73447

Re: Applicant Name: MANNVILLE SCHOOL DISTRICT 7  
Billed Entity Number: 139860  
Form 471 Application Number: 988180  
Form 486 Application Number: 1057574  
Funding Request Number(s): 2696098, 2696115, 2696169, 2696182, 2696258  
Your Correspondence Received: February 03, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2696098, 2696115, 2696169, 2696182, 2696258  
Decision on Appeal: **Denied**  
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from June 11, 2014, the date of the FCDL or July 1, 2014, the Service Start Date (SSD) indicated on the FCC Form 486, whichever date is later. On November 19, 2014, USAC mailed an "Urgent Reminder" letter providing Mannsville School District 7 with additional time and a new deadline to submit and/or certify their FCC Form 486. FCC Form 486 Application Number 1057574 was postmarked on December 31, 2014, which is after the new deadline. Consequently, the SSD was revised to September 2, 2014, 120 days before the FCC Form 486 Certification postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It

is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner. Consequently, your appeal is denied.

- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. 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. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

MANNSVILLE SCHOOL DISTRICT 7  
FCC REQUEST FOR REVIEW & PETITION FOR WAIVER  
ERATE FY 2014  
FORM 471 # 988180, FORM 486 # 1057574

## **ATTACHMENT 2**



# Mannsville School

509 East School Street • P.O. Box 68  
Mannsville, OK 73447  
Phone: (580) 371-2892 • Fax: (580) 371-9336  
email: [mannsvilleschool@yahoo.com](mailto:mannsvilleschool@yahoo.com)

February 2, 2015

Schools and Libraries Division

2000 L Street, N.W.-Suite200

Washington, D.C. 20036

To Whom It May Concern:

I am writing this letter to respectfully ask for some help on us not getting our 486 form filed on time thus losing us two months of funding for the 2014-2015 school year. We have been under contract with Softline Essentials, LLC. They were to be a provider for us to oversee and generally manage its technology program and to function as its official "Technology Director". Mr. John Vogt has served as our representative in charge of the bidding process and filling all E-Rate forms in communication with the School Libraries Division of the Universal Service Administrative Company on behalf of Mannsville Public School. John has gone through a lot of difficulties this year with his divorce and illnesses in his family. I tried on several occasions to contact him in relation to the filling of not only the 486 forms but other relating E-Rate forms as well. He always told me that they were being handled or were already handled and the communication to the vendors has not been fully processed. I wanted to believe John because what he was supposedly going through. Everyone from our students, teachers and community are pulling together to make our school district and our community the best it can be. We are struggling with the available funding that we have at this time. Patrons, different organizations and volunteers from our community are all rendering what they can to help our district. A financial cut of this amount would definitely hurt our district. Thank you for your consideration in this matter. If you need any additional information then please contact me by e-mail at [mannsvilleschool@yahoo.com](mailto:mannsvilleschool@yahoo.com) or by phone at 1-580-371-2892.

Sincerely,

A handwritten signature in cursive script that reads "David Herron".

David Herron

Superintendent

MANNSVILLE SCHOOL DISTRICT 7  
FCC REQUEST FOR REVIEW & PETITION FOR WAIVER  
ERATE FY 2014  
FORM 471 # 988180, FORM 486 # 1057574

## **ATTACHMENT 3**

# E-Rate Summary by Applicant, FY 2014

Applicant Name: MANNVILLE SCHOOL DISTRICT 7  
 Billed Entity #: 139860

X

471 App #	FRN Service Provider	SPIN	Description Category	Form 486 SSD Contract #	FCDL Date Fund Status	Pre-Disc't Amount	Disct	Requested Amount	Committed Amount	Inv Mode SLD Paid	Amount Remaining
988180	2696098 Southwestern Bell Telephone...	143004662	Telcom Svc	09/02/2014	06/11/2014 funded	1,179.12 83968 - ES	90%	1,061.21	1,061.21	not set	1,061.21
	2696115 SBC Long Distance, LLC.	143008823	Telcom Svc	09/02/2014	06/11/2014 funded	881.76 83968 - ES	90%	793.58	793.58	not set	793.58
	2696169 AT&T Mobility	143025240	Telcom Svc	09/02/2014	06/11/2014 funded	1,685.88 83968 - ES	90%	1,517.29	1,517.29	not set	1,517.29
	2696182 Gabbart Enterprises LLC	143027725	Internet Access	09/02/2014	06/11/2014 funded	2,511.00 83968 - ES	90%	2,259.90	2,259.90	spi 1,506.64	753.26
	2696258 AT&T Corp.	143001192	Internet Access	09/02/2014	06/11/2014 funded	27,140.40 83968 - ES	90%	24,426.36	24,426.36	not set	24,426.36
Totals for 471 App # 988180:						33,398.16		30,058.34	30,058.34	1,506.64	28,551.70
Totals for Billed Entity # 139860:						33,398.16		30,058.34	30,058.34	1,506.64	28,551.70
Totals for all Billed Entity #'s:						33,398.16		30,058.34	30,058.34	1,506.64	28,551.70



**Universal Service Administrative Company**  
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER  
(Funding Year 2014: 07/01/2014 - 06/30/2015)

June 11, 2014

John Vogt  
MANNSVILLE SCHOOL DISTRICT 7  
c/o HelpMySchool  
PO Box 368  
Blackwell, OK 74631

Re: FCC Form 471 Application Number: 988180  
Billed Entity Number (BEN): 139860  
Billed Entity FCC Registration Number (FCC RN): 0013931852  
Applicant's Form Identifier: 139860P1

Thank you for your Funding Year 2014 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC 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, \$30,058.34 is "Approved."

