

**Before the Federal Communications Commission
Washington, D.C. 20554**

December 30, 2015

In the Matter of

Schools and Libraries Universal Service
Support Mechanism

Request for Review of a Decision of the
Universal Service Administration by

STEMCivics

CC Docket No. 02-6

Request for Review

Appellant Name: STEMCivics

Billed Entity Number: 16081772

FCC Form 471 Application Number: 1028223

Funding Request Number: 2792931

Service Providers Involved: Verizon Online LLC (SPIN 143026397) and
Comcast Business Communications (SPIN: 143003990)

Submitted by:

Kristin Sniecinski
E-Rate Advantage
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Introduction:

This is an appeal of USAC's denial regarding a SPIN change for FRN 2792931 on 2015 471 Application 1028223. USAC denied the appeal because "you did not have a legitimate reason for a SPIN change to SPIN 143003990."

Argument:

1 – The school chose the most cost effective provider during the 2015/2016 E-Rate application process – Verizon Online - and planned to move forward with services with this provider for the 2015/2016 E-Rate funding year. However, the school moved and this provider does not provide service to their new location. The school didn't know where their new location would be at the time they submitted their application so they weren't aware that the provider they chose would not be able to perform the requested services.

2 – According to the USAC website SPIN changes are allowed for several reasons. Please see attached USAC document from - <http://usac.org/sl/applicants/before-youre-done/spin-changes/operational-changes.aspx>.

Item 4 states that a SPIN change is allowed if – "There is a legitimate reason to change providers (e.g. breach of contract or the service provider is unable to perform the requested services).

In this situation the service provider is unable to perform the requested services because the school moved out of the service provider's coverage area.

3 – This SPIN change is allowed under the applicable state and local procurement rules.

4 – The SPIN change is allowable under the terms of any agreement between the applicant and the original service provider.

5 - The original service provider was notified of the applicant's intent to switch providers.

6 – The change is needed because the original service provider is unable to perform the requested services.

7 – The school did not receive any bids for this type of service.

Summary

Verizon Online LLC was selected as the school's internet service provider during the 2015/2016 E-Rate process. However, the school moved and Verizon Online LLC does not service the area that the school moved to. Since their original service provider is no longer able to perform the requested service, the school is requesting a SPIN change to Comcast Business Communications

(SPIN: 143003990). We ask that you reconsider the previous decision based upon the information provided and return the SPIN change request to USAC for further review.

Please let me know if you need any additional information. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "KSe" followed by a horizontal line.

Kristin Sniecinski



USAC Home | Schools and Libraries Program | Applicants | Before You're Done | SPIN Changes | Operational Changes

BEFORE YOU'RE DONE

| | | |
|------------------------|-----------------------------------|------------------------------|
| <u>SPIN Changes</u> | Service Delivery | Returning Funds to USAC |
| Service Substitutions | Transfer of Equipment | Good Samaritans |
| Commitment Adjustments | Disposal or Trade-in of Equipment | Updating Contact Information |
| FCC Form 500 Filing | | |

Operational Changes

Updated September 2015

An operational Service Provider Identification Number (SPIN) change may only be requested by the applicant. It can be requested for tariffed, month-to-month, or contracted services.

SPIN Changes for FY2011 and Beyond

The Federal Communications Commission (FCC) permits operational SPIN changes when:

1. The SPIN change is allowed under the applicant's state and local procurement rules.
2. The SPIN change is allowable under the terms of any contract between the applicant and its original service provider.
3. The applicant has notified its original service provider of the change.
4. There is a legitimate reason to change providers (e.g. breach of contract or the service provider is unable to perform the requested services).

When a service provider received the next highest point value in the original bid evaluation. If the applicant did not receive multiple bids, the applicant must submit a statement explaining that it received only one or no bids.

Changing service providers because the services are available at a lower cost from another provider or because you now wish to do business with a provider that did not originally participate in the competitive bidding process are not considered legitimate reasons for change, and requests citing such reasons will be denied.

When to File Requests

A SPIN change request for a Funding Request Number (FRN) must be postmarked or received no earlier than the date of the FCDL and no later than the last date to submit an invoice for that FRN.

USAC is concerned about its ability to pay the appropriate service provider depending on when service provider changes are made and when SPIN change requests are received and approved. If a service provider is changed before USAC approves a SPIN change request, there is a possibility that USAC will inadvertently pay the old service provider. To minimize that possibility, applicants should notify USAC of their intent to change service providers as soon as the decision is made and should advise USAC of the proposed effective date of the change.

In order to reduce confusion and possible delays, applicants should request the SPIN change sufficiently in advance of the change so that USAC has time to process the request before the submission of any invoices for services rendered by the new provider. Once the request is received, USAC will make no additional payments on the FRN until the SPIN change is reviewed and either (1) approved and the SPIN is changed or (2) denied and USAC verifies that additional invoices are for services actually rendered to the applicant by the original service provider.

