



Las Vegas-Clark County Library District
 7060 W. Windmill Lane, Las Vegas, NV 89113

June 2, 2015

Letter of Appeal

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

CC Docket No 02-6

Request for Waiver of decision revealed on May 7, 2015 by Schools & Library Division denying the Invoice Deadline Extension Request filed by Las Vegas-Clark County Library District on October 27, 2014

Authorized person who can best discuss this Appeal with you

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

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

Information

Entity Las Vegas-Clark County Library District
Billed Entity Number 143400

471 Number	FRN	SPIN	Service Provider Name	Approved Funding
832699	2260573	143018525	USA Mobility Wireless, Inc.	\$532.51
832699	2260589	143000677	Verizon Wireless	\$44,251.43
832699	2260621	143001192	AT&T Corp.	\$7,592.40
832699	2260623	143001192	AT&T Corp.	\$2,049.60
832699	2260625	143002674	Moapa Valley Telephone	\$1,656.22
TOTAL				\$56,082.16

Document Being Appealed: Email from Client Service Bureau of the Schools & Library Division (SLD) revealing the decision to deny, for the five FRNs listed above, the Invoice Deadline Extension Request filed by Las Vegas-Clark County Library District on October 27, 2014¹

Items Being Appealed (same for all five FRNs): "A dismissal notification was sent to the 471 contact on 1/16/2015. The reason provided was 'Current deadline extension rules and procedures do not allow approval for the reason submitted.'"

¹ Email from Megan Allred, Client Service Bureau, Schools and Libraries Division to Richard Larson, eRate 360 Solutions LLC, consultant for Las Vegas-Clark County Library District, dated May 7, 2015 12:48 PM; subject: "case# 22-767172", regarding case # 22-686533. *NOTE: Case 22-686533 was the request for extension of the invoicing deadline for ten FRNs filed by Las Vegas-Clark County Library District on 10/27/2014.*

Request for Waiver – 60-day Deadline for Filing Appeals:

On 10/27/2014, Las Vegas-Clark County Library District (the Library) filed a request for an extension of the invoice filing deadline for ten FRNs from FY 2012.² An email denying five of the ten FRNs was issued by SLD on 1/16/2015;³ however, no decision was received regarding the other five FRNs, 2260573, 2260589, 2260621, 2260623, and 2260625 (listed in the table on page 1 above).

The Library's E-rate consultant, Richard Larson, contacted the SLD's Client Service Bureau (CSB) on 3/2/2015 requesting the status of the extension request for these five FRNs (case 22-726709) and was advised that the request for these five FRNs was "still in process." Another query was made on 5/7/2015 (case 22-767172), and the initial response from the CSB agent was the same – the request regarding these five FRNs was "still in process"; however, the agent agreed to escalate the inquiry to SLD in New Jersey.

Later that same day, CSB emailed Mr. Larson advising him that "A dismissal notification was sent to the 471 contact on 1/16/2015."⁴ Mr. Larson's reply email pointed out that:

- The only ADL email including any of the FRNs from case # 22-686533 was received 1/16/15. The email only included five FRNs from the 22-686533 request and excluded the five FRNs listed above.
- In response to queries by the Library on 3/2/2015 and earlier on 5/7/2015, the CSB advised the Library that these five FRNs were "still in process."⁵

Mr. Larson also requested a copy of the 1/16/2015 dismissal notification email cited by the CSB agent; however, he was advised that "*We do not have copies of the emails as they are sent by USAC IT.*"⁶ To date, SLD has not produced, and the Library has not received, an official email or letter dismissing or denying the request for extension for these five FRNs. The Library contends that the SLD should apply its own standard of requiring documentation of important deadlines; in this case, the only documentation is the 5/7/2015 email from CSB. Further, there is every reason to suspect that perhaps through some sort of administrative error, no decision was recorded or disseminated prior to 5/7/2015 regarding these five FRNs.

The Library accepts the 5/7/2015 email from CSB which reveals a decision to deny the invoice deadline extension request; however, we respectfully request that the Commission waive the 60-day appeal deadline of 3/17/2015 that SLD would have us recognize based upon its claim that it issued a dismissal notice on 1/16/2015. Instead, the Library asks the Commission to acknowledge the notification date of this dismissal as 5/7/2015 and to set the 60-day deadline to file this appeal as 7/6/2015.

² Email from the SLD Customer Service Bureau to Matthew Hetman (mhetman@erate360.com), consultant for Las Vegas-Clark County Library District, on October 27, 2014, subject: "SLD Inquiry #: 22-686533 Received".

³ Email from Schools and Libraries Division, Universal Service Administrative Company (deadline@sl.universalservice.org), to Matthew Hetman (mhetman@erate360.com), consultant for Las Vegas-Clark County Library District, dated Friday, January 16, 2015; subject: "*Administrator's Decision on Invoice Deadline Extension Request*", regarding 18 FRNs, including the five FRNs in the schedule above.

