



# GILROY UNIFIED SCHOOL DISTRICT

7810 Arroyo Circle, Gilroy, CA 95020

January 12, 2016

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 Decision on Appeal – Funding Year 2012-2013" regarding FRN 2255018, issued on November 17, 2015

**Authorized person who can best discuss this Appeal with you**

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
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(preferred mode of contact)

**Information**

<u>Entity</u>	Gilroy Unified School District
<u>Billed Entity Number</u>	144283
<u>Funding Year</u>	2012-13
<u>471 Number</u>	830048
<u>Funding Request Number</u>	2255018
<u>Service Provider / SPIN</u>	Verizon California Inc. / 143004769
<u>Reimbursement Requested</u>	\$141,564.38

Document Being Appealed: "Administrator's Decision on Appeal – Funding Year 2012-2013" regarding FRN 2255018, issued on November 17, 2015<sup>1</sup>

ADL Item Being Appealed (same for all three FRNs): "Our records show that your appeal was postmarked more than 60 days after your Administrator's Decision on Invoice Deadline Extension Request letter was issued .... Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal."

**Request for Review:**

Gilroy Unified School District (the District) respectfully requests the Commission to instruct the Schools and Libraries Division (SLD) to consider our appeal of 9/25/15.<sup>2</sup> The District is

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<sup>1</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company to Richard Larson, eRate 360 Solutions (consultant for Gilroy Unified School District), dated Friday, November 17, 2015, re: appeal dated September 25, 2015 regarding FRN 2255018.

convinced that SLD has misapplied the FCC rule which requires an appeal to be filed within 60 days of the decision being appealed. The District asserts that the 60-day rule should have been applied to the 8/31/2015 date of the FCC's "Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company", and not to the "Administrator's Decision on Invoice Deadline Extension Request" dated 1/16/2015.

In our appeal to SLD dated 9/25/2015 the District explained to SLD that our initial appeal, submitted on 3/11/2015, was to the FCC in the belief that it required a waiver of FCC rules which could only be granted by the Commission.<sup>3</sup> When the FCC advised us on 8/31/2015 that our appeal did not require an FCC waiver but instead should have been submitted to SLD,<sup>4</sup> the District submitted its appeal to SLD on 9/25/2015.

The District respectfully asks the Commission to allow us our "day in court."

- We presented our appeal, a Request for Waiver of the rules governing extension of the deadline to submit a BEAR form, to the Commission, but were advised that it was not truly a Request for Waiver. It does not appear that the Commission considered the merits of our waiver request per se, but only its categorization as Review versus Waiver.
- We then presented our appeal to the SLD on 9/25/15, only to have them refuse to consider it because it was submitted more than 60 days after their 1/16/2015 denial of our request for extension of the deadline to submit a BEAR form. When we questioned the decision as possibly being an error, we were told by SLD's Appeals Manager that "*FCC has already made their decision and did not Remand the appeal to us.*"<sup>5</sup>

We are perplexed that neither the FCC nor the SLD has a yet considered the merits of our appeal. The District presented the appeal initially to the FCC in a good-faith belief that it was a bona fide Request for Waiver. If we erred in our judgement of the FCC's appeal rules, we ask that the Commission consider that our submission of the appeal on 3/11/15 was timely (six days before the 60-day deadline), and that we submitted our appeal to the SLD 25 days after the FCC's 8/31/2015 decision. The District has acted within the rules governing timely submission of E-rate appeals, but in effect is being penalized for not realizing that our "Request" was for "Review" and not "Waiver".

We thank the Commission for its consideration in this matter; we are available to respond to questions or to provide any further information requested by the Commission in its review of this appeal.

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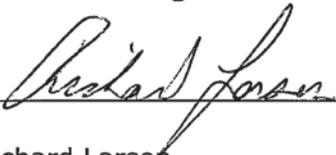
<sup>2</sup> Letter of Appeal from Gilroy Unified School District to Schools and Libraries Division, re: "FCC Public Notice - Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company (DA 15-983, released 8/31/2015) regarding Gilroy Unified School District, Application No. 830048, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11, 2015)", dated 9/25/2015.