Conditional Multi-year Contracts

If the applicant has a multi-year contract with the service provider from which it wishes to switch, it may switch to a multi-year contract with a new service provider without posting a new FCC Form 470 and waiting at least 28 days.

The multi-year contract with the new service provider must have an expiration date no later than the original contract. Neither contract should be longer than any term for the contract described in the original FCC Form 470 or the RFP under which the original service provider was selected.

Kristin Sniecinski
E-Rate Advantage LLC
106 Lilac Drive
Annandale, NJ 08801

Billed Entity Number: 16081772
Form 471 Application Number: 1028223
Form 486 Application Number:



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

November 25, 2015

Kristin Sniecinski
E-Rate Advantage LLC
106 Lilac Drive
Annandale, NJ 08801

Re: Applicant Name: STEMCIVICS
Billed Entity Number: 16081772
Form 471 Application Number: 1028223
Funding Request Number(s): 2792931
Your Correspondence Dated: September 18, 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 decision regarding your SPIN change request for the FCC Form 471 Application Number and funding request 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 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2792931
Decision on Appeal: **Denied**
Explanation:

- USAC determined that your Service Provider Identification Number (SPIN) change request did not comply with the FCC's operational SPIN change requirements. Specifically, your operational SPIN change request was denied because you did not have a legitimate reason for a SPIN change to SPIN 143003990. Specifically, as part of your SPIN change request, a legitimate reason to change providers is required (e.g. data entry error, merger or acquisition, intra-company SPIN change, original SPIN not an E-Rate program participant, breach of contract between the applicant and its original service provider or the original service provider's inability to perform the requested service). Because the specified reason for a SPIN Change is not considered a legitimate reason, your SPIN Change request to SPIN 143003990 is denied.

- In its Copan Order, the FCC determined that SPIN change requests would be granted when the applicant certifies that (1) the changes are allowed under state and local procurement rules and under the terms of the contract between the applicant and the service provider, and (2) the applicant has notified the original service provider of the intent to change. *See* Request for Review of the Decision of the Universal Service Administrator by Copan Public Schools, Copan, Oklahoma, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File No. SLD-26231, CC Docket Nos. 96-45 and 97-21, 15 FCC Rcd 5498, FCC 00-100 para. 6 (rel. Mar. 16, 2000). *See* also SPIN Changes posted in the Reference Area of the SLD section of the USAC website. Once a contract for products or services is signed by the applicant and service provider, the applicant may not change to a different service provider unless (1) there is a legitimate reason to change providers (e.g., breach of contract or the service provider is unable to perform); and (2) the newly selected service provider received the next highest point value in the original bid evaluation, assuming there was more than one bidder. *See* Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan For Our Future, Sixth Report and Order, CC Docket No. 02-6; GN Docket No. 09-51, FCC 10-175 para. 91 (rel. September 28, 2010).

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

STEMCivics
Appeal of Administrator's Decision on SPIN Change Request
Funding Year 2015
Appeal Date September 18, 2015

Appellant Name: STEMCivics

Applicant Name: STEMCivics
Billed Entity Number: 16081772
FCC Form 471 Application Number: 1028223
Funding Request Number: 2792931
Service Providers Involved: Verizon Online LLC (SPIN 143026397) and Comcast Business Communications (SPIN: 143003990)

Contact Information:

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Text/decision we are appealing:

We are appealing, "your request is denied because you did not have a legitimate reason for a SPIN change to SPIN 143003990."

Appeal Reason:

We recently submitted a SPIN change for STEMCivics (BEN 16081772) for 471 Application #1028223, FRN 2792931 because the original provider is unable to provide service to the school's new location. However, as you can see on the Administrator's Decision on SPIN Change Request, the SPIN change was denied indicating that we did not have a legitimate reason. However, the letter indicates that a legitimate reason is "the original service provider's inability to perform the requested service", which we believe applies here.

Justification for Granting Appeal

Argument:

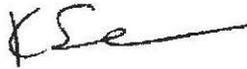
Verizon Online LLC won the school's vendor selection process during their 2015/2016 E-Rate application process and the school planned to use this vendor for the 2015/2016 E-Rate funding year. However, the school moved and Verizon Online LLC does not service the area that their school moved to. Since their original service provider is no

SPIN Change Request for STEMCivics - Funding Request Number: 2792931

longer able to perform the requested service, the school is requesting a SPIN change to Comcast Business Communications (SPIN: 143003990). The school did not receive any other bids for this type of service. We believe that the school is requesting this SPIN change for a legitimate reason and we ask that you please grant this SPIN change.

Please let me know if you need any additional information. Thank you for your consideration.

Sincerely,



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