⁴ Email from Megan Allred, Client Service Bureau, Schools and Libraries Division to Richard Larson, eRate 360 Solutions LLC, consultant for Las Vegas-Clark County Library District, dated May 7, 2015 12:48 PM; subject: "*case# 22-767172*".

⁵ Email from Richard Larson, eRate 360 Solutions LLC, to Megan Allred, Client Service Bureau, dated May 7, 2015 1:41 PM; subject: "RE: *case# 22-767172*".

⁶ Email from Megan Allred, Client Service Bureau, to Richard Larson, eRate 360 Solutions LLC, dated May 7, 2015 2:50 PM; subject: "FW: *case# 22-767172*".

Request for Waiver - Invoice Deadline Extensions:

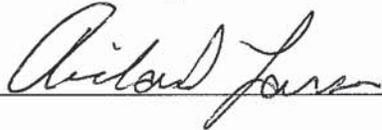
Las Vegas-Clark County Library District (the Library) respectfully requests the Commission to waive its new policy on invoice deadline extensions and instruct the Schools and Libraries Division's (SLD) to accept the Library's 10/27/2014 invoice deadline extension requests for five FRNs in 471 application number 832699 (per schedule on page 1 above).⁷ Approval of these Invoice Deadline Extension Requests will allow the Library to submit Form 472s (BEARs) against the \$56,082.16 of funding for these five FRNs.

The Library experienced a personnel shortage in their business office when a key individual became ill and eventually had to leave due to a serious health problem. As a result they were unable to gather the documents and compile the information necessary for preparation of the BEAR forms.

The Library respectfully asks the Commission to take into account the serious hardship that the Library and its patrons will experience if it is deprived of the BEAR reimbursements for these five FRNs.

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

Authorized signature for this Appeal⁸



Date: 6/2/15

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
(preferred mode of contact)

⁷ Email from the SLD Customer Service Bureau to Matthew Hetman (mhetman@erate360.com), consultant for Las Vegas-Clark County Library District, on October 27, 2014, subject: "SLD Inquiry #: 22-686533 Received".

⁸ "Letter of Agency" from Jeanne Goodrich, Executive Director for Las Vegas-Clark County Library District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of the Library.

Richard Larson

From: SLD Problem Resolution Mailbox <SLDPR@GDIT.com>
Sent: Thursday, May 07, 2015 12:48 PM
To: 'rlarson@erate360.com'
Subject: case# 22-767172

Rich,

I have received the following information on the status of the invoice deadline extension request for case number 22-686533.

A dismissal notification was sent to the 471 contact on 1/16/2015. The reason provided was "Current deadline extension rules and procedures do not allow approval for the reason submitted."

Thank you,

Megan Allred

Client Service Bureau / Problem Resolution
Schools and Libraries Division
Help Line: 888-203-8100
Fax: 888-276-8736
E-Mail: sldpr@gdit.com

mgh

From: sldcaseattachments@sl.universalservice.org
Sent: Monday, October 27, 2014 11:49 AM
To: mhetman@erate360.com
Subject: SLD Inquiry #: 22-686533 Received

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

The case number for your submission is 22-686533.

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

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

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

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

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

Thank you.

Here is the information you submitted:

[FirstName]=Matthew G [LastName]=Hetman [JobTitle]=Consultant
[EmailAddress]=mhetman@erate360.com [WorkPhone]=8885357771104 [FaxPhone]=8665693019
[PreviousCaseNumber]=0 [FormType]=Invoice Extension [Owner]=DEADLINEEXTENSIONS
[DateSubmitted]=10/27/2014 11:48:56 AM [AttachmentFlag]=Y[Question2]=Matthew Hetman, Consultant on
behalf of Las Vegas-Clark CO LIB Dist ; Phone: 888-535-7771 ext 104; email - mhetman@erate360.com We
Request an Invoice Extension Date until December 30, 2014 for Billed Entity Number: 143400, Las Vegas-
Clark CO LIB Dist for Funding Year 15 due to documentation requirements that necessitate third-party contact
or certification. 471# 832699, FRN 2260613 , Telecommunications Service; Service Provider: Rio Virgin
Telephone Company SPIN 143002675, committed amount \$2805.60. 471# 832699, FRN 2260621 ,
Telecommunications Service; Service Provider: AT&T Corp SPIN 143001192, committed amount \$12654.00
471# 832699, FRN 2260623 , Telecommunications Service; Service Provider: AT&T Corp SPIN 143001192,
committed amount \$2928.00 471# 832699, FRN 2260625 , Telecommunications Service; Service Provider:
Moapa Valley Telephone Company SPIN 143002674, committed amount \$2760.36 471# 832699, FRN 2260604
, Telecommunications Service; Service Provider: CenturyLink Central Telephone Co. of Nevada (FKA) SPIN
143002671, committed amount \$59592.00 471# 832699, FRN 2260598 , Telecommunications Service; Service
Provider: CenturyLink Central Telephone Co. of Nevada (FKA) SPIN 143002671, committed amount
\$29782.80 471# 832699, FRN 2260596 , Telecommunications Service; Service Provider: CenturyLink Central
Telephone Co. of Nevada (FKA) SPIN 143002671, committed amount \$30019.92 471# 832699, FRN 2260636 ,
Telecommunications Service; Service Provider: Cox Nevada Telcom, LLC, SPIN 143017743, committed
amount \$182,340.00 471# 832699, FRN 2260573 , Telecommunications Service; Service Provider: USA
Mobilty Wireless, Inc. , SPIN 143018525, committed amount \$819.24 471# 832699, FRN 2260589 ,
Telecommunications Service; Service Provider: Verizon Wireless, SPIN 143000677, committed amount
\$68079.12

