



Northeast Arizona Technological Institute of Vocational Education

P.O. Box 710 • Kayenta, AZ 86033

July 30, 2015

Petition for Reconsideration

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

CC Docket No 02-6

Petition for Reconsideration of Federal Communications Commission (FCC) Public Notice "Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company", DA 15-773, June 30, 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
Billed Entity Number
Funding Year
Form 471 Number
Service Provider / SPIN

NATIVE Vocational District Office
16020596
2012-13
871949
BNI Solutions, LLC / 143005529

| FRN | Funding Requested |
|---------|---------------------|
| 2378910 | \$72,911.88 |
| 2379166 | \$39,087.00 |
| 2379168 | \$53,727.90 |
| 2379724 | \$52,304.54 |
| | \$218,031.32 |

Document to Be Reconsidered: Federal Communications Commission (FCC) Public Notice "Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company", DA 15-773, June 30, 2015 ¹

Decision on Appeal: Denied

Explanation to Be Reconsidered: Violation of the Competitive Bidding 28-Day Rule: *See, e.g., Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16418, para. 9 (Wireline Comp.

¹ DA 15-773, June 30, 2015, "Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company", p. 7.

Bur. 2011) (denying appeals where the applicant violated the 28-day rule by missing the deadline by more than three days, thereby preventing their requests for services to be competitively bid for a meaningful period of time).

See also Request for Review Brunswick County Schools; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 20 FCC Rcd 8152, 8153-54, paras. 3-4 (Wireline Comp. Bur. 2005) (denying appeal where applicant's Contract Award Date predated the Allowable Contract Date; also rejecting applicant's argument that its funding request was for the continuation of a multi-year contract, noting that "[i]n light of the thousands of applications that SLD must review and process each year, we find that it is administratively necessary to require applicants to provide accurate information on their applications and comply with program rules and procedures"); *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Public Schools; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order on Reconsideration, 17 FCC Rcd 22154, 22157, para. 7 (Wireline Comp. Bur. 2002) ("Although applicants who, after a bidding process, choose to continue service under an existing contract need not formally enter into a new contract, we believe it would facilitate application processing for applicants to memorialize their decision to continue the service and enter the date of this memorialization as the contract award date of the renewed contract in their FCC Form 471.")²

Petition:

NATIVE Vocational District Office (NATIVE) requests that the FCC reconsider its decision to deny \$218,031.32 of funding to FRNs 2378910, 2379166, 2379168, and 2379724. NATIVE respectfully but firmly asserts that the Commission committed an error in its evaluation of the facts and documents regarding the Contract Award Dates, and that the Commission misinterpreted the informational discussion of the 2009 contract with the BNI Solutions as a supportive argument.

The FCC erred in evaluating the facts regarding the Contract Award Date: In two of its citations, the Commission erred in its references to the Contract Award Date for these four FRNs:

- *Al-Ihsan Academy*: "... the applicant violated the 28-day rule by missing the deadline by more than three days ..."
- *Brunswick County Schools*: "... applicant's Contract Award Date predated the Allowable Contract Date ..."

In its Request of 4/21/2014, NATIVE carefully documented the fallacy of the CAD dates of 3/7/2012 and 3/12/2012. On 3/13/12, Teresa Ferguson of the service provider BNI Solutions, LLC (BNI) emailed BNI's quotes for all of BNI's work for FY 2012-13³ Prior to 3/13/2012, the quotes simply did not exist as far as NATIVE was concerned; it is illogical to accept the CAD dates which pre-dated the submission of the quotes to NATIVE. The quotes could not have been accepted and the contract awarded any time prior to their 3/13/2012 receipt by NATIVE.

² Ibid, p. 7 footnote 14

³ Attachment B response by Karen Leshner, Superintendent of NATIVE, to PIA review letter of 6/14/2013 from Matthew Byrnes, Associate Manager, Program Integrity Assurance of SLD. This attachment is an email from Teresa Ferguson, Vice President of Sales, BNI Solutions Inc. (subsidiary of Numerex Corp.), to Karen Leshner, Superintendent of NATIVE Vocational District, dated 3/13/12 7:02PM, Subject: "BNI Quotes and Summary for NATIVE 2012-2013" and lists all quotes including the four quotes for the FRNs included in this Petition: FRN 2378910 - quote 4522, FRN 2379166 - quote 4524, FRN 2379168 - quote 4528, and FRN 2379724 - quote 4534.

At the very least this logical inconsistency should cry out for clarification of the facts. Karen Leshar of NATIVE provided that explanation in her response to the 6/14/2013 PIA review letter:

Attachment B is a copy of the email verifying the date the quotes were sent to me on March 13, 2012.

Service provider evaluations were conducted at the end of the 28 day posting requirement, and Attachment C shows the results of the evaluation. BNI Solutions was the only service provider to respond to the NATIVE Form 470 categories of Basic Maintenance and Internal Connections.

I signed the BNI SOW Amendment quotes late night March 16, 2012, in anticipation of presenting my recommendations to the Governing Board on March 19, 2012, for acceptance and approval. Attachment D is a copy of the Special Governing Board meeting agenda and minutes held March 19, 2013, for the sole purpose of approving the Erate recommended service providers for Funding Year 2012-2013.