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 Guide to USAC Letter Reports 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 Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, - as products and services are being delivered and billed.

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with USAC 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 email address for the person who can most readily discuss this appeal with us.

DUPLICATE LETTER

FUNDING COMMITMENT REPORT  
Billed Entity Name: MANNSVILLE SCHOOL DISTRICT 7  
BEN: 139860  
Funding Year: 2014

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

FCC Form 471 Application Number: 988180  
Funding Request Number: 2696098  
Funding Status: Funded  
Category of Service: Telecommunications Service  
FCC Form 470 Application Number: 585440001223972  
SPIN: 143004662  
Service Provider Name: Southwestern Bell Telephone Company  
Contract Number: MTM  
Billing Account Number: Mannsville-OK  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 83968  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,179.12  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$1,179.12  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$1,061.21 - FRN approved as submitted

FCDL Date: 06/11/2014  
Wave Number: 005  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: JOHN VOGT  
Consultant Registration Number (CRN): 16043679  
Consultant Employer: The Help My School Network

FUNDING COMMITMENT REPORT  
Billed Entity Name: MANNSVILLE SCHOOL DISTRICT 7  
BEN: 139860  
Funding Year: 2014

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

FCC Form 471 Application Number: 988180  
Funding Request Number: 2696115  
Funding Status: Funded  
Category of Service: Telecommunications Service  
FCC Form 470 Application Number: 585440001223972  
SPIN: 143008823  
Service Provider Name: SBC Long Distance, LLC.  
Contract Number: MTM  
Billing Account Number: Mannsville-OK  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 83968  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$881.76  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$881.76  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$793.58 - FRN approved as submitted

FCDL Date: 06/11/2014  
Wave Number: 005  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: JOHN VOGT  
Consultant Registration Number (CRN): 16043679  
Consultant Employer: The Help My School Network

FUNDING COMMITMENT REPORT  
Billed Entity Name: MANNSVILLE SCHOOL DISTRICT 7  
BEN: 139860  
Funding Year: 2014

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

FCC Form 471 Application Number: 988180  
Funding Request Number: 2696169  
Funding Status: Funded  
Category of Service: Telecommunications Service  
FCC Form 470 Application Number: 585440001223972  
SPIN: 143025240  
Service Provider Name: AT&T Mobility  
Contract Number: MTM  
Billing Account Number: Mannsville-OK  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 83968  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,685.88  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$1,685.88  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$1,517.29 - FRN approved as submitted

FCDL Date: 06/11/2014  
Wave Number: 005  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: JOHN VOGT  
Consultant Registration Number (CRN): 16043679  
Consultant Employer: The Help My School Network

FUNDING COMMITMENT REPORT  
Billed Entity Name: MANNSVILLE SCHOOL DISTRICT 7  
BEN: 139860  
Funding Year: 2014

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

FCC Form 471 Application Number: 988180  
Funding Request Number: 2696182  
Funding Status: Funded  
Category of Service: Internet Access  
FCC Form 470 Application Number: 585440001223972  
SPIN: 143027725  
Service Provider Name: Gabbart Enterprises LLC  
Contract Number: WH-OK-17-MANNSVIL-30086  
Billing Account Number: Mannsville-OK  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: N/A  
Contract Award Date: 03/25/2014  
Contract Expiration Date: 06/30/2015  
Site Identifier: 83968  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$2,511.00  
Pre-discount Amount: \$2,511.00  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$2,259.90 - FRN approved as submitted

FCDL Date: 06/11/2014  
Wave Number: 005  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: JOHN VOGT  
Consultant Registration Number (CRN): 16043679  
Consultant Employer: The Help My School Network

FUNDING COMMITMENT REPORT  
Billed Entity Name: MANNSVILLE SCHOOL DISTRICT 7  
BEN: 139860  
Funding Year: 2014

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

FCC Form 471 Application Number: 988180  
Funding Request Number: 2696258  
Funding Status: Funded  
Category of Service: Internet Access  
FCC Form 470 Application Number: 585440001223972  
SPIN: 143001192  
Service Provider Name: AT&T Corp.  
Contract Number: MTM  
Billing Account Number: Mannsville-OK-6MB  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 83968  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$27,140.40  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$27,140.40  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$24,426.36 - FRN approved as submitted

