

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

In the Matter of) Billed Entity Number: 200286
) FCC Form 471 Number: 989586
Requests for Review of) Funding Request Number: 2700087
Decisions of the) Services Ordered: Internet Access
Universal Service Administrator by)
)
Robinson School)
)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ATT: Telecommunications Access Policy Division, Wireline Competition Bureau

REQUEST FOR REVIEW

Robinson School (“Robinson” or “school”) in the Commonwealth of Puerto Rico, pursuant to Sections 54.719(b) and 54.722(a) of the Federal Communications Commission’s (“FCC” or “Commission”) rules, petitions the Commission’s Wireline Competition Bureau for review of an adverse decision by the Universal Service Administrative Company (“USAC”) with respect to the above-referenced Funding Request Number (“FRN”) for Funding Year 2014. USAC rescinded \$46,560 in E-rate funds for Priority One services for Funding Year 2014, of which \$19,400 have been disbursed. USAC is now seeking repayment of the previously disbursed \$19,400. As explained below, the denial is due to a misunderstanding generated because the school’s representative who prepared the response is a native Spanish speaker who did not understand USAC’s question (posed in English) regarding the services included in the Form 470.

I. Background

Robinson, located in Puerto Rico, is an independent, coeducational, college preparatory school for students in grades PPK to 12 affiliated with the Global Ministry of the United

Methodist Church. Robinson's academic program emphasizes S.T.E.M. beginning in the primary grades. Classes integrate 21st Century technology skills to foster the students' intellectual curiosity and enhance their education. Robinson is a digital school, where students can "power up" their portable and mobile devices on campus. Robinson's ability to access the Internet is essential for it to be able to fulfill its reason for being.

On February 14, 2013, Robinson filed FCC Form 470 No. 969760001130911 soliciting bids for Priority One and Priority Two services. The Form 470 is attached as Exhibit A. After the required 28-day period, Robinson selected Nevesem as its service provider, which had the most cost-effective bid.

On September 25, 2014, USAC sent a Special Compliance Review Information Request ("Information Request") to Robinson. The Information Request asked the following: (a) the name, title and employer of the individual(s) who developed, filled in, completed, certified and/or posted the Form 470 to the USAC website; (b) the specific location from which the Form 470 was filled in, completed, and/or submitted to USAC; (c) whether a service provider's employee(s) assisted the applicant with the completion and/or posting of the Form 470, and (d) an explanation of how the services on the FCC Form 470 were determined.

On October 1, 2014, Robinson submitted its response to the Information Request. A copy of the response is attached as Exhibit B. In the response, Robinson stated that Jannette Santiago Ortiz, Robinson's Business Manager, prepared and posted the Form 470, was responsible for preparing and posting the Form 470 to the USAC website; that the Form 470 was filled in, completed, and submitted to USAC from Ms. Santiago's computer located at Robison; and, that no service provider employee assisted her with the completion and posting of the Form 470. With respect to the last question about how the services on the FCC Form 470 were

determined, Robinson understood USAC's question manifested a concern by USAC that Robinson had incorrectly described the services it wanted to purchase. Therefore, Robinson responded as follows:

"The service descriptions listed in the form looks generic for various reasons. Those services are needed in every school so we start with those basic things meanwhile we organize ourselves and prioritize our more specific needs in our technology plans and assessments. We used the terms as listed based on the language and terminology we found in the services you covered. But based on your inquiry, we understand that we should and will be more specific from now on."

On May 4, 2015, USAC issued a Notification of Commitment Adjustment Letter ("COMAD") rescinding Robinson's funding commitment and seeking reimbursement of \$19,400 already disbursed. Copy of the COMAD is attached as Exhibit C. The COMAD states the following:

After multiple requests for documentation and application review, it has been determined that this funding commitment must be rescinded in full. The FCC Form 470# 969760001130911 that established the bidding for this FRN is encyclopedic. Furthermore, a Request for Proposal was not issued to narrow the scope of the desired services to only those that you actually applied for in this funding request. FCC rules require that applicants submit bona fide requests for services by conducting an internal assessment of the components necessary to use effectively the discounted services ordered and submitting a complete description of services requested so that it may be posted for competing providers to evaluate. During our review, you were asked why the service descriptions listed on your FCC Form 470 appeared to be generic or encyclopedic. Specifically you were asked to explain how you determined the services to request on your FCC Form 470. In your response, you agreed that the form and service description were indeed generic for various reasons. Moreover, you indicated that the school started with basic things as the specific needs are organized and prioritized in the schools Technology Plan and assessments. Per the FCC's Ysleta Order, an applicant's FCC Form 470 must be based upon its carefully thought-out technology plan and must detail specific services sought in a manner that would allow bidders to understand the specific technologies that the applicant is seeking. An FCC Form 470 should not be a general, open-ended solicitation for all services available on the Eligible Services List, with the hope that bidders will present more concrete proposals. Thus, a FCC Form 470 that sets out virtually all elements that are on the Eligible Services List would not allow a bidder to determine what specific services the applicant was seeking. Because you relied on an encyclopedic FCC Form 470, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Upon receipt of the COMAD, and after investigating the matter further, Robinson understood that USAC's concern was not with respect to incorrect service descriptions in the Form 470; but instead, that the Form 470 allegedly included all of the services specified in the Eligible Services List ("ESL"). On July 3, 2015, Robinson filed a timely appeal with USAC. Copy of Robinson's appeal to USAC is attached as Exhibit D.