Due to late night filing of the 12-13 application, PIA erate review questions for a previous year, stress related to heavy District responsibilities, and generally poor eyesight without my reading glasses, when signing the predated quotes forms on March 16, 2012, I did not notice mistyped erroneous dates until brought to my attention by the SLD reviewer. The amendment quotes were created by BNI who preprinted an incorrect date on the signature line, but the SOW Amendment quotes were not signed as accepted until March 16, 2013, when filing Application #871949. Attachment E is a letter from me certifying that the Amendment quotes were signed and accepted by me on March 16, 2013.⁴

NATIVE is distressed that the Commission has accepted the obviously misdated quotes, the clerical-error-ridden CADs on the Form 471, and the inconsistent and sloppy results of the PIA review.⁵ The crazy-quilt of CAD's on the FCDL are little better than the original dates submitted by Ms. Leshar in her over-stressed preparation of the Form 471. We suspect the explanation for the plague of errors committed by the reviewer and by Ms. Leshar are similar – overworked individuals trying to meet a deadline in the face of a complex system, and failing to pay attention to the details. We ask the Commission not to perpetuate this tragi-comedy of errors, but to:

- assess the facts and draw the logical conclusion that none of the FRNs could possibly have had a CAD prior to 3/13/2012, and
- accept as factual Ms. Leshar's statements regarding her receipt of the quotes on 3/13/2012, her 3/16/2012 evaluation and selection of the BNI quotes, and the 3/19/2012 approval and awarding of contract by the NATIVE Board.

NATIVE asks the Commission not to deny critically needed funds for a cash-strapped school because of the obvious eleventh-hour errors committed by a fatigued and overburdened Superintendent. In the end the system designed to prevent fraudulent activity and abuse of government funds was respected. We now petition the Commission to avoid compounding these clerical errors with their own erroneous assessment of the facts.

⁴ Response submitted by Karen Leshar, NATIVE Vocational District to letter from Matthew Byrnes, Associate Manager, Program Integrity Assurance of SLD, to Karen Leshar, dated 6/14/13; p.1-2. Attachment B is noted previously, and Attachment E (Ms. Leshar's letter certifying that she evaluated and signed the quotes on 3/16/2012) is included.

⁵ Please refer to the table on page 3 of the letter from Richard Larson, consultant for NATIVE, to the FCC dated 4/21/2015. This table summarizes the inconsistent and inexplicable dates on the quotes and the Contract Award Dates on Form 471# 871949 and its FCDL.

Multi-year contract information: In two of its citations, the Commission misunderstood NATIVE's reason for including information regarding the 2/6/2009 five-year contract entered into with BNI:

- *Brunswick County Schools: "... applicant's argument that its funding request was for the continuation of a multi-year contract ..."*
- *Kalamazoo Public Schools: "...applicants who, after a bidding process, choose to continue service under an existing contract need not formally enter into a new contract, we believe it would facilitate application processing for applicants to memorialize their decision to continue the service and enter the date of this memorialization as the contract award date of the renewed contract in their FCC Form 471."*

As NATIVE stated in the Request of 4/21/2014:

For FY 2012, Ms. Leshar submitted Form 470 # 590550001024687 requesting revised quotes for purchase, installation, and basic maintenance of this equipment. Although Ms. Leshar's explanations to the PIA reviewers at times involved the original FY 2009 contract, **please note that the FY 2012 bidding, contracting, and funding request activities stand on their own, separate from the FY 2009 activities.**⁶

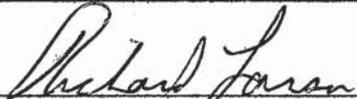
Mention of the 2/6/2009 contract was made to clarify statements made during the PIA review process by Ms. Leshar. The existence of this earlier contract is unrelated to the FY 2012-13 processes which resulted in the 3/16/2012 evaluation of the BNI quotes by Ms. Leshar and the 3/19/2012 approval and awarding of contract by the NATIVE Board. NATIVE is perplexed by the Commission's interpretation of this information as an "argument that [NATIVE's] funding request was for the continuation of a multi-year contract," and we petition the Commission to delete it from its reconsideration of its 6/30/2015 decision.

Conclusion:

NATIVE Vocational District Office (NATIVE) requests that the FCC reconsider its decision to deny \$218,031.32 of funding to FRNs 2378910, 2379166, 2379168, and 2379724. NATIVE respectfully but firmly asserts that the Commission committed an error in its evaluation of the facts and documents regarding the Contract Award Dates, and that the Commission misinterpreted the informational discussion of the 2009 contract with the BNI Solutions as a supportive argument.

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

Authorized signature for this Appeal⁷


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

Date: 7/30/15
 Phone: (888) 535-7771 ext 102
 Fax: (866) 569-3019
 Email: rlarson@erate360.com

⁶ Letter from Richard Larson, consultant for NATIVE, to the FCC dated 4/21/2014, p.2 (*emphasis added*).

⁷ "Letter of Agency" from Ron Tsosie, Interim Superintendent of NATIVE Vocational District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of NATIVE.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 15-773

Released: June 30, 2015

STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 96-45
CC Docket No. 02-6

Pursuant to our revised procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants and denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate) CC Docket No. 02-6

Dismiss on Reconsideration³

Union Independent School District 9, Application No. 900569, Petition for Reconsideration, CC Docket No. 02-6 (filed May 15, 2015)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, 14-58, Public Notice, 29 FCC Rcd 11094 (Wireline Comp. Bur. 2014). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

² See 47 C.F.R. §§ 1.106, 1.115; see also 47 C.F.R. § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10356, 10357, para. 2 (Wireline Comp. Bur. 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

Granted⁴

Late-Filed FCC Form 471 Applications Filed within 14 days of the close of the Window⁵

Aurora Public Library, Application No. 1051622, Request for Waiver, CC Docket No. 02-6 (filed May 1, 2015)

Breakthrough Charter Schools, Application No. 1051772, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2015)

Cranston Public Library, Application No. 1019567, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2015)

Dakota Library, Application No. 1051838, Request for Waiver, CC Docket No. 02-6 (filed Apr. 30, 2015)

Detroit Service Learning Academy, Application No. 1051826, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Franklin City School District, Application No. 1002517, Request for Waiver, CC Docket No. 02-6 (filed Apr. 28, 2015)

Gila Crossing Community School, Application Nos. 1052236, 1052237, 1052238, Request for Waiver, CC Docket No. 02-6 (filed May 28, 2015)

Harrisburg Catholic Elementary School, Application No. 1005048, Request for Waiver, CC Docket No. 02-6 (filed May 20, 2015)

Metro Catholic Stephen Building, Application Nos. 1046585, 1050243, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Miraj Academy, Application Nos. 1037964, 1032216, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2015)

New Braunfels Public Library, Application No. 1051711, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2015)

⁴ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 C.F.R. § 54.514(a) (codifying the invoice filing deadline).

