Little Falls Township Public Schools

560 Main Street, Little Falls, New Jersey 07424

May 25, 2015

Letter of Appeal

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

CC Docket No 02-6

Request for Waiver regarding Form 486 Notification Letter – Funding Year 2014, re Little Falls Township School District, Form 486 Application Number 1059753, issued March 25, 2015

Authorized person who can best discuss this Appeal with you

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

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

Application Information

Entity: Little Falls Township School District
Billed Entity Number: 122823

Form 471 #	FRN	SPIN	Service Provider	Original Funding Commitment	486 NL Funding Commitment
985116	2703924	143013604	Cablevision Lightpath of NJ	$17,424.00	$11,616.00
991002	2704784	143023377	Line Systems, Inc.	$2,793.12	$1,862.08
991002	2704877	143000677	Verizon Wireless	$1,716.00	$1,144.00
			TOTALS	**$21,933.12**	**$14,622.08**

Document Being Appealed: Form 486 Notification Letter – Funding Year 2014, re Little Falls Township School District, Form 486 Application Number 1059753, issued March 25, 2015[1]

Decision (same for all FRNs): Service Start Date – 11/03/2014

Service Start Date Change Explanation(same for all FRNs): 120-Day 486 Deadline

Request for Waiver:

Little Falls Township School District (the District) requests that the FCC waive the rule requiring that the FCC Form 486 must be submitted no later than 120 days after the Service Start Date or 120 days after the date of the FCDL, whichever is later. This waiver would allow SLD to accept the 7/01/2014 Service Start Dates (SSD) for FRNs 2703924, 2704784, and 2704877 requested on Form 486 # 10159753, thereby restoring the full $21,933.12 of funding for these three FRNs. The District presents significant mitigating circumstances that led to the late filing of Form 486 # 10159753, and respectfully requests the Commission not

[1] Letter from Schools and Libraries Division, USAC, to Bert Garofano c/o Roberto Rubino, consultants for Little Falls Township School District, entitled "*Form 486 Notification Letter* – Funding Year *2014*", re Form 486 Application Number 10159753, issued March 25, 2015

to deny us access to the $7,311.04 of funds denied by SLD's decision in its Form 486 Notification Letter.

Mitigating Circumstances:

Little Falls Township School District (the District) has an ongoing contract with the Passaic County Educational Services Commission (PCESC) for technical and administrative support of virtually all aspects of technology, to include the entire E-rate process. The former Technology Consulting Director of PCESC, Andres Ospina, was responsible for preparation and filing of all E-rate applications and forms as well as compliance with SLD procedures. The District staff had only a very limited knowledge of the E-rate process, especially the Form 486 filing process and deadlines.

Mr. Ospina filed two Form 471s for the District for funding year 2014. The District received Funding Commitment Decision Letters (FCDLs) [2] approving funding for FRNs 2703924, 2704784, and 2704877 prior to the 7/1/2014 start of the funding year and forwarded these FCDLs to Mr. Ospina. However, the District was unaware that Mr. Ospina failed to file the Form 486 by the 10/29/14 filing deadline prescribed by the 7/1/2014 Service Start Date for these three FRNs. The District notes that, although it has received and maintained file copies of SLD-generated correspondence (including the FCDLs for both FY 2014 Form 471s), it has no record of receiving the "Form 486 Urgent Reminder" letter which would have alerted it to Mr. Ospina's failure to file the Form 486.

Mr. Ospina filed a BEAR form for the first quarter of FY 2014 for FRN 2704784. The 11/13/2014 BEAR Notification Letter[3] was received by the District and routinely handed to Mr. Ospina by the District's clerical staff who were unaware of the significance of its contents. Although Mr. Ospina was responsible to manage and comply with the E-rate process on behalf of the District, he did not take action in response to the letter's denial of BEAR reimbursement for Mr. Ospina's failure to file a Form 486 for FRN 2704784.

Mr. Ospina resigned from PCESC on 2/22/2015. Apparently just prior to his resignation Mr. Ospina attempted to file a BEAR form for Verizon Wireless for FRN 2704877 because on 2/25/2015, the District was informed by Verizon Wireless that a BEAR filed by Mr. Ospina in December of 2014 had been denied by SLD on 12/29/14 due to Mr. Ospina's failure to file a Form 486.[4] On 2/26/15 this correspondence was forwarded by the District to Roberto Rubino at PCESC.[5] Mr. Rubino quickly hired a consultant, eRate 360 Solutions, to take whatever steps were necessary to remedy the situation and get the District its E-rate reimbursements for FY 2014. On 3/3/2015 eRate 360 Solutions filed a Form 486 for FRNs 2703924, 2704784, and 2704877,[6] which was approved by SLD shortly thereafter with the Service Start Dates for all three FRNs adjusted to 11/3/2014.

There is no waste, fraud, or abuse of E-rate program funds; the District was victimized by the failure of a consultant upon whom the District relied upon to meet an administrative deadline. Once the problem was recognized, the District acted promptly to have the error

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[2] Funding Commitment Decision Letters (FCDLs) from Schools and Libraries Division, to Andres Ospina, consultant for Little Falls Twp. School District, re Form 471 Application Number 985116 and 991002, dated 5/15/2014 and 6/11/2014 respectively.

[3] BEAR Notification Letter from Schools and Libraries Division, to Andres Ospina, consultant for Little Falls Twp. School District, re Form 472 Application Number 2106804, dated 11/13/14.

[4] Email from Erate_bearforms@verizonwireless.com to Michael Leary (mleary@lfschools.org) re "*Little Falls BOE FRN 2704877*", dated 2/25/15.

[5] Email from Nancy Panepinto (npanepinto@lfschools.org) to Roberto D. Rubino (PCESC) subject "*E-Rate – Little Falls Board of Education*" dated 2/26/2015.

[6] FCC Form 486 # 1059753 for funding year 2014, posted by Little Falls Twp. School District on 3/3/2015.

corrected. The District respectfully asks the Commission to restore the $7,311.04 of denied funds, that the circumstances do not warrant such a harsh penalty.

Alaska Gateway School District, Tok, AK, et al:

The District, like many other small districts, is overwhelmed by the complex requirements of the E-rate process. At the same time, given the difficult economic conditions, the District is unable to hire a full-time staff person to manage this process and complete all of the filings the E-rate process requires. The District resolved this dilemma by relying upon a third party with the requisite expertise, specifically the PCESC.

Unfortunately, the person assigned by PCESC, Mr. Ospina, failed to file an administrative form. We complied with the bidding, vendor selection, and funding request phases – processes in which the District staff participated as required – only to be thwarted by failure of our outside consultant to perform as required.