On August 17, 2015, USAC issued an Administrator's Decision on Appeal - Funding Year 2014-2015 ("Decision on Appeal") using virtually the same language as it did in the COMAD and denying the appeal without any discussion of any of the arguments and evidence presented in the appeal. Copy of the Decision on Appeal is attached as Exhibit E.

On August 18, 2015, USAC sent a Demand Payment Letter to Robinson. Copy of the Demand Payment Letter is attached as Exhibit F.

For the reasons stated below, USAC erred when it denied Robinson's appeal. Robinson requests that the Commission reverse the Decision on Appeal and remand its application to USAC for further processing.

II. The COMAD is the result of a language barrier that applicants from Puerto Rico face when participating in the E-rate program.

The Decision on Appeal completely ignored the fact that the school representative who submitted the response obviously misunderstood USAC's question regarding how the services in the Form 470 were selected. Specifically, Ms. Ortiz believed that USAC was telling Robinson that applicants are required to use service descriptions that are more specific than those used in the ESL.¹ Therefore, Robinson stated in its response that, "*We used the terms as listed based on the language and terminology we found in the services you covered*" and that "*...based on your inquiry, we understand that we should and will be more specific from now on.*" The reason for

¹ See Robinson Appeal to USAC, Exhibit D, pages 2-3.

the misunderstanding is that USAC's questions were provided in English and the representative responding to the inquiry is a native Spanish speaker who did not understand USAC's question. The COMAD states, "In your response, you agreed that the form and service description were indeed generic for various reasons." This is incorrect. Robinson did not tell USAC that the form was generic due to the inclusion of certain services. Instead, Ms. Ortiz referenced the *service descriptions* because it mistakenly believed that USAC was indicating that applicants are required to use service descriptions that are more specific than those used in the ESL. As previously noted, upon receipt of the COMAD, Robinson understood that USAC's concern was not with respect to "incorrect service descriptions" in the Form 470; but instead, that the Form 470 allegedly included all of the services specified in the ESL.

Most people in Puerto Rico are native Spanish speakers who are seldom fluent in English. The E-rate application forms and their instructions, the FCC's rules and relevant orders, and USAC's guidance on its website are in English. Therefore, schools in Puerto Rico are at a serious disadvantage vis-à-vis the vast majority of applicants in the continental United States. Cognizant of this fact, USAC should provide Spanish language materials and training sessions and make available Spanish-language reviewers who will be able to communicate USAC's questions and concerns effectively.

The rescission of \$46,560 in E-rate funds for Priority One services and the demand for repayment of \$19,400 – all because of an honest misunderstanding caused by a language barrier – is overly punitive and only serves to disproportionately harm schools in Puerto Rico that, ironically, serve the poorest students in the United States.² Under these facts, rescission of E-rate

² See American Community Survey Briefs, Child Poverty in the United States 2009 and 2010: Selected Race Groups and Hispanic Origin, Table 1, Number and Percentage of Children in Poverty in the Past 12 Months by State and Puerto Rico: 2009 and 2010 (issued November

funding and the demand for repayment of funds already disbursed is neither required by the Commission's rules nor consistent with the Commission's values and desires as evidenced in its policy of helping applicants succeed with the E-rate Program.³

III. USAC erred when it ignored evidence that Robinson's Form 470 was not generic or encyclopedic.

In the *Ysleta Order*, the Commission stated: "We clarify prospectively that requests for service on the FCC Form 470 that list all services eligible for funding under the E-Rate program do not comply with the statutory mandate that applicants submit 'bona fide requests for services.'"⁴ *Ysleta* stands for the proposition that applicants cannot request bids for all eligible services. Robinson did not request bids for all eligible services. This is obvious by comparing the Form 470 and the ESL. Therefore, *Ysleta* is inapposite.

Consistent with its STEM-based curriculum, the services that Robinson specified in its Form 470 were intended to support Robinson's basic need for Priority One services such as Internet access service either through fiber or DSL technology and basic installation instruction training and maintenance. The Form 470 also included basic Priority One telecommunications

2011) (indicating that 56.3% of children aged 0 to 17 in Puerto Rico live below the poverty line in 2010). In addition to these statistics, the Commission should take note that the entire Commonwealth is impoverished such that it is unable to meet its financial obligations as evidenced by the fact that it has been petitioning Congress for the right to declare bankruptcy.

³ For instance, in September 2010, the Commission adopted reforms to provide greater flexibility to schools and libraries in their selection of the most cost-effective broadband services, streamline the E-rate application process, and improve safeguards against fraud, waste, and abuse. *E-Rate Sixth Report and Order*, FCC 10-175 (rel. Sept. 28, 2010). In July 2014, the Commission took steps to streamline the application process, simplify discount rate calculations, and simplify the invoicing and disbursement process, among other initiatives. *E-Rate Report and Order and Further Notice of Proposed Rulemaking*, FCC 14-99 (rel. July 23, 2014). In December 2014, the Commission took steps to maximize applicants' options for purchasing affordable high-speed broadband connectivity. *E-Rate Second Report and Order and Order on Reconsideration*, FCC 14-189 (rel. December 19, 2014).

⁴ *In the Matter of the Request of Review of the Administrator's Decision by Ysleta Ind. Sch. Dist. et al.*, Order, 18 FCC Rcd 26407 ¶ 36 (2003).

services such as local and long distance telephone service, distance learning circuits and service, cellular service, fax machine line, conferencing services, and related installation and maintenance services.