⁵ *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

Rondout Valley School District, Application No. 1051609, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2015)

St. John's Elementary School, Application No. 1036028, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

St. Paul Lutheran School, Application No. 1051629, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2015)

St. Therese School, Application No. 1051657, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

Stetson School, Application No. 1051830, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Stinson Memorial Public Library District, Application No. 1040261, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Talmudical Academy of Baltimore, Application No. 1038093, Request for Waiver, CC Docket No. 02-6 (filed May 14, 2015)

The Frances Xavier Warde School, Application No. 1051660, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2015)

Trinity Catholic School, Application No. 1051851, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

Union School District, Application No. 1051844, Request for Waiver, CC Docket No. 02-6 (filed May 21, 2015)

Wilson Preparatory Academy, Application No. 1048530, Request for Waiver, CC Docket No. 02-6 (filed May 13, 2015)

Yeshiva Ktana of Passaic, Application No. 1051802, Request for Waiver, CC Docket No. 02-6 (filed May 15, 2015)

Yeshiva & Mesivta Toras Chaim, Application No. 1051655, Request for Waiver, CC Docket No. 02-6 (filed June 4, 2015)

*Late-Filed FCC Form 471 Applications – Circumstances Beyond Applicant's Control*⁶

Joeten-Kiyu Public Library, Application Nos. 1052072, 1052073, 1052075, Request for Waiver, CC Docket No. 02-6 (filed June 17, 2015)

⁶ Applicant filed application after the window closed because the employee who handled E-rate matters for the library deliberately prevented the FCC Form 471 from being filed in an act of sabotage. *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (Wireline Comp. Bur. 2012) (granting waiver where the applicant filed within a reasonable period after the close of the filing window despite delays beyond its control).

*Violation of the Competitive Bidding 28-Day Rule*⁷

NATIVE Vocational District, Application No. 871949, FRN Nos. 2379821, 2379969, 2380048, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 21, 2014)⁸

*Providing Applicants 15 Days to Submit Supporting Discount Calculation Documentation*⁹

NATIVE Vocational District, Application No. 871949, FRN Nos. 2378471, 2378637, 2378984, 2379549, 2379635, 2379894, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 21, 2014)

Beabove Bright Beginning, Application No. 905288, Request for Review, CC Docket No. 02-6 (filed Aug. 7, 2014)

Denied

*Failure to Consider Price as the Primary Factor in Vendor Selection Process*¹⁰

Decatur City School District, Application No. 864333, Request for Review, CC Docket No. 02-6 (filed Mar. 4, 2014)

⁷ See, e.g., *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 9 (2007) (granting waivers of violations of the 28-day rule when the applicants only missed the deadline by one to three days, thereby allowing their requests for services to be competitively bid for a meaningful period of time).

⁸ The Native Vocational District Request for Review addresses funding request numbers (FRNs) that were denied for two issues: violation of the competitive bidding 28-day rule, and the discount calculation. The competitive bidding violations are granted in part and denied in part herein, based upon the contract documentation; whereas the discount calculation FRNs are granted herein to provide the applicant additional time to provide supporting documentation.

⁹ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10709, para. 14 (Wireline Comp. Bur. 2006); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Bright Star Schools Consortium et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 11204, 11204, para. 1 (Wireline Comp. Bur. 2013) (granting applicants a limited 15-day opportunity to file additional documentation to support their calculation of the correct discount rate).

¹⁰ See, e.g., *Application for Review of a Decision of the Wireline Competition Bureau by Henrico County School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10837, 10841-42, paras. 8-10 (2014) (denying appeal where applicant failed to demonstrate that price was the primary factor in its vendor evaluation process and also rejecting applicant's "attempts to adjust its bid evaluation after the fact to reach the same result as it reached without using price as the primary factor in its bid evaluation").

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*¹¹

Mansfield Independent School District, Application Nos. 788976, 794118, 815691, 845493, 871961, 902395, 906722, Request for Review or Waiver, CC Docket No. 02-6 (filed Oct. 29, 2014)

*Invoice Deadline Extension Requests*¹²

Accelerated Learning Solutions, Application No. 717512, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2014)

Christian Academy of Knoxville, Application No. 720292, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2013)

Colman-Egan School District 50-5, Application No. 773919, Request for Waiver, CC Docket No. 02-6 (filed Feb. 18, 2015)

Colman-Egan School District 50-5, Application No. 704944, Request for Waiver, CC Docket No. 02-6 (filed Feb. 26, 2015)

Community Education Partners, Application No. 715209, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2014)

Fanshawe School District 39, Application Nos. 610561, 684724, 768010, 813298, Request for Waiver, CC Docket No. 02-6 (filed Nov. 18, 2014)

Fort Zumwalt School District, Application Nos. 464995, 521403, 578039, Request for Review, CC Docket No. 02-6 (filed Oct. 17, 2013)

¹¹ See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26406, 26410, para. 7 (2003) (clarifying that the requirement for a bona fide request for services means that “applicants must submit a list of specified services for which they anticipate they are likely to seek discounts consistent with their technology plans, in order to provide potential bidders with sufficient information on the FCC Form 470, or on an RFP cited in the FCC Form 470, to enable bidders to reasonably determine the needs of the applicant”); *Request for Review of the Decision of the Universal Service Administrator by Washington Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13746, 13748, paras. 3-5 (Wireline Comp. Bur. 2013) (finding that the applicant violated the Commission’s competitive bidding requirements by failing to include sufficient information on its FCC Form 470 to enable prospective service providers to identify and formulate bids). See also *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 29 FCC Rcd 9289, 9291-92, paras. 7-8 (Wireline Comp. Bur. 2014) (finding that petitioner did not demonstrate the existence of special circumstances to warrant a waiver of the Commission’s competitive bidding requirements).