In its *Alaska Gateway* ruling the Commission clearly took this very sort of situation into account, stating that:

> As we recently noted in *Bishop Perry Middle School*, a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest. Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms. **Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants.** Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted. [7]

The District respectfully contends that the Commission's recognition of the difficulties faced by small districts such as ours ought to be applied to this particular situation. We ask the Commission to apply its *Alaska Gateway* ruling regarding the administrative deadline for submission of the Form 486 and accept the Service Start Date of 7/1/2014 on Form 486 1059753, thereby restoring full funding of $21,933.12 to FRNs 2703924, 2704784, and 2704877.

The District appreciates the Commission's consideration of this appeal. We are available to respond to questions or to provide any further information requested by the Commission.

Authorized signature for this Appeal [8]

Richard Larson

Date: 5/25/15

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

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

[7] DA 06-1871, September 14, 2006, "*Alaska Gateway School District, Tok, AK, et al.*", File Nos. SLD-412028, et al., CC Docket No. 02-6; p. 5.

[8] "Letter of Agency" from Michael Leary, Interim Business Administrator of Little Falls Township School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of the District.

NOTE 1

USAC
Universal Service Administrative Company

Schools and Libraries Division

FORM 486 NOTIFICATION LETTER
(Funding Year 2014: 07/01/2014 - 06/30/2015)

March 25, 2015

Bert Garofano co Roberto Rubino
LITTLE FALLS TWP SCHOOL DIST
322 Route 46 West
Parsippany, NJ 07054

Re: Form 486 Application Number: 1059753
Applicant's FCC Form 486 Identifier: 122823-P1

This letter is to notify you that the Universal Service Administrative Company (USAC) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose Service Provider Identification Number (SPIN) you identified on each Funding Request Number (FRN).

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

An explanation of the data provided in our letter reports is in the Guide to USAC Letter Reports posted in the Reference Area of our website. Complete program information, including invoice deadlines, is also posted on our website. You may also contact our Client Service Bureau toll-free by phone at 1-888-203-8100, by email using the Submit a Question link on our website, or toll-free by fax at 1-888-276-8736.

NEXT STEPS

Discuss with your service provider whether you would like discounts on your bills or to pay your bills in full and be reimbursed for discounts.

Applicants invoice USAC before the invoice deadline using the applicant invoice [FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form] for reimbursements of discounts after paying the service provider bills in full. Service providers invoice USAC using the service provider invoice [FCC Form 474, Service Provider Invoice (SPI) Form] after billing applicants for their non-discount portion. Whichever method you choose, you must pay your non-discount portion, as stated in program rules. Program rules also require that participants maintain all documentation for at least five years after delivery of discount service.

TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

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 above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and 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 or service provider name, if different than appellant,
   - applicant BEN and service provider SPIN,
   - FCC Form 486 Number 1059753 and FRN(s) as assigned by USAC,
   - "Form 486 Notification Letter for Funding Year 2014", AND
   - 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 an applicant, please provide a copy of your appeal to the service provider(s) affected by the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the USAC's decision.

5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal using the Submit a Question feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

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

To submit your appeal to us 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

For more information on submitting an appeal to USAC, please see Appeals in the Schools and Libraries section of the USAC website.

Schools and Libraries Division
Universal Service Administrative Company

FORM 486 NOTIFICATION LETTER REPORT
(Funding Year 2014)

Funding Request Number: 2703924
Form 471 Application Number: 985116
Service Provider Name: Cablevision Lightpath of New Jersey
Service Provider Identification Number: 143013604
Billing Account Number: N/A
Service Start Date: 11/03/2014*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: $11,616.00

Funding Request Number: 2704784
Form 471 Application Number: 991002
Service Provider Name: Line Systems, Inc
Service Provider Identification Number: 143023377
Billing Account Number: N/A
Service Start Date: 11/03/2014*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: $1,862.08

Funding Request Number: 2704877
Form 471 Application Number: 991002
Service Provider Name: Verizon Wireless (Cellco Partnership)
Service Provider Identification Number: 143000677
Billing Account Number: N/A
Service Start Date: 11/03/2014*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: $1,144.00

USAC
Universal Service Administrative Company
Schools and Libraries Division
Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

TIME SENSITIVE MATERIAL

00007
Bert Garofano co Roberto Rubino
LITTLE FALLS TWP SCHOOL DIST
322 Route 46 West
Parsippany, NJ 07054

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NOTE 2

Universal Service Administrative Company
Schools & Libraries Division

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

May 15, 2014

Andres Ospina
LITTLE FALLS TWP SCHOOL DIST
560 MAIN STREET
LITTLE FALLS, NJ 07424-0000

Re: FCC Form 471 Application Number: 985116
Billed Entity Number (BEN): 122823
Billed Entity FCC Registration Number (FCC RN): 0015210057
Applicant's Form Identifier: 1415NET

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, $17,424.00 is "Approved."
- The amount, $9,765.36 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 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

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) 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),
   - FCC Form 471 Application Number 985116 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
   - "Funding Commitment Decision Letter for Funding Year 2014," AND
   - 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.

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30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

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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 Appeals in the Schools and Libraries section 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 Disposal or Trade-in of Equipment posted in the Reference Area of 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: LITTLE FALLS TWP SCHOOL DIST
BEN: 122823
Funding Year: 2014

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

FCC Form 471 Application Number: 985116
Funding Request Number: 2703344
Funding Status: Not Funded
Category of Service: Internet Access
FCC Form 470 Application Number: 221300001182841
SPIN: 143013604
Service Provider Name: Cablevision Lightpath of New Jersey
Contract Number: N/A
Billing Account Number: N/A
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: 06/30/2017
Shared Worksheet Number: 1721822
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $22,194.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $22,194.00
Discount Percentage Approved by the USAC: 44%
Funding Commitment Decision: $0.00 - Insufficient documentation
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): vendor documentation to support $1849.50/month service charges.

FCDL Date: 05/15/2014
Wave Number: 001
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015
Consultant Name:
Consultant Registration Number (CRN):
Consultant Employer:

FUNDING COMMITMENT REPORT
Billed Entity Name: LITTLE FALLS TWP SCHOOL DIST
BEN: 122823
Funding Year: 2014

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

FCC Form 471 Application Number: 985116
Funding Request Number: 2703924
Funding Status: Funded
Category of Service: Telecommunications Service
FCC Form 470 Application Number: 221300001182841
SPIN: 143013604
Service Provider Name: Cablevision Lightpath of New Jersey
Contract Number: N/A
Billing Account Number: N/A
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: 06/30/2017
Shared Worksheet Number: 1721822
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $39,600.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $39,600.00
Discount Percentage Approved by the USAC: 44%
Funding Commitment Decision: $17,424.00 - FRN approved as submitted

FCDL Date: 05/15/2014
Wave Number: 001
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015
Consultant Name:
Consultant Registration Number (CRN):
Consultant Employer:

JUN 16 2014

USAC
Universal Service Administrative Company

Schools and Libraries Division

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

June 11, 2014

Andres Ospina
LITTLE FALLS TWP SCHOOL DIST
560 MAIN STREET
LITTLE FALLS, NJ 07424-0000

Re: FCC Form 471 Application Number: 991002
Billed Entity Number (BEN): 122823
Billed Entity FCC Registration Number (FCC RN): 0015210057
Applicant's Form Identifier: 1415com

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, $4,509.12 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.
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   - Appellant name,
   - Applicant name and service provider name, if different from appellant,
   - Applicant BEN and Service Provider Identification Number (SPIN),
   - FCC Form 471 Application Number 991002 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
   - "Funding Commitment Decision Letter for Funding Year 2014," AND
   - 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.