As Robinson indicated in its appeal to USAC, the list of Priority One services specified in the ESL are much lengthier than the Priority One services included in Robinson's Form 470. For example, Robinson's Form 470 did not include: e-mail service; interconnected voice over Internet protocol; paging; telephone services such as 800 service, Centrex and radio loop; telephone service components such as 900/976 call blocking, text messaging, custom calling services, direct inward dialing and directory assistance charges; voice mail; or web hosting, all of which are specified in the ESL.

Based on this evidence alone, it was an error for USAC to characterize Robinson's Form 470 as "encyclopedic" and in violation of *Ysleta*. The information provided to USAC regarding this fact was completely ignored by USAC. Therefore, on this basis alone, the Commission must reverse USAC's decision.

IV. Robinson was in compliance with all core program requirements.

The Commission must take into consideration the fact that Robinson adhered to all core program requirements. Robinson submitted the required application forms within the requisite deadlines. There was no service provider involvement in the completion and filing of the Form 470. Robinson conducted a fair and open competitive bidding process and waited the requisite twenty-eight (28) days before selecting a service provider. Robinson selected the most cost-effective bid in compliance with the Commission's rules and at no point has USAC alleged the contrary. Robinson complied with all Puerto Rico procurement processes, and did not engage in

waste, fraud or abuse, or misuse of funds. Robinson has never been in violation of any E-Rate Program rules.

V. Conclusion

This matter is before the Commission because of an unfortunate misunderstanding in connection with USAC's question about how the services on the Form 470 were determined. The misunderstanding arose because of a language barrier that Puerto Rico applicants face when participating in the E-rate program. Rescission of E-rate funding on the basis of an honest misunderstanding caused by a language barrier is neither required by the Commission's rules nor consistent with the Commission's values and desires as evidenced in its policy of helping applicants succeed with the E-rate Program.

USAC's decision must also be reversed because USAC based its denial on the allegation that Robinson included all of the services specified in the ESL in its Form 470 yet completely ignored evidence that the Form 470 did not include all of the services specified in the ESL.

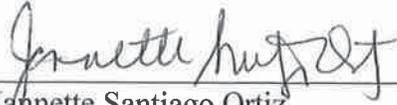
Rescission of the funding commitment under these circumstances is draconian particularly given the fact that Robinson adhered to all core program requirements and has never been in violation of E-rate Program rules.

Robinson received good and valuable services from its service provider throughout the entire Funding Year 2014, and requiring it to return funds will impede its ability to continue to participate in the E-rate Program, particularly given the large amounts that USAC has rescinded.

For all these reasons, Robinson School respectfully requests that the Commission reverse the adverse decisions by USAC with respect to the referenced FRNs for Priority One services for Funding Year 2014.

Respectfully submitted,

ROBINSON SCHOOL



Jannette Santiago Ortiz

Robinson School

5 Nairn Street

San Juan, PR 00907

September 18, 2015

REQUEST FOR REVIEW BY ROBINSON SCHOOL

September 18, 2015

Exhibit A - FCC Form 470 No. 969760001130911

FCC Form 470

Approval by OMB
3060-0806

Schools and Libraries Universal Service Description of Services Requested and Certification Form 470

Estimated Average Burden Hours per Response: 3 hours

This form is designed to help you describe the eligible services you seek so that this data can be posted on the Fund Administrator Internet Site and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this form.

Form 470 Application Number: 969760001130911	Applicant's Form Identifier: dhcojs
Application Status: CERTIFIED	Posting Date: 02/14/2013
Allowable Contract Date: 03/14/2013	Certification Received Date: 02/15/2013

Block 1: Applicant Address and Information

1 Name of Applicant:
Robinson School

2 Funding Year: 2013 (Funding years run from July 1 through the following June 30)

3 Entity Number: 200286

4a Street Address, P.O.Box, or Route Number:
Calle Nairn 5

City: Santurce State: PR Zip Code: 00907 -0000

4b Telephone Number: (787) 728 -6767

4c Fax Number:

5a Eligible Entities That Will Receive Services:
Check the ONE choice in **5a** that best describes the eligible entities that will receive the services described in this form. You will then list in Item **15** the entity/entities that will pay the bills for these services.

Individual School (individual public or non-public school)

School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)

Library (including library system, library outlet/branch or library consortium as defined under LSTA)

Consortium (intermediate service agencies, states, state networks, consortia of schools and/or libraries)

Statewide application for (enter 2-letter state code)
representing (check all that apply)

All public schools/districts in the state

All non-public schools in the state

All libraries in the state

5b Recipient(s) of Services - Check all that apply:

Private Public Charter

Tribal Head Start State Agency

5c Number of eligible entities for which services are sought: 3

Block 1: Applicant Address and Information (continued)

6a Contact Person's Name:
Dan Hildebrand

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

6b Street Address, P.O.Box, or Route Number:
NOTE: USAC will use this address to mail correspondence
Calle Nairn 5

City: San Juan State: PR Zip Code: 00907

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

6c Telephone Number: (787) 999 -4601

6d Fax Number: (787) 999 -4619

6e E-Mail Address: dhildebrand@robinsonschool.org
Re-enter E-mail Address: dhildebrand@robinsonschool.org

If a consultant is assisting you with your application process, please complete Item 7 below:

7 Consultant Name:
Name of Consultant's Employer:
Consultant's Street Address:

City: State: Zip Code:
Consultant's Telephone Number: Ext.
Consultant's Fax Number:
Consultant's E-mail Address:
Re-enter E-mail Address:
Consultant Registration Number:

Entity Number: 200286	Applicant's Form Identifier: dhcojs
Contact Person: Dan Hildebrand	Phone Number: (787) 999-4601
Block 2: Summary Description of Needs or Services Requested	
8 Telecommunication Services	
<i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>	
<p>a <input type="checkbox"/> YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at: or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12</p> <p>Your RFP Identifier:</p>	
<p>b <input checked="" type="checkbox"/> NO, I have not released and do not intend to release an RFP for these services.</p>	
Service	Quantity and/or Capacity
Distance Learning circuits	1
Long Distance Telephone Service	1
Local Measured Telephone Service	1
Cellular Service	1
Conferencing Services	1
Maintenance Services	1
Fax Machine Line	1
Interactive TV	1
Distance Learning Service	1
Frame Relay Services	1
Wireless WAN	1
Basic Telephone Services	1
Metropolitan Area Network	1
9 Internet Access	
<i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>	
<p>a <input type="checkbox"/> YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at: or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12</p> <p>Your RFP Identifier:</p>	
<p>b <input checked="" type="checkbox"/> NO, I have not released and do not intend to release an RFP for these services.</p>	
<p>Whether you check YES or NO, you must list below the Internet Access services you seek. Specify each service (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users).</p>	
Service	Quantity and/or Capacity
Bundled Access	1
Broadband Internet Access	1
On Premise Equipment	1
Maintenance Service	1
WAN Service	1
Domain Name Registration	1
Firewall Service	1
Basic Installation Instruction Training	1
Fiber/Dark Fiber	1
Digital Subscriber Line (DSL)	1
Mobile hotspot service	1

Entity Number: 200286	Applicant's Form Identifier: dhcojs
Contact Person: Dan Hildebrand	Phone Number: (787) 999-4601

10 Internal Connections Other Than Basic Maintenance

If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at:
 or via (check one) the contact person in Item 6 or the contact person listed in Item 12
 Your RFP Identifier:

b NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internal Connections services you seek. Specify each service (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students).

Service	Quantity and/or Capacity
Servers	1
Routers	1
Switches	1
UPS	1
Internal Wiring	1
Client Access Licenses	1
LAN	1
Wireless LAN	1
Switchboards	1
Network Operating Software	1
Network Interface Card	1
Design and Documentation Services	1
Drops	1
Fiber Optic	1
WAN	1
Installation Services	1
Video Conferencing	1
Cabling/Connectors	1
Data Distribution	1
Circuit Cards/Components	1
Data Protection	1
Interfaces, Gateways, Antennas	1
Software	1
Storage Devices	1
Telephone Component	1
Racks	1

11 Basic Maintenance of Internal Connections

If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at:
 or via (check one) the contact person in Item 6 or the contact person listed in Item 12
 Your RFP Identifier:

b NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Basic Maintenance services you seek. Specify each service (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers).

Service	Quantity and/or Capacity
Maintenance and Technical Support of Internal Connections	1
Server Maintenance Services	1
Router Maintenance Services	1
Switches Maintenance Services	1
Video Equipment Maintenance Services	1
UPS Maintenance Services	1
Antennas Maintenance Services	1

Entity Number: 200286		Applicant's Form Identifier: dhcojs					
Contact Person: Dan Hildebrand		Phone Number: (787) 999-4601					
<p>12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This person does not need to be the contact person(s) listed in Item 6 nor the Authorized Person who signs this form.</p> <p>Name: Emmanuel Bonilla</p> <p>Title: IT Director</p> <p>Telephone Number: (787) 999 - 4357</p> <p>Fax Number: (787) 728 - 2633</p> <p>Email Address: ebonilla@robinsonschool.org</p> <p>Re-enter E-mail Address: ebonilla@robinsonschool.org</p>							
<p>13 <input type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures and/or provide an Internet address where they are posted and a contact name and telephone number.</p> <p><input checked="" type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470. If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.</p>							
Block 3:							
14. [Reserved]							
Entity Number: 200286		Applicant's Form Identifier: dhcojs					
Contact Person: Dan Hildebrand		Contact Phone Number: (787) 999-4601					
Block 4: Recipients of Service							
<p>15 Billed Entities</p> <p>List the entity/entities that will be paying the bills directly to the provider for the services requested in this form. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your FCC Form 471 is not listed below, funding may be denied for the funding requests associated with this FCC Form 470. Attach additional pages if needed.</p> <table border="1"> <thead> <tr> <th>Entity Number</th> <th>Entity Name</th> </tr> </thead> <tbody> <tr> <td>200286</td> <td>Robinson School</td> </tr> </tbody> </table>				Entity Number	Entity Name	200286	Robinson School
Entity Number	Entity Name						
200286	Robinson School						
Entity Number: 200286		Applicant's Form Identifier: dhcojs					
Contact Person: Dan Hildebrand		Contact Phone Number: (787) 999-4601					
Block 5: Certifications and Signature							
<p>16 I certify that the applicant includes: (Check one or both.)</p> <p>a <input checked="" type="checkbox"/> schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or</p> <p>b <input type="checkbox"/> libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).</p>							
<p>17 <input checked="" type="checkbox"/> I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service.</p> <p><input type="checkbox"/> Or I certify that no technology plan is required by Commission rules.</p>							
<p>18 <input checked="" type="checkbox"/> I certify that I will post my FCC Form 470 and (if applicable) make any applicable RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.</p>							
<p>19 <input checked="" type="checkbox"/> I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.</p>							
<p>20 <input checked="" type="checkbox"/> I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500, and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this form have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.</p>							
<p>21 <input checked="" type="checkbox"/> I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing 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 I have considered what financial resources should be available to cover these costs.</p>							
<p>22 <input checked="" type="checkbox"/> I certify that I am authorized to procure eligible services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this form, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.</p>							
<p>23 <input checked="" type="checkbox"/> I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form may 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.</p>							
<p>24 <input checked="" type="checkbox"/> I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.</p>							
Entity Number: 200286		Applicant's Form Identifier: dhcojs					
Contact Person: Dan Hildebrand		Contact Phone Number: (787) 999-4601					
25 Signature of authorized person: <input checked="" type="checkbox"/>		26 Date: 02/14/2013					
27a Printed name of authorized person: Dan Hildebrand							
27b Title or position of authorized person:							

Head of School

Check here if the consultant in Item 7 is the Authorized Person.