¹² See, e.g., *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 15-570, para. 9 (Wireline Comp. Bur. rel. May 11, 2015) (denying requests for invoice extensions that failed to demonstrate “extraordinary circumstances” that would justify filing invoice extension requests more than 12 months after the time the petitioners first sought invoice deadline extensions).

Hennessey Independent School District 16, Application No. 735640, Request for Review, CC Docket No. 02-6 (filed June 26, 2014)

Monroe #1 Board of Cooperative Educational Services, Application No. 441315, Request for Review, CC Docket No. 02-6 (filed Mar. 25, 2014)

Regional School District 10, Application No. 762674, Request for Review, CC Docket No. 02-6 (filed Aug. 14, 2014)

St. Raymond High School for Boys, Application Nos. 572072, 613074, 749777, 813455, Request for Review, CC Docket No. 02-6 (filed Aug. 1, 2013)

Seneca R-7 School District, Application No. 751726, Request for Waiver, CC Docket No. 02-6 (filed June 26, 2014)

Seymour School District R2, Application No. 751452, Request for Review, CC Docket No. 02-6 (filed July 9, 2013)

Southwest Barry County School District R5, Application Nos. 479796, 598165, 651709, Request for Review, CC Docket No. 02-6 (filed Apr. 3, 2013)

Southwestern Community School District 9, Application No. 526020, Request for Review, CC Docket No. 02-6 (filed Aug. 3, 2013)

Westchester Community Opportunity Program, Inc., Application No. 669341, Request for Review, CC Docket No. 02-6 (filed Aug. 17, 2014)

Wethersfield School District 230, Application No. 719565, Request for Review, CC Docket No. 02-6 (filed Aug. 25, 2014)

*Late-Filed FCC Form 471 Applications*¹³

Archdiocese of Chicago, Application Nos. 1007351, 1007390, 1007117, 1020617, 1019318, 1021469, 1017669, Request for Waiver, CC Docket No. 02-6 (filed May 11, 2015)

Badger Public School District 676, Application No. 1052311, Request for Waiver, CC Docket No. 02-6 (filed June 1, 2015)

Discovery Charter School, Application No. 1052091, Request for Waiver, CC Docket 02-6 (filed June 1, 2015)

New Mexico State Library, Application No. 1051953, Request for Waiver, CC Docket 02-6 (filed May 8, 2015)

¹³ See, e.g., *Academy of Math and Science Order*, 25 FCC Rcd at 9259, para. 8 (denying waivers of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

*Violation of the Competitive Bidding 28-Day Rule*¹⁴

Calhoun School, Application No. 859258, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 4, 2013)

NATIVE Vocational District, Application No. 871949, FRN Nos. 2378910, 2379166, 2379168, 2379724, Request for Review or Waiver, CC Docket No. 02-6 (filed Apr. 21, 2014)

For additional information concerning this Public Notice, please contact Erica Myers at (202) 418-7400, in the Telecommunications Access Policy Division, Wireline Competition Bureau.

- FCC -

¹⁴ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16418, para. 9 (Wireline Comp. Bur. 2011) (denying appeals where the applicant violated the 28-day rule by missing the deadline by more than three days, thereby preventing their requests for services to be competitively bid for a meaningful period of time). See also *Request for Review Brunswick County Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 20 FCC Rcd 8152, 8153-54, paras. 3-4 (Wireline Comp. Bur. 2005) (denying appeal where applicant's Contract Award Date predated the Allowable Contract Date; also rejecting applicant's argument that its funding request was for the continuation of a multi-year contract, noting that "[i]n light of the thousands of applications that SLD must review and process each year, we find that it is administratively necessary to require applicants to provide accurate information on their applications and comply with program rules and procedures"); *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Public Schools; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order on Reconsideration, 17 FCC Rcd 22154, 22157, para. 7 (Wireline Comp. Bur. 2002) ("Although applicants who, after a bidding process, choose to continue service under an existing contract need not formally enter into a new contract, we believe it would facilitate application processing for applicants to memorialize their decision to continue the service and enter the date of this memorialization as the contract award date of the renewed contract in their FCC Form 471.").

klesher@native.k12.az.us

From: Ferguson, Teresa [TFerguson@numerex.com]
Sent: Tuesday, March 13, 2012 7:02 PM
To: Karen Leshner
Cc: Kimble, Scott
Subject: BNI Quotes & Summary Spreadsheet for NATIVE 2012-2013
Attachments: BNI Quotes for NATIVE 2012 Excel Summary.xls; Quote 4513.pdf; Quote 4517.pdf; Quote 4518.pdf; Quote 4519.pdf; Quote 4521.pdf; Quote 4522.pdf; Quote 4523.pdf; Quote 4524.pdf; Quote 4525.pdf; Quote 4527.pdf; Quote 4528.pdf; Quote 4529.pdf; Quote 4532.pdf; Quote 4534.pdf; Quote 4536.pdf; Quote 4537.pdf; Quote 4538.pdf; Quote 4539.pdf

Karen,
Here are the quotes for NATIVE for the 2012-2013 cycle. I've included a pdf of each quote and there is a summary file in Excel which lists all the Quote Numbers & Item 21s. I will follow with an email with all of the item 21s attached.
Please let me know if you have any questions.
Best regards,
Teresa

Teresa A. Ferguson
Vice President of Sales, BNI Solutions Inc.

MACHINETRUSTUS

Numerex Corp.

