



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

October 09, 2015

Bret Lewis
Adtec, Inc
PO Box 223
New Market, IN 47965

Re: Applicant Name: SOUTHWEST DUBOIS CO SCH CORP
Billed Entity Number: 130671
Form 471 Application Number: 1040316
Funding Request Number(s): 2834309
Your Correspondence Dated: July 02, 2015

After review of the information and documentation provided, 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 commitment decision for the FCC Form 471 Application Number and funding requests number(s) FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2834309
Decision on Appeal: **Denied**
Explanation:

- USAC has determined, that at the time you submitted your FCC Form 471 application, you did not have a contract or a legally binding agreement. In your Letter of Appeal dated July 2, 2015, you provided the same Agreement signed April 13, 2015, which you had previously provided on 5/22/2015 in a reply during the PIA Review for contract issue. As such, this was not new information. You also wrote "Southwest Dubois CSC does not deny that the signed agreement between the district and NSG Data LLC is dated April 13, 2015." and provided a screenshot image proving that your FCC Form 471 was certified on April 10, 2013. In your appeal, you did not provide any new information which would demonstrate that USAC's initial determination was incorrect. Therefore your appeal is denied.

- USAC has determined, that at the time you submitted your FCC Form 471 application, you did not have a contract or a legally binding agreement with your service provider(s), which met your state and local or the FCC's definition of a contract or a legally binding agreement. *See* 47 C.F.R. sec. 54.504(a). Except for services to be delivered under non-contracted tariff or month-to-month arrangements, FCC rules require that applicants submit a completed FCC Form 471 "upon entering into a signed contract or other legally binding agreement for eligible services." The existence of a written offer from the service provider containing all the material terms and conditions and a written acceptance of that offer is considered evidence of the existence of a legally binding agreement. In addition, after a commitment of funding, an applicant's receipt of services consistent with the offer and with the applicant's request for E-rate support will also constitute evidence of the existence of a sufficient offer and acceptance. *See* In the Matter of Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-99 para. 204 (rel. Jul. 23, 2014). The services you requested are not non-contracted tariff or month-to-month services and you did not demonstrate that there is a contract or a legally binding agreement in place for those services. In your appeal, you did not demonstrate that USAC's decision was incorrect. As USAC does not have authority to waive the FCC rules of the program, your appeal is denied.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

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

Schools and Libraries Division
Universal Service Administrative Company

cc: Mike Eineman