27c Street Address, P.O. Box, Route Number, City, State, Zip Code:

Calle Nairn 5

City: San Juan

State: PR

Zip Code: 00907

27d Telephone Number of Authorized Person:

(787) 999-4601

27e Fax Number of Authorized Person:

(787) 999-4619

27f E-mail Address of Authorized Person:

dhildebrand@robinsonschool.org

Re-enter E-mail Address:

dhildebrand@robinsonschool.org

27g Name of Authorized Person's Employer:

Robinson School

Service provider involvement with preparation or certification of an FCC Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the Schools and Libraries area of the USAC web site at www.usac.org/sl or call the SLD Client Service Bureau at 1-888-203-8100.

Entity Number: 200286	Applicant's Form Identifier: dhcojs
Contact Person: Dan Hildebrand	Phone Number: (787) 999-4601

NOTICE: In accordance with Section 54.503 of the Federal Communications Commission's rules, certain schools and libraries ordering services that are eligible for and seeking universal service discounts must file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.503 (c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.503. Schools and libraries must file this form themselves or as part of a consortium.

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

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

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

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

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

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

FCC Form 470
October 2010

[New Search](#)

[Return To Search Results](#)

REQUEST FOR REVIEW BY ROBINSON SCHOOL

September 18, 2015

Exhibit B - Response to USAC dated October 1, 2014

Robinson School

An International Baccalaureate® Candidate School



10/1/2014

Fabio Nieto
Associate Manager, Special Compliance
30 Lanidex Plaza West, Parsippany, NJ 07054

Dear Mr. Nieto:

Receive this letter as the response to your request dated 9/25/2014.

I am the person that prepared and posted the Form 470 to the USAC Website. My contact information is the one you have in files, jsantiago@robinsonschool.org, 787-999-4600 and fax 787-726-2833. The form was filled, completed and submitted to USAC from my computer, in my office at the school – Narin street #5, San Juan, PR. My service provider do not assist me in completing nor posting the form to USAC.

The service descriptions listed in the form looks generic for various reasons. Those services are needed in every school so we start with those basic things meanwhile we organize ourselves and prioritize our more specific needs in our technology plans and assessments. We used the terms as listed based on the language and terminology we found in the services you covered. But based on your inquiry, we understand that we should and will be more specific from now on.

Thanks for your support



JANNETTE SANTIAGO ORTIZ

**BUSINESS MANAGER
ROBINSON SCHOOL**

5 Nairn Street, San Juan, PR 00907

Phone (787) 999-4600 | Fax (787) 726-2833

jsantiago@robinsonschool.org | <http://www.robinsonschool.org>

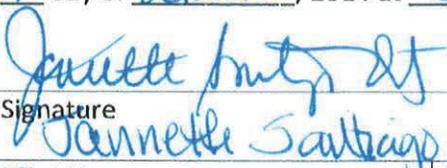
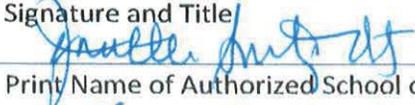
PIA Information Request
Page 3 of 3
Response due: 10/1/2014

Special Compliance Information Request Certification

Complete and return the enclosed Certification to the Schools and Libraries Division (SLD). If the applicant's authorized representative completed the information in this document, please *attach a copy of the letter of agency or other agreement* between the applicant and consultant authorizing them to act on the school or library's behalf.

Please note that if an authorized representative signs this form, an authorized school or library official is also required to sign in the space provided below.

Note: If a consultant was used, a school official MUST sign below.

CERTIFICATION	
I certify that I am authorized to make the representations set forth in the responses to the inquiry on behalf of Robinson School the entity represented on and responding to the inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the inquiry are true and correct to the best of my knowledge, information and belief. 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 acknowledge that false statements 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 declare under penalty of perjury that the foregoing is true and correct. Executed on <u>1</u> day of <u>October</u> , 2014 at <u>San Juan</u> [city], <u>PR</u> [state].	
Signature 	Date <u>10/1/2014</u>
Print Name <u>Robinson School</u>	Title <u>Business Manager</u>
Employer <u>787-999-4600 x 4602</u>	
Telephone Number	Fax Number <u>787-726-2833</u>
Email Address <u>j.santiago@robinsonschool.org</u>	
Address <u>Naven #5 San Juan, PR 00901</u>	
Authorized School or Library Official's Signature and Title 	Date <u>10/1/14</u>
Print Name of Authorized School or Library Official Named Above <u>Jannette Santiago Ortiz</u>	

REQUEST FOR REVIEW BY ROBINSON SCHOOL

September 18, 2015

**Exhibit C - Notification of Commitment Adjustment Letter
dated May 4, 2015**



Notification of Commitment Adjustment Letter

Funding Year 2014: July 1, 2014 - June 30, 2015

May 04, 2015

JANNETTE SANTIAGO
Robinson School
CALLE NAIRN 5
SAN JUAN, PR 00907

Re: Form 471 Application Number: 989586
Funding Year: 2014
Applicant's Form Identifier: 200286-IA
Billed Entity Number: 200286
FCC Registration Number: 0022528863
SPIN: 143022659
Service Provider Name: A New Vision in Educational Services &
Service Provider Contact Person: Ricardo Dreyfous

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received 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 (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC 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 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 USAC's decision. If you are a 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.