Direct: (303) 715-0197
Mobile: (303) 877-6725
www.numerex.com



This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

6/17/2013



Schools and Libraries Division

Jun 14, 2013

Karen C. Leshner
NATIVE VOCATIONAL DISTRICT
Telephone:

(928) 6972500

To: Matthew Byrnes
Associate Manager, Program Integrity Assurance
30 Lanidex Plaza West | Parsippany, NJ 07054

Application Number

871949

Response Due Date: June 29, 2013

You were recently sent a written request for additional information needed by the Program Integrity Assurance (PIA) team to review your Funding Year 2012 FCC Form 471 application to ensure that it is in compliance with the rules of the Universal Service program. This is a reminder that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

I of II:

We are unable to confirm the eligibility of the equipment being requested in FRNs: 2378772, 2378910, 2379166, 2379168, 2379635, 2379724, 2379821, 2379894, 2379969, and 2380048 based on the documentation previously provided. Per your last response you stated that these items are being provided under a multi-year contract that was signed **Feb 9th, 2009**.

In order to assist us in confirming the above statement, please provide the complete copy of the contract signed **Feb 9th, 2009** as well as any amendments that have taken place since the contract was signed. Please make sure to include the entire copy of the contract(s) in your response.

Response: Attachment A is the original multiyear contract signed February 9, 2009 which includes year 2012-2013 (year 4 of a 5 year contract). The amendment quotes specific to services for year 2012-2013 for the contract are attached to the SOW.

Attachment B is a copy of the email verifying the date the quotes were sent to me on March 13, 2012.

Service provider evaluations were conducted at the end of the 28 day posting requirement, and Attachment C shows the results of the evaluation. BNI Solutions was the only service provider to respond to the NATIVE Form 470 categories of Basic Maintenance and Internal Connections.

I signed the BNI SOW Amendment quotes late night March 16, 2012, in anticipation of presenting my recommendations to the Governing Board on March 19, 2012, for acceptance and approval. Attachment D is a copy of the Special Governing Board meeting agenda and minutes held March 19, 2013, for the sole purpose of approving the Erate recommended service providers for Funding Year 2012-2013.

Due to late night filing of the 12-13 application, PIA erate review questions for a previous year, stress related to heavy District responsibilities, and generally poor eyesight without my reading glasses, when signing the predated quotes forms on March 16, 2012, I did not notice mistyped erroneous dates until brought to my attention by the SLD reviewer. The amendment quotes were created by BNI who preprinted an incorrect date on the signature line, but the SOW Amendment quotes were not signed as accepted until March 16, 2013, when filing Application #871949. Attachment E is a letter from me certifying that the Amendment quotes were signed and accepted by me on March 16, 2013.

I request that SLD accept the SOW Amendment quote signed specifying the date it was signed and as accepted by NATIVE on March 16, 2012, and verified by attached documentation and as verified by me, Superintendent of the NATIVE Vocational District.

II of II:

We are unable to confirm the eligibility of the items being requested in FRNs **2379635** and **2379894** based on the documentation previously provided. Per the item 22 of the block 5 these items are scheduled to be delivered to entity **#16032082 (NATIVE VOCATIONAL DISTRICT OFFICE)**. However, based on your last response this is incorrect.

Please inform us of the correct entity that these items are for and provide vendor documentation to support your statement.

Response: Attachment F provides the complete list of the equipment to be provided in the Portable CODEC (PWP-WS-SGE2). Of the \$7,830 per unit for the Portable CODEC, \$1,648.65 was identified as ineligible peripheral equipment (camera & microphone). This small portable unit will be used by the Central Campus site (entity 16063683) and Monument Valley HS site (entity 16042710) to originate vocational studies content for students in rural and remote areas of the NATIVE Vocational District.

Sincerely

Karen C. Lesher

It is important that we receive all of the information requested so the PIA team can complete its review. Please fax or email the requested information to my attention. If you have any questions, do not understand what we are requesting, or feel that you have already responded, please feel free to contact me.

If we do not receive the requested information by *June 22, 2013* your application(s) will be reviewed using the information currently on file. Failure to respond may result in a reduction or denial of funding.

Should you wish to cancel your FCC Form 471 application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

A copy of this correspondence is being forwarded to your State E-rate Coordinator for informational purposes only.

Thank you for your cooperation and continued support of the Universal Service Program.

Matthew Byrnes
Associate Manager, Program Integrity Assurance
30 Lanidex Plaza West | Parsippany, NJ 07054
Direct: 973.581.5319 | F: 973.599.6538
Mbyrnes@sl.universalservice.org



Northeast Arizona Technological Institute of Vocational Education

Governing Board

Shannon Tooke
Board President
Tuba City USD

Margaret Yazzie
Vice President
Sanders USD

Theodore Allen
Member
Chinle USD

Curtis H. Berry
Member
Ganado USD

Lavina Smith
Member
Kayenta USD

Mary Tom
Member
Pinon USD

Wallace Todacheeny
Member
Red Mesa USD

Eugene Kirk
Member
Window Rock USD

Site CTE Directors

Steve Sorden
Chinle HS

Doris Nelson
Ganado HS

Clyde McBride
Monument Valley HS

Joni Sherman
Pinon HS

Virginia Tsosie
Red Mesa HS

Woody Begay
Tuba City HS

Ted Goodluck
Valley HS

Deborah Mayher
Window Rock HS

N.A.T.I.V.E.

Karen C. Leshar
Superintendent

Ronlye Tsosie
Central Campus Principal

Charles Waite
Business Manager

Jonathan Yazzie
CTE Coordinator

Geraldine Begay
Supt./Board Secretary

P.O. Box 710 • Kayenta, AZ 86033 • (928) 697-2500 • Fax (928) 697-2502

June 25, 2013

Verification of Signature Date of BNI Solutions/NATIVE Vocational District
Contract Amendment Quote

I, Karen C. Leshar, as Superintendent of NATIVE District, today and on March 16, 2012, do certify that after waiting the required 28 day Form 470 posting period, did sign on March 16, 2012, and accept the the BNI Solutions/NATIVE Vocational District Contract Amendment Quotes 4513, 4517, 4521, 4522, 4523, 4524, 4528, 4529, 4532, 4534, 4536, 4537, 4538, and 4539, and then did submit online FCC 471 application #871949 on March 16, 2012, within the Erate application filing window.