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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

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OBLIGATION TO PAY NON-DISCOUNT PORTION

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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.

JUN 16 2014

FUNDING COMMITMENT REPORT
Billed Entity Name: LITTLE FALLS TWP SCHOOL DIST
BEN: 122823
Funding Year: 2014

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

FCC Form 471 Application Number: 991002
Funding Request Number: 2704784
Funding Status: Funded
Category of Service: Telecommunications Service
FCC Form 470 Application Number: 952400001168461
SPIN: 143023377
Service Provider Name: Line Systems, Inc
Contract Number: N/A
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2014
Service End Date: N/A
Contract Award Date: 01/22/2014
Contract Expiration Date: 06/30/2015
Shared Worksheet Number: 1731084
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $6,348.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $6,348.00
Discount Percentage Approved by the USAC: 44%
Funding Commitment Decision: $2,793.12 - 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:
Consultant Registration Number (CRN):
Consultant Employer:

FUNDING COMMITMENT REPORT
Billed Entity Name: LITTLE FALLS TWP SCHOOL DIST
BEN: 122823
Funding Year: 2014

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

FCC Form 471 Application Number: 991002
Funding Request Number: 2704877
Funding Status: Funded
Category of Service: Telecommunications Service
FCC Form 470 Application Number: 952400001168461
SPIN: 143000677
Service Provider Name: Verizon Wireless (Cellco Partnership)
Contract Number: MTM
Billing Account Number: N/A
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
Shared Worksheet Number: 1731084
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: $3,900.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $3,900.00
Discount Percentage Approved by the USAC: 44%
Funding Commitment Decision: $1,716.00 - 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:
Consultant Registration Number (CRN):
Consultant Employer:

NOTE 3

USAC
Universal Service Administrative Company

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

November 13, 2014

John West
Line Systems, Inc
1645 West Chester Pike
Suite 200
West Chester, PA 19382

Re: Invoice Number - as assigned by USAC: 2106804
Service Provider Identification Number: 143023377
Reimbursement Form Number: 2704784
Billed Entity Number: 122823

Andres Ospina
LITTLE FALLS TWP SCHOOL DIST
560 MAIN STREET
LITTLE FALLS, NJ 07424

P08@PCT1.TEQ.NJ.US

Preferred Mode of Contact: E-mail at aospina@lfschools.org
Total Amount of Reimbursement Approved for Payment: $0.00

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR to request reimbursement for any unpaid lines.

We recommend using the BEAR Online tool from the Apply Online area or Required Forms section of our website for additional submissions. If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

Pursuant to the Federal Communication Commission's (FCC) Second Report and Order and Further Notice of Proposed Rulemaking (FCC 03-101, released April 29, 2003), you must remit the amount shown as "Total Amount of Reimbursement Approved for Payment" above to your customer no later than 20 days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to your customer (See BEAR Form, Block 4, Service Provider Acknowledgment).

The USAC check should be mailed to the service provider named above within 20 days of the date of this letter.

P3ZFQR00100640 -006400203N0000

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 991002
Funding Request Number: 2704784
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: N/A
Funding Commitment Decision: $2793.12
Reimbursement Amount for this FRN: $0.00
Reimbursement Request Decision Explanation:
No Form 486 Filed or Form 486 Missing Start D;

Form 471 Application Number: 991002
Funding Request Number: 2704784
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: N/A
Funding Commitment Decision: $2793.12
Reimbursement Amount for this FRN: $0.00
Reimbursement Request Decision Explanation:
No Form 486 Filed or Form 486 Missing Start D;

Form 471 Application Number: 991002
Funding Request Number: 2704784
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: N/A
Funding Commitment Decision: $2793.12
Reimbursement Amount for this FRN: $0.00
Reimbursement Request Decision Explanation:
No Form 486 Filed or Form 486 Missing Start D;

NOTE 4

Michael Leary <mleary@lfschools.org>

Little Falls BOE FRN 2704877

1 message

Erate_bearforms <Erate_bearforms@verizonwireless.com> Wed, Feb 25, 2015 at 4:18 PM
To: "mleary@lfschools.org" <mleary@lfschools.org>

HI Michael - I've signed the attached bear form but I noticed USAC did not pay for the previous bear you had filed for the months July - Sept 2014 and the reason is below:

143000677|2704877|2704877|0.00|"Applicant Name:LITTLE FALLS TWP SCHOOL DIST;SLD Invoice Number:2124170;BEAR Letter Date:12/29/2014;Line Item Detail Number:7109979;Amount Requested:192.39;No Form 486 Filed or Form 486 Missing Start Date;28;"

143000677|2704877|2704877|0.00|"Applicant Name:LITTLE FALLS TWP SCHOOL DIST;SLD Invoice Number:2124170;BEAR Letter Date:12/29/2014;Line Item Detail Number:7109980;Amount Requested:171.66;No Form 486 Filed or Form 486 Missing Start Date;28;"

143000677|2704877|2704877|0.00|"Applicant Name:LITTLE FALLS TWP SCHOOL DIST;SLD Invoice Number:2124170;BEAR Letter Date:12/29/2014;Line Item Detail Number:7109981;Amount Requested:275.31;No Form 486 Filed or Form 486 Missing Start Date;28;"

IF you submit the signed bear again - USAC will reject it again.

Thanks,
Nosheen

2704877.pdf
231K

NOTE 5

From: Nancy Panepinto [mailto:npanepinto@lfschools.org]
Sent: Thursday, February 26, 2015 9:14 AM
To: Roberto D. Rubino
Cc: Michael Leary
Subject: E-Rate -Little Falls Board of Education

Good Morning,

Mr. Michael Leary asked that I send you copies of notices regarding denial of our E-Rate reimbursement. Also we have attached copies of our USAC Funding Commitment Decision Letters for the 2014-15 School Year.

Should you need anything further, please let us know.

Thank you.

Nancy

--
Nancy J. Panepinto
Secretary to School Business Administrator
Little Falls Board of Education
560 Main Street
Little Falls, NJ 07424
Phone: 973-256-7371
FAX: 973-812-2107

NOTE 6

Need Help?

USAC
Universal Service Administrative Company
Helping Keep Americans Connected

Schools & Libraries

Print Preview

FCC Form 486

Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form

FCC Form 486 Status: COMPLETE
Applicant's Form Identifier: 122823-P1 **FCC Form 486 Number:** 1059753
(create your own code to identify this FCC Form 486)

Block 1: Billed Entity Information

Need Help?