<sup>3</sup> Per the "Report and Order and Further Notice of Proposed Rulemaking" (FCC 14-99, adopted 7/11/2014), paragraph 252: "*USAC cannot waive our rules; therefore parties seeking only a waiver of our rules are not governed by this requirement, but instead must seek relief directly from the Commission or the Bureau.*"

<sup>4</sup> FCC Public Notice - Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company (DA 15-983, released 8/31/2015), p.1, footnote 3.

<sup>5</sup> Email from Sumita Mukhopadhyay, SLD Appeals Manager, to Richard Larson, eRate 360 Solutions, subject "*Error in Appeal ADLs for two appeals – Gilroy Unified School District & Little Falls Township School*", dated 12/16/15.

**Authorized signature for this Appeal<sup>6</sup>**



---

Richard Larson  
eRate 360 Solutions, LLC  
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Parsippany, NJ 07054

Date: 1/12/16

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(preferred mode of contact)

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<sup>6</sup> “Letter of Agency” from Alvaro Meza, Assistant Superintendent – Business Services for Gilroy Unified School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of Gilroy USD.



**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2012-2013**

November 17, 2015

Richard Larson  
Erate 360 Solutions, Llc  
322 Route 46w, Suite 280w  
Parsippany, NJ 07054

Re: Applicant Name:	GILROY UNIFIED SCHOOL DISTRICT
Billed Entity Number:	144283
Form 471 Application Number:	830048
Funding Request Number(s):	2255018
Decision Letter Date:	December 23, 2014
Date Appeal Postmarked:	September 25, 2015
Your Correspondence Dated:	September 25, 2015

Our records show that your appeal was postmarked more than 60 days after the date your Administrator's Decision on Invoice Deadline Extension Request Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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.

Schools and Libraries Division  
Universal Service Administrative Company

Richard Larson  
Erate 360 Solutions, Llc  
322 Route 46w, Suite 280w  
Parsippany, NJ 07054

Billed Entity Number: 144283  
Form 471 Application Number: 830048  
Form 486 Application Number:



# GILROY UNIFIED SCHOOL DISTRICT

7810 Arroyo Circle, Gilroy, CA 95020

September 25, 2015

Letter of Appeal

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

Re: FCC Public Notice - Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company (DA 15-983, released 8/31/2015) regarding Gilroy Unified School District, Application No. 830048, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11, 2015)

**Authorized person who can best discuss this Appeal with you**

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 280W  
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**Information**

<u>Entity</u>	Gilroy Unified School District
<u>Billed Entity Number</u>	144283
<u>Funding Year</u>	2012-13
<u>471 Number</u>	830048
<u>Funding Request Number</u>	2255018
<u>Service Provider / SPIN</u>	Verizon California Inc. / 143004769
<u>Reimbursement Requested</u>	\$141,564.38

In their notice of 8/31/2015, the FCC determined that this appeal “properly belongs before USAC pursuant to Commission rules.”<sup>1</sup> In compliance with the FCC’s decision, we are submitting this appeal to SLD for their consideration. Please note that this appeal was originally submitted to the FCC in the belief that it required a waiver of FCC rules which could only be granted by the Commission. We ask the SLD to now accept this appeal, with the hope that they will extend the deadline for invoicing USAC for FRN 2255018, thereby allowing Verizon California to submit a Form 474 for reimbursement of \$141,564.38 to Gilroy Unified School District.

**Appeal:**

Gilroy Unified School District (the District) respectfully requests the SLD to accept the District’s 11/13/2014 Invoice Deadline Extension Request for FRN 2255018 in 471 application number 830048.<sup>2</sup> This will permit the service provider, Verizon California Inc.

<sup>1</sup> FCC Public Notice - Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company (DA 15-983, released 8/31/2015), p.1, footnote 3.