mgh

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

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

- 2255018
- 2260596
- 2260598
- 2260604
- 2260613
- 2260636
- 2380479
- 2380517
- 2380550
- 2380613
- 2380648
- 2380674
- 2380704
- 2380740
- 2380782
- 2380817
- 2380842
- 2380865

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

TO APPEAL THIS DECISION:

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

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

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

Schools and Libraries Division
Universal Service Administrative Company

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

Richard Larson

From: Richard Larson <rlarson@erate360.com>
Sent: Thursday, May 07, 2015 1:41 PM
To: 'SLD Problem Resolution Mailbox'
Cc: 'Matthew Hetman <mhetman@erate360.com> (mhetman@erate360.com)'
Subject: RE: case# 22-767172
Attachments: 22-686533_LVCCLD_FY15_472_Extension-Req_10-27-14.pdf; LVCCLD_FY15_472_Extension-Req_ADL_1-16-15.pdf

Megan –

This response regarding FRNs 2260573, 2260589, 2260621, 2260623, and 2260625 is at odds with the documentation and research by CSB on 3/2/15 (22-726709) and earlier today (22-767172). I have attached the email confirmation of the ten FRNs listed on 10/27/14 (22-686533). The only ADL email including any of these FRNs was received 1/16/15 (see attached “LVCCLD_FY15_472_Extension-Req_ADL_1-16-15”) – it only lists FRNs 2260596, 2260598, 2260604, 2260613, and 2260636 from the 22-686533 request.

Our follow-up inquiry on 3/2/15 (22-726709) as to the status of the five missing FRNs (2260573, 2260589, 2260621, 2260623, and 2260625) resulted in the response that no action had been taken on these five FRNs – they were “still in process” – and confirmed the denial of extension for the other five FRNs (2260596, 2260598, 2260604, 2260613, and 2260636). The status of the five missing FRNs was confirmed this AM (22-767172).

If an email ADL “dismissal notification” was sent out on the five missing FRNs, please forward it to me or to the original requestor, Matthew Hetman (mhetman@erate360.com). This document is very important – it establishes the start of the 60-day appeal window for these FRNs.

Thank you for your help and follow-through on this, Megan.

Rich

Rich Larson, CEMP*
Director, Client Services



eRate 360 Solutions, LLC

322 Route 46W, Suite 280W
Parsippany, NJ 07054
rlarson@erate360.com
Toll Free: 888-535-7771 ext.102
Cell: 973-452-8718
Fax: 866-569-3019
<http://www.erate360.com/>

** Certified E-Rate Management Professional, E-Rate Management Professionals Association, Inc.*



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To: 'rlarson@erate360.com'
Subject: FW: case# 22-767172

Rich,

I have received the following response on requesting a copy of the email that was sent.

We do not have copies of the emails as they are sent by USAC IT.

Thank you,

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** Certified E-Rate Management Professional, E-Rate Management Professionals Association, Inc.*



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Schools and Libraries Division
Help Line: 888-203-8100
Fax: 888-276-8736
E-Mail: sldpr@gdit.com

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Letter of Agency

Las Vegas - Clark County Library District
Billed Entity Number: 143400

Letter of Agency For FY 15 (2012 - 2013)

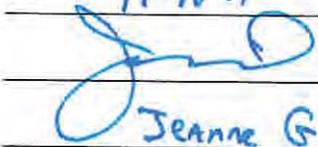
I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Fred Josephs, Bert Garofano, and Al Arauz to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes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

- (a) I certify that **libraries in our system** are eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act of 1996, Pub. L. No. 104-208, § 211 et seq., 110 Stat. 3009 (1996) that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary, secondary schools, colleges, or universities).
- (b) I certify that our **libraries** have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our **libraries** are covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):
- an individual technology plan for using the services requested in this application; and/or
 higher-level technology plan(s) for using the services requested in this application; or
 no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our **libraries** have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

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

District: Las Vegas - Clark County Library District

Date: 11-18-11

Signature: 

Printed Name: Jeanne Goodrich

Title: Executive Director