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 electronically by 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.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc: Ricardo Dreyfous
A New Vision in Educational Services & Materials (NEVESEM)

Funding Commitment Adjustment Report for
Form 471 Application Number: 989586

Funding Request Number: 2700087
Services Ordered: INTERNET ACCESS
SPIN: 143022659
Service Provider Name: A New Vision in Educational Services &
Contract Number: 01-ROB1001-14
Billing Account Number: 01-ROB1001
Site Identifier: 200286
Original Funding Commitment: \$46,560.00
Commitment Adjustment Amount: \$46,560.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$19,400.00
Funds to be Recovered from Applicant: \$19,400.00
Funding Commitment Adjustment Explanation:

After multiple requests for documentation and application review, it has been determined that this funding commitment must be rescinded in full. The FCC Form 470# 969760001130911 that established the bidding for this FRN is encyclopedic. Furthermore, a Request for Proposal was not issued to narrow the scope of the desired services to only those that you actually applied for in this funding request. FCC rules require that applicants submit bona fide requests for services by conducting an internal assessment of the components necessary to use effectively the discounted services ordered and submitting a complete description of services requested so that it may be posted for competing providers to evaluate. During our review, you were asked why the service descriptions listed on your FCC Form 470 appeared to be generic or encyclopedic. Specifically you were asked to explain how you determined the services to request on your FCC Form 470. In your response, you agreed that the form and service description were indeed generic for various reasons. Moreover, you indicated that the school started with basic things as the specific needs are organized and prioritized in the schools Technology Plan and assessments. Per the FCCs Ysleta Order, an applicants FCC Form 470 must be based upon its carefully thought-out technology plan and must detail specific services sought in a manner that would allow bidders to understand the specific technologies that the applicant is seeking. An FCC Form 470 should not be a general, open-ended solicitation for all services available on the Eligible Services List, with the hope that bidders will present more concrete proposals. Thus, a FCC Form 470 that sets out virtually all elements that are on the Eligible Services List would not allow a bidder to determine what specific services the applicant was seeking. Because you relied on an encyclopedic FCC Form 470, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

REQUEST FOR REVIEW BY ROBINSON SCHOOL

September 18, 2015

Exhibit D - Appeal to USAC dated July 3, 2015

Date: July 3, 2015

VIA EMAIL: appeals@sl.universalservice.org

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

APPEAL BY ROBINSON SCHOOL

This is an appeal by Robinson School of the Notification of Commitment Adjustment Letter (“COMAD”) issued by the Universal Service Administrative Company (“USAC”) on May 4, 2015 in connection with our request for E-rate funds for Funding Year 2014. The COMAD rescinds a prior commitment in full and seeks reimbursement of \$19,400 already disbursed for Internet Access service (a Priority One service).

Below is the name, address, telephone number, fax number, and email address of the person who can most readily discuss this Appeal with USAC:

Name: Jannette Santiago Ortiz
Address: Robinson School, 5 Nairn Street, San Juan, PR 00907
Telephone: (787) 999-4600
Fax: (787) 726-2833
Email: jsantiago@robinsonschool.org

The information about the funding commitment is:

Billed Entity Name: Robinson School
Billed Entity Number: 200286
FCC Registration Number: 0022528863
FCC Form 470 Number: 969760001130911
FCC Form 471 Number: 989586
Funding Request Number: 2700087
Services Ordered: Internet Access

The Funding Commitment Adjustment Explanation in the COMAD indicates:

After multiple requests for documentation and application review, it has been determined that this funding commitment must be rescinded in full. The FCC Form 470# 969760001130911 that established the bidding for this FRN is encyclopedic. Furthermore, a Request for Proposal was not issued to narrow the scope of the desired services to only those that you actually applied for in this funding request. FCC rules require that applicants submit bona fide requests for services by conducting an internal assessment of the components necessary to use effectively the discounted services ordered and submitting a complete description

of services requested so that it may be posted for competing providers to evaluate. During our review, you were asked why the service descriptions listed on your FCC Form 470 appeared to be generic or encyclopedic. Specifically you were asked to explain how you determined the services to request on your FCC Form 470. In your response, you agreed that the form and service description were indeed generic for various reasons. Moreover, you indicated that the school started with basic things as the specific needs are organized and prioritized in the schools Technology Plan and assessments. Per the FCC's Ysleta Order, an applicant's FCC Form 470 must be based upon its carefully thought-out technology plan and must detail specific services sought in a manner that would allow bidders to understand the specific technologies that the applicant is seeking. An FCC Form 470 should not be a general, open-ended solicitation for all services available on the Eligible Services List, with the hope that bidders will present more concrete proposals. Thus, a FCC Form 470 that sets out virtually all elements that are on the Eligible Services List would not allow a bidder to determine what specific services the applicant was seeking. Because you relied on an encyclopedic FCC Form 470, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

For the reasons stated below, Robinson School disagrees with USAC's conclusion that the Form 470 was "generic" or "encyclopedic" and requests that this appeal be granted.