1. Billed Entity Name: LITTLE FALLS TWP SCHOOL DIST
2. Billed Entity Number: 122823
3. Funding Year: 2014

4. Complete Mailing Address of Billed Entity:

Address Line 1:	560 MAIN STREET	**Telephone:**	(973) 256 - 1034 ext.
Address Line 2 (optional):		**Fax:**	(973) 256 - 6542
City:	LITTLE FALLS	**Email:**	
State:	NJ		
Zip Code +4:	07424 -		

5. Contact Person Information:

Contact Person Name: Bert Garofano co Roberto Rubino
Contact Information is the same as in Item #4

Address Line 1:	322 Route 46 West	○	**Telephone:**	(888) 535 - 7771 ext. 106
Address Line 2:		○	**Fax:**	(866) 569 - 3019
City:	Parsippany	◉	**Email:**	ugarofano@erate360.com
State:	NJ			
Zip Code +4:	07054 -			

* Select a radio button above next to the preferred method of contact.

Block 2: Early Filing Information and CIPA Waiver Requests

Need Help?

6a. Early Filling

CHECK THE BOX BELOW IF THE FRNS ON THIS FCC FORM 486 ARE FOR SERVICES STARTING ON OR BEFORE JULY 31 OF THE FUNDING YEAR.

☐ The Funding Requests listed in Block 3 have been approved by USAC as shown in my Funding Commitment Decision Letter (FCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.

Remember: Early filing using Item 6a is an option if and ONLY if services will start within the month of July of the relevant Funding Year, all relevant certifications in Block 4 can be accurately made, and the FCC Form 486 is postmarked on or before July 31 of the Funding Year.

6b. CIPA Waiver

CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR THE SECOND FUNDING YEAR IN WHICH YOU HAVE APPLIED FOR DISCOUNTS IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY.

☐ I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this FCC Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year in which they apply for discounts.

(For Libraries for Funding Year 2004: You may also request this waiver for FY2004 if you as the Billed Entity are the Administrative Authority for the library(ies) represented on this FCC Form 486. By checking this box, you are certifying that the libraries represented in the Funding Request Number(s) on this FCC Form 486 will be brought into compliance with the CIPA requirements before the start of Funding Year 2005.)

Block 3: Service Information

Need Help?

7. Please provide the following information for each FCC Form 471 Block 5 (Discount Funding Request) item for which the Billed Entity is indicating that the named service provider may begin submitting invoices to USAC. You will need your FCDL for some of the information required below. Remember: The FRNs listed below must be from the same Funding Year as is listed in Block1, Item 3.

	(A) FCC Form 471 Application # From FCDL:	(B) Funding Request # (FRN) From FCDL:	(C) Service Provider Identification # (SPIN) From FCDL:	(D) Service Provider Name From FCDL:	(E) Funding Year Service Start Date (Earliest Date that Discounted Services Will Begin):	delete?
1	985116	2703924	143013604	Cablevision Lightpath of New Jersey	7/1/2014	
2	991002	2704784	143023377	Line Systems, Inc	7/1/2014	
3	991002	2704877	143000677	Verizon Wireless (Cellco Partnership)	7/1/2014	

Block 4: Certifications

Need Help?

8. ☑ I certify that, if required by program rules, the entity(ies) receiving discounted services as indicated on this FCC Form 486 are covered by technology plan(s), that have been approved by a state or other authorized body (*i.e.,* a USAC-certified technology plan approver) prior to the commencement of service and that cover all 12 months of the funding year. Provide the name(s) of the organization(s) that approved a technology plan for any eligible entity that is receiving services covered under this FCC Form 486 or, if EVERY FRN listed in this FCC Form 486 is for services that do not require a technology plan, enter "NONE" here.

Other

Priority 1

9. ☑ I certify that the services listed on this FCC Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the FCC Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this FCC Form 486 except for those services provided under tariff or on a month-to-month basis. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity; that I have examined this request; and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

10. ☑ I understand 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 services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for five years (or whatever retention period is required by the rules in effect at the time of your certification) any and all records, including FCC Forms 479 where required, that I rely upon to complete this form and, if audited, will make available to the Administrator such records.

NOTES FOR COMPLETING THE CERTIFICATIONS IN ITEM 11:
A Billed Entity who is the Administrative Authority must check Item 11a or 11b or 11c. Check only ONE item. If the Billed Entity is not the Administrative Authority, skip to Item 11d. A Billed Entity who represents one or more Administrative Authorities must check Item 11d or 11e. A Billed Entity who represents one or more Administrative Authorities in Funding Years after Funding Year 2001 and who checks Item 11d must check Item 11f or 11g. See the FCC Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities."

IF THIS FORM PERTAINS TO A FUNDING YEAR PRIOR TO FUNDING YEAR 2001 (THE FUNDING YEAR BEGINNING JULY 1, 2001), SKIP TO ITEM 12.

11. FOR A BILLED ENTITY WHO IS THE ADMINISTRATIVE AUTHORITY:
I certify that as of the date of the start of discounted services:

a. ☑ the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).

b. ☐ pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486:

(FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.

(FOR FUNDING YEAR 2003 ONLY: FOR LIBRARIES IN THE SECOND OR THIRD FUNDING YEAR FOR PURPOSES OF CIPA) is (are) in compliance with the requirements of CIPA under 47 U.S.C. § 254(l) and undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA under 47 U.S.C. § 254(h) for the next funding year.

c. ☐ the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 is (are) receiving discount services only for telecommunications services.

FOR A BILLED ENTITY WHO REPRESENTS ONE OR MORE ADMINISTRATIVE AUTHORITIES:

d. ☐ I certify as the Billed Entity for the consortium that I have collected duly completed and signed FCC Forms 479 from all eligible members of the consortium.

e. ☐ I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), do not apply.

For Funding Years after Funding Year 2001: If you checked Item 11d above, check ONE of the boxes below:

f. ☐ I certify that some or all of the eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver, and upon request from the Administrator I can provide this information; OR

g. ☐ I certify that no eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver.

The certification language above is not intended to fully set forth or explain all the requirements of the statute.

Block 4: Signature

Need Help?