FCDL Date: 06/11/2014  
Wave Number: 005  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: JOHN VOGT  
Consultant Registration Number (CRN): 16043679  
Consultant Employer: The Help My School Network

MANNSVILLE SCHOOL DISTRICT 7  
FCC REQUEST FOR REVIEW & PETITION FOR WAIVER  
ERATE FY 2014  
FORM 471 # 988180, FORM 486 # 1057574

## **ATTACHMENT 4**

### **Letter of Agency**



# FY 2015-17

## E-RATE LETTER OF AGENCY

I authorize Jane Kellogg, Debi Sovereign, Mel Van Patten, Mandy Wood, Natalie Green or Stacy Simpkins, representatives of Kellogg & Sovereign® Consulting, LLC (collectively "KSLLC"), to submit Federal Communications Commission ("FCC") Forms 470, 471, 486, 500, 472 and other forms requested by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") on behalf of our school district. We also authorize the aforementioned representatives to act as our agents in soliciting and receiving proposals, and preparing comparisons of proposals from service providers.

**APPLICANT: MANNSVILLE SCHOOL DISTRICT 7, MANNSVILLE, OKLAHOMA (BEN 139860)**

**E-RATE FUNDING YEARS AUTHORIZED: 2015-17**

Although not exclusive, KSLLC is specifically authorized to conduct the following actions:

- ♦ Prepare and submit documentation on behalf of the Applicant to USAC or the FCC in compliance with E-Rate program rules and regulations.
- ♦ Act as our agent in working with representatives of the FCC or USAC to provide information as requested during application review, selective reviews, site visits, audits and any other activity associated with review of our applications.
- ♦ Prepare Requests for Proposal ("RFPs") to be posted to the KSLLC website and distributed to appropriate service providers.
- ♦ Provide information to service providers as needed to clarify information in RFPs and Forms 470.
- ♦ Solicit and receive proposals from service providers for requested services.
- ♦ Complete contracts for eligible E-Rate services as specifically directed by the Applicant's authorized representative.

I also understand that in submitting these forms on our behalf, representatives of Kellogg & Sovereign® Consulting, LLC are making certifications for our school district. By signing this letter of agency under oath, I make the following certifications as required by the FCC<sup>1</sup>:

I certify that the schools I represent are eligible for support because they are 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.

I certify that the entity(ies) I represent or the entities listed on our applications will secure access, separately or through this program, to all of the resources, including computers, training, software, maintenance, internal connections, and electrical connections 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 to be listed on our application will secure access to all of the resources necessary to pay the discounted charges for eligible services from funds to which access will be secured in the 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).

I authorize Kellogg & Sovereign® Consulting, LLC to post my Form 470 and, if applicable, Request for Proposal (RFP). Unless I am purchasing eligible services exempt from the competitive bidding requirement, I certify that a FCC Form 470 will be posted and that any related RFP will be made available for at least 28 days before considering all bids received and selecting

<sup>1</sup> Certifications per FCC Forms 470, 471 and 486. <http://www.usac.org/sl/tools/forms.aspx 5/20/2014>

<sup>1</sup> *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, E-Rate Modernization Order, FCC 14-99A1 Released on 7/23/2014 at p.125-128 . [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2014/db0723/FCC-14-99A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0723/FCC-14-99A1.pdf) (last visited July 31, 2014).

KELLOGG & SOVEREIGN® CONSULTING, LLC  
Letter of Agency-E-Rate Funding Year 2015-17

Page 2

a service provider. I certify that all bids submitted will be carefully considered and the most cost-effective service offering will be selected, with price being the primary factor considered, and the most cost-effective means of meeting educational needs and technology goals.

I certify that I will review all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities I represent will comply with them.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 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. § 54.513. Additionally, I certify that the entity or entities listed on our applications have or will not have received anything of value or a promise of anything of value, other than services and equipment sought by means of forms filed with the Schools & Libraries Division, from the service provider, or any representative or agent thereof or any consultant in connection with our request for services.

I certify that I and the entity(ies) I represent will comply with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There will be signed contracts or other legally binding agreements covering all of the services listed on our FCC Forms 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.

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.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), 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.

I certify that I am authorized to order supported services for the eligible entity(ies) I represent. I certify that I am authorized to sign this Letter of Agency and all information to be provided to Kellogg & Sovereign® Consulting, LLC for the E-Rate submission will be true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to the associated applications have complied with the terms, conditions, and purposes of this program, that no kickbacks were or will be paid to anyone and that false statements on FCC forms 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 acknowledge that all pricing and technology infrastructure information submitted as part of an FCC Form 471 shall be treated as public and non-confidential by the Administrator unless the applicant specifies a statute, rule, or other restriction, such as a court order or an existing contract limitation barring public release of the information. I certify that contracts and other agreements will not prohibit disclosure of pricing or technology infrastructure information.

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 that will be listed on our application, or any person associated in any way with my entity and/or the entities listed on our application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