Certified this day June 25, 2013, by

Karen C. Leshar
Superintendent
NATIVE Vocational District



Northeast Arizona Technological Institute of Vocational Education

P.O. Box 710 • Kayenta, AZ 86033

April 21, 2014

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 Review of Administrator’s Decisions on Appeal – Funding Year 2012-13, Issued March 10, 2014, Re: Form 471 Application Numbers 871949

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
Billed Entity Number
Funding Year
Form 471 Number
Service Provider / SPIN

NATIVE Vocational District Office
16020596
2012-13
871949
BNI Solutions, LLC / 143005529

| FRN | Funding Requested |
|---------|---------------------|
| 2378910 | \$72,911.88 |
| 2379166 | \$39,087.00 |
| 2379168 | \$53,727.90 |
| 2379635 | \$12,366.41 |
| 2379724 | \$52,304.54 |
| 2379821 | \$36,587.63 |
| 2379969 | \$236,364.20 |
| 2380048 | \$14,015.52 |
| | \$517,365.08 |

Document Being Appealed: Administrator’s Decisions on Appeal – Funding Year 2012-13, Issued March 10, 2014, Re: Form 471 Application Numbers 871949 ¹

FRNs 2378910, 2379166, 2379168, 2379635, 2379724, 2379821, 2379969, & 2380048:
Decision on Appeal: Denied

¹ Letter from Schools and Libraries Division, USAC, to Richard Larson, consultant to NATIVE Vocational District, entitled “Administrator’s Decisions on Appeal – Funding Year 2012-13”, re Form 471 Number 871949, dated March 10, 2014 (ADL).

Explanation:

The Item 21 Attachment you provided in support of your FCC Form 471 application, or documentation provided during review of your application, shows that you selected your vendor prior to the end of the 28 day posting period. ... Consequently, USAC denies your appeal because your application did not comply with the competitive bidding requirement that your FCC Form 470 be posted on the website for 28 days prior to signing a contract or entering into an agreement for new products and/or services dated March 7, 2012, March 12, 2012, and March 14, 2012. You selected your vendor for new products and/or services prior to prior to the expiration of the 28-day posting period.

Request for Review:

NATIVE Vocational District Office (NATIVE) requests that the FCC reverse the decision of the Schools and Libraries Division of USAC (SLD) to deny \$517,365.08 of funding to the eight FRNs listed above. These FRNs were assigned Contract Award Dates (CADs) by the PIA reviewer that were prior to the Allowable Contract Date of 3/16/2012 for the establishing Form 470 # 590550001024687. NATIVE thoroughly explained and documented that the original CADs submitted on the Form 471 were the result of clerical errors on the part of the Form 471 preparer, Karen Leshner, Superintendent of NATIVE Vocational District. Ms. Leshner conducted her selection process on 3/16/2012. The CAD should be changed to 3/19/2012, the date that the NATIVE Board approved the contracts. This corrected CAD will permit funding of FRNs 2378910, 2379166, 2379168, 2379635, 2379724, 2379821, 2379969, and 2380048.

Background: On 2/6/2009, NATIVE signed a five-year contract with BNI Solutions, LLC (BNI) based on bidding established by Form 470 #262490000716295. The contract was for purchase, installation, and basic maintenance of eligible equipment.

Because of delays in funding approval which delayed project startup, each subsequent year NATIVE requested revised quotes for the coming funding year, in compliance with the NATIVE Governing Board. Accordingly, each year NATIVE filed a new Form 470 requesting new quotes which were then reviewed, contracts were written up and approved by the Board, and funding requests were submitted for these revised contracts.²

For FY 2012, Ms. Leshner submitted Form 470 # 590550001024687 requesting revised quotes for purchase, installation, and basic maintenance of this equipment. Although Ms. Leshner's explanations to the PIA reviewers at times involved the original FY 2009 contract, please note that the FY 2012 bidding, contracting, and funding request activities stand on their own, separate from the FY 2009 activities.

On 3/13/12, Teresa Ferguson of BNI emailed quotes in response to the Form 470³ – please refer to the table immediately below for a list of all FRNs and the associated quotes.⁴ Please also note that each quote was dated in three places by Ms. Ferguson: at the top and twice at the bottom next to the BNI and the NATIVE signature blocks. It is not apparent why there were different dates on the quotes – nine were dated 3/7/12, two were dated

² Response submitted by Karen Leshner, NATIVE Vocational District to letter from Matthew Byrnes, Associate Manager, Program Integrity Assurance of SLD, to Karen Leshner, dated 4/23/13. *The original 2/6/2009 contract and the subsequent re-bidding of this project are described by Ms. Leshner on page 3 (red text).*

³ Email from Teresa Ferguson, Vice President of Sales, BNI Solutions Inc. (subsidiary of Numerex Corp.), to Karen Leshner, Superintendent of NATIVE Vocational District, dated 3/13/12 7:02PM, Subject: "BNI Quotes and Summary for NATIVE 2012-2013".

⁴ BNI quotations #s 4513, 4517, 4521, 4522, 4523, 4524, 4528, 4529, 4532, 4534, 4536, 4537, 4538, & 4539 received 3/13/12 attached to email from Teresa Ferguson of BNI, signed by Karen Leshner, Superintendent of NATIVE, on 3/16/12.