14. Printed name of authorized person: Bert Garofano

15. Title or position of authorized person: Consultant

16a. Street Address, P.O. Box, or Route Number:

Address Line 1: 322 Route 46 West

Address Line 2 (optional): Suite 280 W

City: Parsippany

State: NJ

Zip Code +4: 07054 -

16b. Telephone number of authorized person:

(888) 535 - 7771 ext. 106

16c. Fax number of authorized person:

(866) 569 - 3019

16d. Email address of authorized person:

ugarofano@erate360.com

16e. Name of authorized person's employer: Erate 360 Solutions, LLC

Exit

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FCC Form 486

Do Not Write In This Area

Approval by OMB 3060-0853

Application ID : 1059753

Entity Number	122823	**Applicant's Form Identifier**	122823-P1
Contact Person	Bert Garofano co Roberto Rubino	**Phone Number**	888-535-7771 x 106

I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

12. Signature of authorized person

Bert Garofano

13. Date

3/3/2015 12:27:20 PM

14. Printed name of authorized person

Bert Garofano

15. Title or position of authorized person

Consultant

16a. Street Address, P.O. Box, or Route Number

322 Route 46 West

Suite 280 W

City

Parsippany

State NJ **Zip Code** 07054 -

16b. Telephone number of authorized person	**Extension**	**16c. Fax number of authorized person**
888-535-7771	106	866-569-3019

16d. Email address of authorized person	**16e. Name of authorized person's employer**
ugarofano@erate360.com	Erate 360 Solutions, LLC

Please submit this form to:

SLD Form 486
PO Box 7026
Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, send this form to:

SLD Forms
ATTN: SLD Form 486
3833 Greenway Dr
Lawrence, KS 66046
888-203-8100

December 2013

FCC Form 486

NOTE 7

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Requests for Review and Waiver	)	
of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Alaska Gateway School District	)	File Nos. SLD-412028, *et al*.
Tok, AK, *et al.*	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

ORDER

Adopted: September 14, 2006 **Released: September 14, 2006**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant 128 appeals of decisions by the Universal Service Administrative Company (USAC) reducing or denying funding from the schools and libraries universal service support mechanism (also known as the E-rate program) on the grounds that they failed to timely submit an FCC Form 486.[1] As explained below, in each case we find that good cause exists to waive USAC's deadline for the FCC Form 486 filed with USAC and we remand the underlying applications associated with these appeals to USAC for further action consistent with this Order. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in the Appendix and issue an award or denial based upon a complete review and analysis no later than 90 days from the release of this Order. In addition, we direct USAC to develop targeted outreach procedures designed to better inform applicants of approaching FCC Form 486 filing deadlines and to provide applicants with a 15-day opportunity to file or amend the form.

2. As we recently noted, applicants seeking funding from the E-rate program contend that the application process is complicated and time-consuming.[2] As a result, a significant number of

[1]In this Order, we use the term "appeals" to generically refer to requests for review of decisions, or to waivers related to such decisions, issued by the Commission, the Wireline Competition Bureau, or USAC. A list of these petitions is attached in the Appendix and we will refer to all of these parties as Petitioners. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

[2]*Comprehensive Review of Universal Service Fund Management, Administration, and Oversight, Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Linkup, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* WC Docket Nos. 05-195, 02-60, 03-109, CC Docket Nos. 96-45, 02-6, 97-21, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11308 (2005) (*Comprehensive Review NPRM*).

applications for E-rate support are denied because of applicant ministerial or clerical errors. We find that the actions we take here to provide relief will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the "Act"), by helping to ensure that eligible schools and libraries obtain access to discounted telecommunications and information services.[3] In particular, we believe that by directing USAC to enhance certain application outreach procedures and granting this limited waiver of the deadline, we will provide for a more effective application processing system that ensures eligible schools and libraries will be able to realize the intended benefits of the program as we consider additional steps to reform and improve the E-rate program.[4] Requiring USAC to take these additional steps will not reduce or eliminate any application review procedures or program requirements that applicants must comply with to receive funding. Indeed, we retain our commitment to detecting and deterring potential instances of waste, fraud, and abuse by ensuring that USAC continues to scrutinize applications and takes steps to educate applicants in a manner that fosters program participation. We also emphasize that our actions taken in this Order should have minimal impact on the Universal Service Fund (USF or Fund) because the monies needed to fund these appeals have already been collected and held in reserve.[5]

II. BACKGROUND

3. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.[6] After an applicant for discounted services under the E-rate program has entered into agreements for eligible services with one or more service providers, it must file an FCC Form 471 with USAC.[7] The FCC Form 471 notifies USAC of the services that have been ordered and supplies an estimate of funds requested for eligible services.[8] USAC then issues a funding commitment decision letter indicating the funding, if any, for which the applicant is approved to receive. After the funding year begins and the applicant begins receiving services at the discounted rate, the applicant submits an FCC Form 486 to USAC. The FCC Form 486 indicates that the service has begun, specifies the service start date and demonstrates that the applicant has received approval of its technology plans.[9] The timely

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[3] 47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

[4] *Comprehensive Review NPRM*, 20 FCC Rcd at 11324-25, paras. 37-40 (seeking comment on the application process and competitive bidding requirements for the schools and libraries program).

[5] We estimate that the appeals granted in this Order involve applications for approximately $11.3 million in funding for Funding Years 2000-2005. We note that USAC has already reserved sufficient funds to address outstanding appeals. *See, e.g.,* Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2006, dated May 2, 2006.

[6] *See* 47 C.F.R. §§ 54.501-54.503.

[7] *See* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 1997) (Funding Year 1999 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (Funding Year 2000 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Funding Year 2001 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2001) (Funding Year 2002 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2003) (Funding Year 2004 FCC Form 471); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) (Funding Year 2005 FCC Form 471) (collectively, FCC Form 471).

[8] 47 C.F.R. § 54.504(c).

[9] Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (April 2000) (2000 FCC Form 486 Instructions); Instructions for Completing the

submission of FCC Form 486 ensures that disbursements for discounts on eligible services are done in a prompt and efficient manner. Because the FCC Form 486 indicates the actual service start date, USAC will only issue disbursements to the service provider for discounts on eligible services after receipt of the form.[10]

4. The deadline for receipt of the FCC Form 486, which is established by USAC, has varied over the years. In Funding Year 2000, applicants with recurring services were required to submit the FCC Form 486 postmarked by December 14, 2001.[11] In Funding Year 2001, the FCC Form 486 was due October 28, 2001, unless the service start date began or a funding commitment decision letter was issued after October 28, 2001.[12] In that case, the FCC Form 486 was required to be postmarked no later than 120 days after the service start date or the date of the funding commitment decision letter, whichever was later, for applicants to receive discounts retroactively to the service start date.[13] If an applicant failed to meet this requirement, USAC adjusted the start date for discounted services to either the date that the FCC Form 486 was postmarked or, in cases where the funding commitment decision letter came after the October 28, 2001 deadline, to 120 days before the date that the FCC Form 486 was postmarked.[14] In Funding Year 2002 and subsequent funding years, the FCC Form 486 had to be postmarked no later than 120 days after the date service began or no later than 120 days after the date of the funding commitment decision letter, whichever was later, to receive discounts retroactively to the service start date.[15] For a late FCC Form 486, the start date for discounted services is reset to 120 days before the postmark date.[16] No

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Schools and Libraries Universal Service Receipt of Service Confirmation Form, OMB 3060-0853 (July 2001) (2001 FCC Form 486 Instructions); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (September 2002) (2002 FCC Form 486 Instructions); Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 (August 2003) at 2 (2003 FCC Form 486 Instructions) (collectively, FCC Form 486 Instructions).