<sup>2</sup> Email from the SLD to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, on November 13, 2014, subject: “SLD Inquirv #: 22- 694558 Received”. acknowledging SLD’s receipt of Mr. Hetman’s requested extension.

(Verizon) to submit a Form 474 (SPI) for reimbursement of \$141,564.38 of E-rate discounts for this FRN. Because the District paid the full amount of the Verizon invoices, the SPI reimbursement will be a badly needed lump-sum credit to the District.

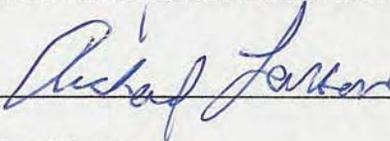
On 10/23/2014 the District's E-rate consultant, Matthew Hetman, submitted online BEAR # 2096134 for FRN 2255018<sup>3</sup> for Verizon's certification. Verizon refused to certify the BEAR form,<sup>4</sup> and on 10/23/2014 a Verizon agent explained to Mr. Hetman that they were obligated to submit a SPI for this type of FRN for a California school. In an email the same day the agent included a form for the District to complete and return to Verizon providing Verizon with information necessary to prepare a SPI form.<sup>5</sup>

Mr. Hetman completed the 3-page form and verified the information with the District, but was unable to provide the form to Verizon in time for Verizon to file their SPI form. Subsequently, on 11/13/2014, Mr. Hetman submitted the Invoice Deadline Extension Request.

The District was unaware the Verizon would not certify a BEAR form for FRN 2255018 – we do not know of any provision in the E-rate rules for Verizon's action. This refusal by Verizon – totally beyond the control of the District – is depriving the District of \$141,564.38. Our BEAR form was filed sufficiently before the 10/28/2014 deadline to allow Verizon time to review and certify the BEAR. We respectfully request the SLD to extend the deadline for invoicing USAC for FRN 2255018 so that Verizon can file a SPI for the \$141,564.38 of discounts.

We thank the SLD for its consideration in this matter. We are available to respond to questions or to provide any further information requested by the SLD in its review of this appeal.

**Authorized signature for this Appeal<sup>6</sup>**



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eRate 360 Solutions, LLC  
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<sup>3</sup> FCC Form 472 # 2096134 for SPIN 143004769 (Verizon California Inc.), FRN 2255018 in Form 471 # 830048, submitted on 10/23/2014 8:29 AM by Gilroy USD; and email from the SLD to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, on 10/23/2014 8:30 AM, subject: "Online BEAR 2096134 successfully30submitted".

<sup>4</sup> Email from the SLD to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, and Whitney Hansen, Verizon California Inc., on October 23, 2014, subject: "Online BEAR Certification Results", reporting Verizon California Inc. failure to certify FRN 2255018 in BEAR Invoice 2096134.

<sup>5</sup> Email from Whitney Hansen, Business Sales Support Specialist, Verizon, to Matthew Hetman, eRate 360 Solutions consultant for Gilroy USD, on October 23, 2014, subject: "Verizon Data Gathering Form for FY2012 & FY2013 Gilroy US"

<sup>6</sup> "Letter of Agency" from Alvaro Meza, Assistant Superintendent – Business Services for Gilroy Unified School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of Gilroy USD.

**NOTE 3**

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

In the Matter of )  
 )  
Modernizing the E-rate ) WC Docket No. 13-184  
Program for Schools and Libraries )

**REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULEMAKING**

**Adopted: July 11, 2014**

**Released: July 23, 2014**

**Comment Date: September 15, 2014  
Reply Comment Date: September 30, 2014**

By the Commission: Chairman Wheeler and Commissioner Clyburn issuing separate statements; Commissioner Rosenworcel approving in part, concurring in part and issuing a statement; Commissioners Pai and O’Rielly dissenting and issuing separate statements.

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Commission review of such decisions, as provided in the Commission's rules.<sup>612</sup> This rule change will become effective 30 days after the publication of this Report and Order in the Federal Register.