Background

Robinson School, located in Puerto Rico, is an independent, coeducational, college preparatory school for students in grades PPK to 12 affiliated with the Global Ministry of the United Methodist Church. Robinson School's academic program emphasizes S.T.E.M. beginning in the primary grades. Classes integrate 21st Century skills to foster the students' intellectual curiosity. Robinson School is a digital school, where students can "power up" on campus.

On September 25, 2014, we received a "PIA Information Request" asking several questions about our FCC Form 470 # 969760001130911, which sought bids for certain E-rate eligible services. On October 1, 2014, we submitted our response to USAC. That response is attached to this appeal. In the response, we stated the following:

- The undersigned, Jannette Santiago Ortiz, prepared and posted the Form 470.
- The Form 470 was filled, completed and submitted to USAC by the undersigned from her computer located at Robinson School.
- Our service provider did not assist us in completing or posting the Form 470 to USAC's website.

In addition, the PIA Information Request stated the service descriptions listed on the FCC Form 470 appeared to be "generic" or "encyclopedic," that the service descriptions did not indicate the "specific needs" of our school, and asked for an explanation regarding this issue. Because we have not received this type of inquiry from USAC in the past, we under the impression that USAC was telling us that applicants are required to use service descriptions that are different

from, or perhaps more technical than, those used by USAC in the Eligible Services List. Therefore, we responded as follows:

“The service descriptions listed in the form looks generic for various reasons. Those services are needed in every school so we start with those basic things meanwhile we organize ourselves and prioritize our more specific needs in our technology plans and assessments. We used the terms as listed based on the language and terminology we found in the services you covered. But based on your inquiry, we understand that we should and will be more specific from now on.”

On May 4, 2015, USAC issued a Notification of Commitment Adjustment Letter rescinding our funding commitment for Funding Year 2014 and seeking reimbursement of \$19,400 already disbursed. Upon receipt of this notification, and after investigating this matter further, we now understand that USAC’s concern was not that we used the incorrect service descriptions in the Form 470; but instead, that our Form 470 includes all or virtually all of the services in the Eligible Services List, thus making our application “generic” or “encyclopedic.” We do not believe that our Form 470 lists all of virtually all of the Priority One services in the Eligible Services List and, therefore, ask USAC to reconsider its decision.

The Form 470 does not include all or nearly all of the eligible services in the Eligible Services List.

If USAC carefully reviews our Form 470, it will see that we identified a select group of Priority One services, all of which are designed to help us have Internet access in our school. For instance, in addition to Internet service, the Form 470 includes basic services such as: local and long distance telephone service; distance learning circuits and service; cellular service; fax machine line; conferencing services; as well as installation and maintenance services that are eligible for support under the E-rate program. Everything that was included in the Form 470 was intended to support our basic needs for Priority One services such as Internet access and the installation and maintenance of the equipment necessary to receive such service.

The number of Priority One services in the Eligible Services List is much greater than the Priority One services included in our Form 470. For example, our Form 470 did not include: E-mail Service; Interconnected Voice Over Internet Protocol; Paging; telephone services such as 800 service, Centrex and Radio loop; telephone service components such as 900/976 Call blocking, Text messaging, Custom calling services, Direct Inward Dialing and Directory assistance charges; Voice Mail; or Web Hosting. For this reason, we do not believe that our Form 470 included all or virtually all of the services in the Eligible Services List or that our Form 470 is “generic” or “encyclopedic.”

It should be noted that we have complied with all of the E-rate program rules at all times, including the competitive bidding requirements. We have not attempted to obtain E-rate support for services that were ineligible. We selected the most cost-effective proposal and have been receiving excellent service from the selected vendor. We also have not engaged in waste, fraud or abuse. Therefore, we respectfully request that USAC will grant this appeal.

If you have any questions concerning this appeal, please do not hesitate to contact me.

Respectfully submitted,

Robinson School

By: 

Jannette Santiago Ortiz
Robinson School
5 Nairn Street
San Juan, PR 00907

REQUEST FOR REVIEW BY ROBINSON SCHOOL

September 18, 2015

**Exhibit E – Administrator’s Decision on Appeal - Funding Year 2014-2015,
dated August 17, 2015**



Universal Service Administrative Company
Schools & Libraries Division

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

August 17, 2015

Jannette Santiago Ortiz
Robinson School
5 Nairn Street
San Juan, PR 00907

Re: Applicant Name: Robinson School
Billed Entity Number: 200286
Form 471 Application Number: 989586
Funding Request Number(s): 2700087
Your Correspondence Dated: June 30, 2015

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

Funding Request Number(s): 2700087
Decision on Appeal: **Denied**
Explanation:

- After further review, USAC determined to rescind the funds committed under the above listed funding request (FRN) in full. The FCC Form 470# 969760001130911 that established the bidding for this FRN is encyclopedic. Furthermore, a Request for Proposal was not issued to narrow the scope of the desired services to only those that you actually applied for in this funding request. FCC rules require that applicants submit bona fide requests for services by conducting an internal assessment of the components necessary to use effectively the discounted services ordered and submitting a complete description of services requested so that it may be posted for competing providers to evaluate. During our review, you were asked why the service descriptions listed on your FCC Form 470 appeared to be generic or encyclopedic. Specifically you were asked to explain how you determined the services to request on your FCC Form 470. In

your response, you agreed that the form and service description were indeed generic for various reasons. Moreover, you indicated that the school started with basic things as the specific needs are organized and prioritized in the schools Technology Plan and assessments. Per the FCC's Ysleta Order, an applicant FCC Form 470 must be based upon its carefully thought-out technology plan and must detail specific services sought in a manner that would allow bidders to understand the specific technologies that the applicant is seeking. An FCC Form 470 should not be a general, open-ended solicitation for all services available on the Eligible Services List, with the hope that bidders will present more concrete proposals. Thus, a FCC Form 470 that sets out virtually all elements that are on the Eligible Services List would not allow a bidder to determine what specific services the applicant was seeking. Because you relied on an encyclopedic FCC Form 470, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