[10] *See, e.g.,* 2003 Form 486 Instructions at 2. *See also Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12444, para. 4 (2002) (*CIPA II Order*); 47 C.F.R. § 54.520.

[11] *See* November 2001 Announcements, Funding Year 3 Disbursement Closeout Process, available at http://www.sl.universalservice.org/whatsnew/2001/112001.asp.

[12] *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182, 8188-89, 8191, paras. 10, 18 (2001) (*CIPA Order*); 47 C.F.R. § 54.520(g)(1) (2001); 2001 Form 486 Instructions. Under the Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (NCIPA), Congress imposed new conditions on schools with Internet access that request discounted services under the schools and libraries universal service support mechanism. 47 U.S.C. § 254(h)(5), 254(l). Schools seeking costs for Internet access or internal connections services must certify to these conditions on the FCC Form 486. For Funding Year 2001, Congress established a deadline of October 28, 2001, unless services began after that date or the funding commitment decision letter was sent after that date. 47 U.S.C. §§ 254(h)(5)(E), 254(h)(6)(E); *CIPA Order*, 16 FCC Rcd at 8188-89, 8191, paras. 10, 18. Because the October 28, 2001 deadline for that funding year is a statutory requirement, it cannot be waived.

[13] 2001 Form 486 Instructions at 8-10.

[14] Form 2001 486 Instructions at 9-10. *See, e.g., Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc*., File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591, 24594, para. 7 (Wireline Comp. Bur. 2002) (providing funding only for services provided on or after the FCC Form 486 filing date of October 30, 2001, instead of the funding year start date of July 1, 2001).

[15] *CIPA II Order*, 17 FCC Rcd at 12445, para. 5; 2003 Form 486 Instructions at 6.

[16] *Id.*

funding is provided for services rendered prior to the new start date and funding commitments are reduced for the relevant funding request.[17]

5. One hundred and twenty-eight Petitioners have requested a waiver of the deadlines or a review of USAC's decision to deny or reduce funding because of the Petitioners' late filings. The Commission may waive any provision of its rules on its own motion and for good cause shown.[18] A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.[19] In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[20] In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.[21]

III. DISCUSSION

6. In this item, we grant 128 appeals of decisions reducing or denying requests for funding from the E-rate program and remand the underlying applications associated with these appeals to USAC for further action consistent with this Order.[22] Petitioners' requests for funding were denied or reduced because USAC found that the FCC Form 486 was filed late or the form may not have been filed.[23] These Petitioners, however, either claim that the filings were on time,[24] that the late filings were the result of immaterial clerical, ministerial or procedural errors,[25] or that the late filings were due to circumstances beyond their control.[26]

7. Based on the facts and the circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 486 for Petitioners.[27] Under Bureau precedent,

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[17] *Id.*

[18] 47 C.F.R. §1.3.

[19] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

[20] *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972).

[21] *Northeast Cellular*, 897 F.2d at 1166.

[22] Eldora Public Library (Eldora) framed its request for review as an appeal of USAC's denial of its request for an extension of the invoice deadline (FCC Form 472). Our review of the record indicates that Eldora did not file its FCC Form 486. Eldora claims that it inadvertently failed to comply with program rules because of Eldora's small staff and the complexity of the E-rate program. On our own motion, we grant a waiver of Eldora's FCC Form 486 deadline.

[23] *See* Appendix.

[24] *See, e.g.,* Request for Review by Fair Haven School District; Request for Review by Oldham County Public Library; Request for Review by Schuylkill Intermediate Unit No. 29; Request for Review by Bordentown Regional School District; Request for Review by Diocese of Gallup Catholic Schools.

[25] *See, e.g.,* Request for Review by Quartzsite Elementary School District No. 4; Request for Review by Fort Plain Central School District; Request for Review by Good Shepard Center; Request for Review by Pueblo 60 School District; Request for Review by Lifeline Center for Child Development.

[26] *See, e.g*., Request for Review by Yukon Flats School District; Request for Review by School District U 46; Request for Review by North Wasco County School District No. 21; Request for Waiver by Bay County School District; Request for Review by Western Christian High School.

[27] Because we waive the FCC Form 486 deadline, applicants should receive funding from their actual service start date. We also direct USAC to waive any of its subsequent deadlines if related to the late-filed FCC Form 486, such as the FCC Form 472 deadline, if necessary for the processing of Petitioners' applications.

deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 486.[28] As we recently noted in *Bishop Perry Middle School,* a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest.[29] Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline.[30] We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms.[31] Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants. Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.[32] We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

8. We emphasize the limited nature of this decision. Because the FCC Form 486 contains the Children's Internet Protection Act (CIPA) certification, all applicants must file the form with USAC.[33] While we have waived the deadline for filing, we do not waive the requirement of the filing itself. Furthermore, we recognize that filing deadlines are necessary for the efficient administration of the schools and libraries E-rate program. Although we grant the subject appeals before us, our action here does not eliminate USAC's deadline for filing the FCC Form 486. We continue to require E-rate applicants to submit complete and accurate information to USAC as part of the application review process. However, as of the effective date of this Order, we require USAC to develop additional outreach and educational efforts to inform applicants of the application requirements in an attempt to reduce these types of filing errors. Specifically, USAC shall develop a targeted outreach program designed to identify schools and libraries that have not filed their FCC Form 486 120 days from the date of their funding commitment decision letter or service start date, whichever is later.[34] The purpose of this outreach effort

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[28] *See Requests for Waiver by Lucia Mar Unified School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-249712, *et al.*, CC Docket No. 02-6, Order, 19 FCC Rcd. 20364, para. 3 (Wireline Competition Bur. Rel. May 28, 2004); *Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc*., File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591, 24594, para. 7 (Wireline Comp. Bur. 2002).

[29] *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism,* File Nos. SLD-487170, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, para. 9 (rel. May 19, 2006) (*Bishop Perry Middle School*).

[30] Some Petitioners claim that they postmarked the FCC Form 486 on time. Given that we are waiving USAC's deadline for these applicants who mistakenly or knowingly filed late, we give these Petitioners the benefit of the doubt and, to the extent necessary, waive the FCC Form 486 filing deadline for them as well.

[31] For example, Western Christian High School's sole Universal Service Fund official suffered a debilitating stroke and was unable to meet the Form 486 deadline. Request for Review by Western Christian High School at 1.

[32] *See* 47 U.S.C. § 254(h).

[33] Those applicants that filed their FCC Form 486 with their appeal to the Commission must also file the form with USAC, if they have not already done so.