3/12/12, and four were dated 3/14/12 even though they were sent on the 13th. One quote, # 4532, was dated 3/12/12 at the top but a different date of 3/7/12 printed next to Ms. Lesher's signature block. Regardless, they were all received by Ms. Lesher attached to Ms. Ferguson's 3/13/12 email.

| FRN | Quote # | Date printed on Quote: | | Contract Award Dates | | |
|---------|---------|------------------------|--------------|----------------------|----------|-------------|
| | | At the top | NATIVE block | Original 471 | Per FCDL | Correct CAD |
| 2378471 | 4513 | 3/7/12 | 3/7/12 | 3/19/12 | 3/19/12 | 3/19/12 |
| 2378637 | 4517 | 3/7/12 | 3/7/12 | 3/19/12 | 3/19/12 | 3/19/12 |
| 2378772 | 4521 | 3/7/12 | 3/7/12 | 3/7/12 | 3/16/12 | 3/19/12 |
| 2378910 | 4522 | 3/7/12 | 3/7/12 | 3/7/12 | 3/7/12 | 3/19/12 |
| 2378984 | 4523 | 3/7/12 | 3/7/12 | 3/19/12 | 3/19/12 | 3/19/12 |
| 2379166 | 4524 | 3/7/12 | 3/7/12 | 3/7/12 | 3/7/12 | 3/19/12 |
| 2379168 | 4528 | 3/7/12 | 3/7/12 | 3/7/12 | 3/7/12 | 3/19/12 |
| 2379549 | 4529 | 3/7/12 | 3/7/12 | 3/19/12 | 3/19/12 | 3/19/12 |
| 2379635 | 4532 | 3/12/12 | 3/7/12 | 3/12/12 | 3/12/12 | 3/19/12 |
| 2379724 | 4534 | 3/12/12 | 3/12/12 | 3/12/12 | 3/12/12 | 3/19/12 |
| 2379821 | 4536 | 3/14/12 | 3/14/12 | 3/14/12 | 3/14/12 | 3/19/12 |
| 2379894 | 4537 | 3/7/12 | 3/7/12 | 3/7/12 | 3/16/12 | 3/19/12 |
| 2379969 | 4538 | 3/14/12 | 3/14/12 | 3/14/12 | 3/14/12 | 3/19/12 |
| 2380048 | 4539 | 3/14/12 | 3/14/12 | 3/14/12 | 3/14/12 | 3/19/12 |

Ms. Lesher did not evaluate bids and select winning vendors until the night of 3/16/12, the Allowable Contract Date for Form 470 # 590550001024687. She signed the fourteen quotes that night, and it was here that she made the clerical error that caused the PIA reviewer to question the CADs. Instead of writing in the actual 3/16/12 signing date, Ms. Lesher left the pre-printed dates; as Ms. Lesher explained to the reviewer:

Due to late night filing of the 12-13 application, PIA erate review questions for a previous year, stress related to heavy District responsibilities, and generally poor eyesight without my reading glasses, when signing the predated quotes forms on March 16, 2012, I did not notice mistyped erroneous dates until brought to my attention by the SLD reviewer. The amendment quotes were created by BNI who preprinted an incorrect date on the signature line, but the SOW Amendment quotes were not signed as accepted until March 16, 2013, when filing Application #871949. Attachment E is a letter from me certifying that the Amendment quotes were signed and accepted by me on March 16, 2013.⁵

We have also included a letter from Ms. Lesher which describes the overwhelming nature of her duties which was a contributing factor behind these and other errors Ms. Lesher made in this process.⁶

Three days later, on 3/19/12, Ms. Lesher presented these signed quotes to the NATIVE Governing Board for their review and approval.⁷ On 3/20/12, Ms. Lesher submitted and certified Form 471 # 871949⁸ and submitted the Item 21 Attachments on-line.⁹

⁵ Response submitted by Karen Lesher, NATIVE Vocational District to letter from Matthew Byrnes, Associate Manager, Program Integrity Assurance of SLD, to Karen Lesher, dated 6/14/13; p.1-2.

⁶ Letter from Karen C. Lesher, Superintendent of NATIVE, dated May 7, 2013. *This letter was written by Ms. Lesher to document a Request for Waiver filed with the FCC on 5/13/13. The letter briefly describes the NATIVE district, the community, the Superintendent's duties, and the difficulties in managing the E-rate process. The letter includes a map of the district with travel times from the District Office to each of the schools.*

⁷ Agenda and minutes of special meeting of the Governing Board of NATIVE Vocational District held on 3/19/12.

In her haste to complete and submit the Form 471, Ms. Leshar made another series of clerical errors in entering the incorrect CADs for ten of the fourteen FRNs in the Form 471. We can only attribute the inconsistency of CADs of the 14 FRNs as shown on the table above in the "Original 471" column to the same stress-filled and general over-taxed situation mentioned above that was attributable to Ms. Leshar's numerous duties. Four were correctly dated 3/19/12 (the date the Board approved the contracts), while the other ten were erroneously dated according to the pre-printed date at the top of the quote. Note that seven of these were dated 3/7/12 or 3/12/12, before Ms. Leshar even received the quotes from BNI.

PIA Review Letter of 4/23/13:¹⁰ In questions III through XII of his letter of 4/23/13, PIA reviewer Matthew Byrnes questioned the CAD of ten FRNs – the eight FRNs listed above plus FRNs 2378772 and 2379894. In her response to question III regarding FRN 2378772, Ms. Leshar explained that the CAD for this FRN "... was March 19, 2012, which is the date the quote was approved for implementation for Funding year [2012]." Her response refers back to the original February 2009 agreement, describing this quote as being "created on 3/07/12, but was reauthorized on 3/16/2012", this latter date referring to her evaluation, selection, and signing process during the evening of 3/16/12. MS. Leshar goes on to advise the reviewer that "the responses in red for Item III should be used as responses for Item IV through XII."

PIA Review Letter of 6/14/13:¹¹ In question I Mr. Byrnes asks for clarification of the 2/6/2009 contract; Ms. Leshar's response attempted to provide clarification of that contract and its relationship to the quotes upon which the FY 2012 FRNs were based. Ms. Leshar provided Mr. Byrnes with copies of the 3/13/12 email that from BNI initially sending the quotes to her,¹² a schedule summarizing her evaluation and selection results conducted 3/16/12,¹³ the agenda and minutes of special meeting of the Governing Board of NATIVE Vocational District held on 3/19/12,¹⁴ and her description of the evaluation and selection process the evening of 3/16/12 including a signed letter attesting to these events and the errors caused by her stressed condition at that time.¹⁵ We take note one error on that letter – Ms. Leshar did not submit and certify Form 471 # 871949 until 3/20/12, which is documented on Block 6 of Form 471 # 871949.