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

Schools and Libraries Division
Universal Service Administrative Company

REQUEST FOR REVIEW BY ROBINSON SCHOOL

September 18, 2015

Exhibit F - Demand Payment Letter dated August 18, 2015



Demand Payment Letter

(Funding Year 2014: July 1, 2014 - June 30, 2015)

August 18, 2015

JANNETTE SANTIAGO

Robinson School

CALLE NAIRN 5

SAN JUAN, PR 00907

Re: Form 471 Application Number: 989586
Funding Year: 2014
Applicant's Form Identifier: 200286-IA
Billed Entity Number: 200286
FCC Registration Number: 0022528863
SPIN: 143022659
Service Provider Name: A New Vision in Educational Services & Materials (I
Service Provider Contact Person: Ricardo Dreyfous
Payment Due By: 9/17/2015

You were previously sent a Notification of Commitment Adjustment Letter informing you of the need to recover funds for the Funding Request Number(s) (FRNs) listed on the Funding Commitment Adjustment Report (Report) attached to the Notification of Commitment Adjustment Letter. A copy of that Report is attached to this letter.

The balance of this debt is due within 30 days from the date of this letter. Failure to pay the debt within 30 days from the date of this letter could result in interest, late payment fees, administrative charges, and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

If the Universal Service Administrative Company (USAC) has determined that both the applicant and the service provider are responsible for a Program rule violation, then, pursuant to the Order on Reconsideration and Fourth Report and Order (FCC 04-181), USAC will seek recovery of the improperly disbursed amount from BOTH parties and will continue to seek recovery until either or both parties have fully paid the debt. If USAC has determined that both the applicant and the service provider are responsible for a Program rule violation, this was indicated in the Funding Commitment Adjustment Explanation on the Funding Commitment Adjustment Report.

If USAC is attempting to collect all or part of the debt from both the applicant and the service provider, then you should work with your service provider to determine who will be repaying the debt to avoid duplicate payment. Please note, however, that the debt is the responsibility of both the applicant and service provider. Therefore, you are responsible for ensuring that the debt is paid in a timely manner.

Please remit payment for the full "Funds to be Recovered from Applicant" amount shown in the Report. To ensure that your payment is properly credited, please include a copy of the Report with your check. Make your check payable to the Universal Service Administrative Company (USAC).

If sending payment by U. S. Postal Service or major courier service (e.g. Airborne, FedEx, and UPS) please send check payments to:

Universal Service Administrative Company
Lock Box 105056
1075 Loop Road
Atlanta, GA 30337
Phone: 404-209-6377

Local messenger service should deliver to the Lockbox Receiving Window at the above address.

Payment is due within 30 days from the date of this letter.

Complete Program information is posted to the SLD section of the USAC website at www.usac.org/sl/. You may also contact the SLD Client Service Bureau by email using the "Submit a Question" link on the SLD website, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

Universal Service Administrative Company
Schools and Libraries Division

cc: *Ricardo Dreyfous*

A New Vision in Educational Services & Materials (NEVESEM)

Funding Commitment Adjustment Report
Form 471 Application Number: 989586

Funding Request Number: 2700087
Services Ordered: INTERNET ACCESS
SPIN: 143022659
Service Provider Name: A New Vision in Educational Services & Materi
Contract Number: 01-ROB1001-14
Billing Account Number: 01-ROB1001
Site Identifier: 200286
Original Funding Commitment: \$46,560.00
Commitment Adjustment Amount: \$46,560.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$19,400.00
Funds to be Recovered from Applicant: \$19,400.00
Funding Commitment Adjustment Explanation:

After multiple requests for documentation and application review, it has been determined that this funding commitment must be rescinded in full. The FCC Form 470# 969760001130911 that established the bidding for this FRN is encyclopedic. Furthermore, a Request for Proposal was not issued to narrow the scope of the desired services to only those that you actually applied for in this funding request. FCC rules require that applicants submit bona fide requests for services by conducting an internal assessment of the components necessary to use effectively the discounted services ordered and submitting a complete description of services requested so that it may be posted for competing providers to evaluate. During our review, you were asked why the service descriptions listed on your FCC Form 470 appeared to be generic or encyclopedic. Specifically you were asked to explain how you determined the services to request on your FCC Form 470. In your response, you agreed that the form and service description were indeed generic for various reasons. Moreover, you indicated that the school started with basic things as the specific needs are organized and prioritized in the schools Technology Plan and assessments. Per the FCCs Ysleta Order, an applicants FCC Form 470 must be based upon its carefully thought-out technology plan and must detail specific services sought in a manner that would allow bidders to understand the specific technologies that the applicant is seeking. An FCC Form 470 should not be a general, open-ended solicitation for all services available on the Eligible Services List, with the hope that bidders will present more concrete proposals. Thus, a FCC Form 470 that sets out virtually all elements that are on the Eligible Services List would not allow a bidder to determine what specific services the applicant was seeking. Because you relied on an encyclopedic FCC Form 470, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

PLEASE SEND A COPY OF THIS PAGE WITH YOUR
CHECK TO ENSURE TIMELY PROCESSING