[34] The service start date can be determined from Block 5 of the applicant's FCC Form 471.

will be to provide the applicant with an additional opportunity to file or amend its FCC Form 486. When an applicant has missed the deadline to file its FCC Form 486, applicants will have 15 calendar days from the date of receipt of notice in writing by USAC to file or amend its FCC Form 486.[35] Again, this direction will not limit or preclude any application review procedures of USAC; instead, this 15-day period will provide E-rate applicants with a limited additional opportunity to file or amend its FCC Form 486. The 15-day period is limited enough to ensure that funding decisions are not unreasonably delayed for E-rate applicants and should be sufficient time to correct truly unintentional ministerial and clerical errors.[36] The opportunity for applicants to file or amend their filings to cure minor errors will also improve the efficiency and effectiveness of the Fund. Because applicants who are eligible for funding will now receive funding where previously it was denied for minor errors, we will ensure that funding is distributed first to the applicants who are determined by our rules to be most in need of funding. As a result, universal service support will be received by schools in which it will have the greatest impact for the most students. Furthermore, the opportunity to file or amend the application will improve the efficiency of the schools and libraries program. If USAC helps applicants file timely and correct forms initially, USAC should be able to reduce the money it spends on administering the fund because fewer appeals will be filed protesting the denial of funding for these types of issues. Therefore, we believe this additional opportunity to file the FCC Form 486 will improve the administration of fund. In addition, we note that the Commission has initiated a proceeding to address whether particular deadlines should be modified.[37]

9. Finally, we are committed to guarding against waste, fraud, and abuse, and ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the appeals addressed here, this action in no way affects the authority of the Commission or USAC to conduct audits and investigations to determine compliance with the E-rate program rules and requirements. Because audits and investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or Commission rules, such proceedings can reveal instances in which universal service funds were improperly disbursed or in a manner inconsistent with the statute or the Commission's rules. To the extent we find that funds were not used properly, we will require USAC to recover such funds through its normal processes. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. We remain committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under our own procedures and in cooperation with law enforcement agencies.

IV. ORDERING CLAUSES

10. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47

[35]Such 15-day notice shall be 15 calendar days' notice, and shall commence on the date of receipt of such notice by applicant, or five (5) calendar days after such notice is postmarked as sent by USAC, whichever is sooner. Applicants will be presumed to have received notice five days after such notice is postmarked by USAC. USAC, however, shall continue to work beyond the 15 days with applicants attempting in good faith to file or amend their FCC Form 486.

[36]We note that applicants will retain the ability to appeal decisions denying funding requests on the grounds discussed herein.

[37]*Comprehensive Review NPRM*, 20 FCC Rcd at 11321, para. 29.

C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the Petitioners as listed in the Appendix ARE GRANTED.

11. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Requests for Review and/or Requests for Waiver filed by the Petitioners as listed in the Appendix ARE REMANDED to USAC for further consideration in accordance with the terms of this Order.

12. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, USAC SHALL COMPLETE its review of each remanded application listed in the Appendix and ISSUE an award or a denial based on a complete review and analysis no later than 90 calendar days from release of this Order.

13. IT IS FURTHER ORDERED that this Order and the rules adopted herein SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Chief
Wireline Competition Bureau

Appendix:
FCC Form 486 Deadline Petitions

Applicant	Application Number	Funding Year	Type of Appeal
Alaska Gateway School District Tok, AK	412028	2004	Request for Review
Andrews County Library Andrews, TX	440481	2005	Request for Review
Antwerp Local School District Antwerp, OH	464507	2005	Request for Waiver
Archbishop Neale School La Plata, MD	302737	2002	Request for Waiver
Arlington Heights Memorial Library Arlington Heights, IL	415027	2004	Request for Waiver
Bay County School District Panama City, FL	398681	2004	Request for Waiver
Beaufort County School District Beaufort, SC	294836	2002	Request for Review
Berrien County School District Nashville, GA	317226	2002	Request for Waiver
Bledsoe County Public Library Pikeville, TN	301204	2002	Request for Review
Bobover Yeshiva Bnei Zion Brooklyn, NY	291074	2002	Request for Waiver
Bordertown Regional School District Bordertown, NJ	387135	2004	Request for Waiver
Brooks County School District Quitman, GA	321413	2002	Request for Waiver
Broome-Tioga BOCES Syracuse, NY	265671	2001	Request for Waiver
Brown Public Library Northfield, VT	328164	2002	Request for Waiver

Brunswick Central Schools Troy, NY	404068	2004	Request for Review
Buffalo Independent School District Buffalo, TX	371183	2003	Request for Review
Burgundy Farm Country Day School Alexandria, VA	191800	2000	Request for Review
Cabarrus County School Systems Concord, NC	299281 302819	2002	Request for Waiver
Carroll County School District Westminster, MD	302819	2002	Request for Review
Central Kansas Library System Great Bend, KS	328836	2002	Request for Waiver
Chattanooga-Hamilton County Bicentennial Library Chattanooga, TN	379922	2003	Request for Waiver
Cherokee County School District Canton, GA	322398	2002	Request for Review
Children's Home of Wyoming Conference Binghampton, NY	398068	2004	Request for Review
Chino Valley High School No. 51 Chino Valley, AZ	330837	2002	Request for Review
Chittenden Central SU 13 Montpelier, VT	415681	2004	Request for Review
Church of St. Aidan Parish School Williston Park, NY	297395	2002	Request for Review
Cinnaminson Township Public Schools Cinnaminson, NJ	356114	2003	Request for Review
Cleveland Elementary School Cleveland, AL	362832	2003	Request for Waiver
Clinton County Board of Education Albany, KY	291898	2002	Request for Waiver
Colton Joint Unified School District Colton, CA	366876	2003	Request for Waiver

Columbus Public Schools Columbus, OH	365588	2003	Request for Review and Waiver
Community Consolidated School District 59 Arlington Heights, IL	328076 328077	2002	Request for Review
Cundy's Harbor Library Harpswell, ME	292633	2002	Request for Waiver
Diocese of Gallup Catholic Schools Cortez, CO	352887	2003	Request for Review
Diocese of Gallup Catholic Schools Cortez, CO	355457	2003	Request for Review
Douglas County School District 04 Roseburg, OR	431083, 430560	2004	Request for Review
Dry Creek Joint Elementary School District Rosevill, CA	409881	2004	Request for Review
Dubuque Community School District Dubuque, IA	327890	2002	Request for Review
Eldora Public Library Eldora, IA	346316	2003	Request for Review
Emerson Board of Education Syracuse, NY	280479	2001	Request for Review
Estill Elementary School Estill, NC	234858 234895 234919 234944	2001	Request for Review
Fair Haven School District Fair Haven, NJ	367738	2003	Request for Review
Flint City School District Flint, MI	359243	2003	Request for Review
Fort Plain Central School District Fort Plain, NY	412951	2004	Request for Review
Fort Vancouver Regional Library District Vancouver, WA	291242	2002	Request for Waiver
Galloway TWP School District Galloway, NJ	305849	2002	Request for Review