PIA Review Letter of 10/7/13:¹⁶ In response to question I, Carlos Alvarez, E-rate consultant to NATIVE, submitted a reprise of the nature of the 2/6/2009 contract and its relationship to the FY 2012 quotes, as well as the timeline for:

⁸ FCC Form 471 # 871949 for funding year 7/1/2012 – 6/30/2013, posted and certified by NATIVE Vocational District on 3/20/12.

⁹ Online Item 21 Attachment report for BEN 16020596, Applications # 871949, for all fourteen FRNs showing "submitted online" status for each, created 3/20/2012.

¹⁰ Responses by Karen Leshar to 4/23/13 letter from Matthew Byrnes; p.2-4.

¹¹ Response submitted by Karen Leshar, NATIVE Vocational District to letter from Matthew Byrnes, Associate Manager, Program Integrity Assurance of SLD, to Karen Leshar, dated 6/14/13; p.1-2.

¹² Email from Teresa Ferguson to Karen Leshar dated 3/13/12 (*Attachment B to the response to the 6/14/12 letter*).

¹³ Schedule summarizing vendor bids and recommendations, prepared by Karen Leshar (*Attachment C to the response to the 6/14/12 letter*).

¹⁴ Agenda and minutes of special meeting of the Governing Board of NATIVE Vocational District held on 3/19/12 (*Attachment D to the response to the 6/14/12 letter*).

¹⁵ Letter written by Karen Leshar, Superintendent of NATIVE Vocational District, dated 6/25/2013 (*Attachment E to the response to the 6/14/12 letter*).

¹⁶ Response submitted by Carlos Alvarez, Consultant to NATIVE Vocational District to letter from Matthew Byrnes, Associate Manager, Program Integrity Assurance of SLD, to Karen Leshar, Superintendent of NATIVE Vocational District, dated 10/7/13; p.1.

1. receipt of the quotes by Ms. Leshar on 3/13/12,
2. evaluation and approval of the quotes by Ms. Leshar on 3/16/12 (including her state of mind that led to the clerical errors on her signature blocks on the quotes and Form 471), and
3. final approval of the quotes at the 3/19/12 Board meeting.

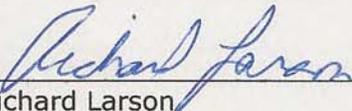
Mr. Alvarez concluded by requesting that the CADs of these fourteen FRNs be changed to 3/19/12 as supported by the attached documentation.

Conclusion:

NATIVE Vocational District Office (NATIVE) requests that the Schools and Libraries Division of USAC (SLD) reverse its decisions to deny funding to the eight FRNs listed on page 1. These FRNs, with total requested funding of \$517,365.08, were assigned Contract Award Dates (CADs) by the PIA reviewer that were prior to the Allowable Contract Date of 3/16/2012 for the establishing Form 470 # 590550001024687. All FRNs in Form 471 # 871949 should have a CAD of 3/19/12, the date the NATIVE Board approved the contracts, and funding should be restored to these eight FRNs.

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

Authorized signature for this Appeal ¹⁷



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

Date: 4/21/14

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

¹⁷ "Letter of Agency" from Ron Tsosie, Interim Superintendent of NATIVE Vocational District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of NATIVE.



Northeast Arizona Technological Institute of Vocational Education

Governing Board

P.O. Box 710 • Kayenta, AZ 86033 • (928) 697-2500 • Fax (928) 697-2502

Shannon Tooke
Board President
Tuba City USD

Margaret Yazzie
Vice President
Sanders USD

Theodore Allen
Member
Chinle USD

Curtis H. Berry
Member
Ganado USD

Eugene Kirk
Member
Window Rock USD

Lavina Smith
Member
Kayenta USD

Wallace Todacheeny
Member
Red Mesa USD

Mary Tom
Member
Pinon USD

Site CTE Directors

Woody Begay
Tuba City HS

Ted Goodluck
Valley HS

Deborah Mayher
Window Rock HS

Clyde McBride
Monument Valley HS

Doris Nelson
Ganado HS

Joni Sherman
Pinon HS

Steve Sorden
Chinle HS

Virginia Tsosie
Red Mesa HS

N.A.T.I.V.E.

Ron Tsosie
Interim Superintendent

Geraldine Begay
Business Manager

Jonathan Yazzie
CTE Coordinator

Charles Waite
Business Consultant

Sheena Greenstone
Supt./Board Secretary

Letter of Agency

NATIVE Vocational District
Billed Entity Number: 16020596

Letter of Agency For FY 6 (2003-2004); FY 7 (2004 - 2005); FY 8 (2005 - 2006); FY 9 (2006 - 2007); FY 10 (2007 -2008); FY 11 (2008 - 2009); FY 12 (2009 - 2010); FY 13 (2010 - 2011); FY 14 (2011 - 2012); FY 15 (2012 - 2013); FY 16 (2013 - 2014)

I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Fred Josephs, Bert Garofano, and John Harvey to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of **NATIVE Vocational 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 **NATIVE Vocational District**. By signing this Letter of Agency, I make the following certifications

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

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

(c) I certify that our **school district** is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of priority two services. The plan(s) is written at the following level(s):
 an individual technology plan for using the services requested in this application; and/or
 higher-level technology plan(s) for using the services requested in this application; or
 no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

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

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

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

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

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

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

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

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

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

District: NATIVE Vocational District

Date: 10/2/13

Signature: 

Printed Name: Ron Tsosie

Title: Interim Superintendent