Glades County School District Moore Haven, FL	453848, 454205	2005	Request for Waiver
Good Shepherd School Baltimore, MD	266044	2001	Request for Review
Good Shepherd School Frankfort, KY	172300	2000	Request for Waiver
Grand Coulee Dam School District Coulee Dam, WA	298633	2002	Request for Waiver
Hazlet Township School District Hazlet, NJ	361921	2003	Request for Review
Hennepin County Library St. Paul, MN	359143	2003	Request for Review
Hood River County School District Hood River, OR	364794	2003	Request for Review
Hudson County Schools of Technology North Bergen, NJ	297875	2002	Request for Waiver
Hull Public Library Hull, IA	298528	2002	Request for Review
Illinois School for the Deaf Jacksonville, IL	347661	2003	Request for Review
JEDI Distance Education Consortium Fort Atkinson, WI	327192	2002	Request for Waiver
Jefferson County School Board Monticello, FL	459304	2005	Request for Waiver
Karnes City Independent School District Karnes City, TX	357945	2003	Request for Waiver
Knox County Schools Knoxville, TN	215885	2001	Request for Review
La Gloria Independent Falfurrias, TX	178419	2000	Request for Review
Lamar Consolidated Independent School District Rosenberg, TX	459460	2005	Request for Review

Licking Valley Local School District Newark, OH	392774	2004	Request for Review
Lifeline Center for Child Development, Inc. Queens Village, NY	409570	2004	Request for Review
Lima City School District Lima, OH	470234	2005	Request for Review and Waiver
Lindsay Unified School District Lindsay, CA	410849 411165	2004	Request for Review and Waiver
Little Ferry School District Little Ferry, NJ	295815	2002	Request for Waiver
Lowell Public Schools Lowell, MA	359824	2003	Request for Waiver
Madison Metro School District Madison, WI	353089 353119 353212	2003	Request for Review
Madison-Oneida BOCES Verona, NY	462476	2005	Request for Waiver
Mahopac Public Library Mahopac, NY	402345	200	Request for Review
Maine School Administration District No. 56 Searsport, ME	243128 243720 249415 249470	2001	Request for Waiver
Martin Public School District Martin, MI	426227	2004	Request for Waiver
Martins Ferry City School District Martins Ferry, OH	302365	2002	Request for Review and Waiver
Modoc County Office of Education St. Alturas, CA	315896	2002	Request for Waiver
Moline School District Moline, IL	356437	2003	Request for Review
Monett School District R-1 Monett, MO	300380	2002	Request for Review
Montrose County School District Montrose, CO	427322	2004	Request for Review

Morgan County School District Wartburg, TN	327398	2002	Request for Review and Waiver
Municipal Telephone Exchange Baltimore, MD	267659	2001	Request for Waiver
Nampa School District 131 Nampa, ID	318599	2002	Request for Waiver
National School District National City, CA	230814	2001	Request for Review
Nativity Academy at Saint Boniface Louisville, KY	419716	2004	Request for Waiver
North Wasco County School District 21 The Dalles, OR	409053	2004	Request for Waiver
Northwest Artic Borough School District Kotzebue, AK	406645	2004	Request for Review and Waiver
Oakland Unified School District Oakland, CA	414456 417784	2004	Request for Waiver
Oldham County Public Library Buckner, KY	400462	2004	Request for Review
Ontario School District 8 C Ontario, OR	295232	2002	Request for Waiver
Orange-Ulster BOCES Syracuse, NY	262616	2001	Request for Review
Our Lady of Refuge Brooklyn, NY	203596	2000	Request for Review
Phenix City School District Phenix City, AL	322329 323545	2002	Request for Review
Pioneer Regional School Corporation Royal Center, IN	346650	2003	Request for Waiver
Pitt County Schools Greenville, NC	254432	2001	Request for Review
Plymouth-Canton Community Schools Plymouth, MI	375805	2003	Request for Waiver
Prairie-Hills Elementary School District 144 Hazel Crest, IL	252724	2001	Request for Review

Providence School District Providence, RI	289156	2002	Request for Review and Waiver
Public Schools of Springfield, Massachusetts Springfield, MA	262612	2001	Request for Review
Pueblo City School District 60 Pueblo, CO	398109	2004	Request for Review
Quartzsite Elementary School District # 4 Ehrenberg, AZ	407280	2004	Request for Review
Redlands United School District Redlands, CA	286577	2002	Request for Review
Saint Bede School Ingleside, IL	302736	2002	Request for Waiver
San Bernardino City Unified School District San Bernardino, CA	229943 229951	2001	Request for Waiver
School District of Escambia County Pensacola, FL	459695 460757 464483	2005	Request for Waiver
School District U-46 Elgin, IL	387466	2004	Request for Review
Schuylkill Intermediate Unit 29 Mar Lin, PA	412852	2004	Request for Waiver
Seaford District Library Seaford, DE	186219 182411	2000	Request for Waiver
Sherburne-Earlville Central School District Sherburne, NY	351972	2003	Request for Waiver
Smyer Independent School District Smyer, TX	449773	2005	Request for Waiver
Southeastern Regional Vocational-Technical School South Easton, MA	470921	2005	Request for Waiver
Southwest Region School District Dillingham, AK	311369	2002	Request for Review and Waiver
Spring Hill Unified School District 230 Spring Hill, KS	289683	2002	Request for Review

St. Bernadette School Seattle, WA	358930	2003	Request for Review
St. Luke's Lutheran School St. Louis, MO	364411 364448	2003	Request for Review
St. Malachy School Rantoul, IL	339842	2003	Request for Review
Sweetwater County School District No. 2 Green River, WY	392435 392334 392324 392416	2004	Request for Waiver
Talullah Falls Schools Talullah Falls, GA	410133	2004	Request for Review
Tanana City School District Tanana, AK	381012	2003	Request for Waiver
Texas Education Telecommunications Network Austin, TX	330978	2002	Request for Review and Waiver
The School District of Marlboro County Bennettsville, SC	376637	2003	Request for Review
Union Beach Public Schools Union Beach, NJ	203423	2000	Request for Review
Vernon Verona Sherrill City School District Verona, NY	355243	2003	Request for Review
Washington State Department of Information Services Olympia, WA	229488	2001	Request for Review
Washington State Department of Information Services Olympia, WA	406070	2004	Request for Review
Western Christian High School Hull, IA	298244	2002	Request for Review
Whitman-Hanson Regional School District Whitman, MA	429515	2004	Request for Review
Windsor School District Windsor, VT	337525	2003	Request for Review

Wiscasset School Department Wiscasset, ME	398615	2004	Request for Waiver
Yukon Flats School District Fort Yukon, AK	435210	2004	Request for Review

NOTE 8

Letter of Agency

Little Falls Board of Education
Billed Entity Number: 122823

Letter of Agency For FY 17 (2014 - 2015)

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

(a) I certify that **schools in our district** are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding $50 million.

(b) I certify that our **school district** has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.

(c) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).

(d) I certify that our **school district** has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(e) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

(g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

(h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

(i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).

(k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to **eRate 360 Solutions, LLC** for E-rate submission is true.

District: Little Falls Board of Education

Date: 3/3/2015

Signature:

Printed Name: MICHAEL LEARY

Title: INTERIM BA/BS