251. Currently, any party may seek Commission review of an action taken by USAC without first seeking review of that decision by USAC.<sup>613</sup> One result of the current system is a growing number of E-rate appeals with the Commission. While we have made a concerted effort to reduce the backlog of appeals, a backlog remains and we continue to receive numerous appeals on a monthly basis.<sup>614</sup> The appeals backlog is further exacerbated by the fact that aggrieved parties often decline to seek review from USAC and appeal directly to the Commission.<sup>615</sup>

252. We find that requiring parties to first file appeals of USAC decisions with USAC itself before seeking Commission review will improve efficiency in the appeals process. It will reduce the number of appeals coming to the Commission, and allow USAC an initial opportunity to correct any of its own errors, and to receive and review additional information provided by aggrieved parties without having to involve the Commission staff.<sup>616</sup> We remind parties filing an appeal with USAC to follow USAC's appeals guidelines and provide USAC with all relevant information and documentation necessary for USAC to make an informed decision on an appeal.<sup>617</sup> **USAC cannot waive our rules; therefore parties seeking only a waiver of our rules are not governed by this requirement, but instead must seek relief directly from the Commission or the Bureau.**<sup>618</sup>

#### **F. Directing USAC to Adopt Additional Measures to Improve the Administration of the E-rate Program**

253. We adopt a number of additional measures to ease the burden upon applicants, expedite commitments, and ensure that all applicants receive complete and timely information to help inform their

<sup>612</sup> See 47 C.F.R. §§ 54.719-54.725 (rules governing review of decisions issued by USAC). While the *E-rate Modernization NPRM* sought general comment on ways to improve and streamline the Commission's E-rate appeal process, the procedural rule change adopted herein is not subject to the Administrative Procedures Act notice and comment requirement as it does not alter the rights or interests of parties. See 5 U.S.C. § 553(b) (providing exceptions to the general notice and comment requirement for rules of agency organization, procedure or practice); *JEM Broadcasting v. FCC*, 22 F.3d 320, 326 (D.C. Cir. 1994) (quoting *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980)) (holding that the "critical feature" of the procedural exception "is that it covers agency actions that do not themselves alter the rights or interests of parties, although it may alter the manner in which the parties present themselves or their viewpoints to the agency").

<sup>613</sup> 47 C.F.R. §§ 54.719, 54.722-54.723.

<sup>614</sup> See *E-rate Modernization NPRM*, 28 FCC Rcd at 11376, para. 266.

<sup>615</sup> See *Report on FCC Process Reform* at 1417, page 77.

<sup>616</sup> See *id.*; SECA Comments on the Reform Report, GN Docket No. 14-25, at 2. But see PAIU NPRM Comments at 3 (opposing efforts to modify parties' right to appeal, but suggesting that the Commission delegate authority to USAC to decide appeals for which the Commission has previously opined). Taking this action does not deny anyone of the right to Commission review; it simply changes the process by which appeals are handled, with ultimate review by the Commission still available.

<sup>617</sup> See USAC, Schools and Libraries Program, Program Integrity, <http://www.usac.org/about/about/program-integrity/> (last visited June 18, 2014). USAC will generally accept new information and documentation on appeal unless the documentation provided on appeal contradicts information contained in the original file and the applicant is unable to resolve the discrepancy; the documentation submitted on appeal is not the original documentation and was created in response to a USAC request during the appeal review; or the applicant was not working with USAC in good faith. See USAC, Schools and Libraries Program, Program Integrity, <http://www.usac.org/sl/about/program-integrity/appeals-guidelines.aspx> (last visited June 18, 2014).

<sup>618</sup> See 47 C.F.R. § 1.3 (providing that the Commission may waive its rules on its own motion or on petition if good cause is demonstrated); 47 C.F.R. § 0.91(b) (delegating authority to the Bureau to act on requests for waiver of the Commission's rules). USAC does not have authority to act on waiver requests under the Commission's rules.



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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

DA 15-983

Released: August 31, 2015

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

CC Docket No. 96-45  
CC Docket No. 97-21  
CC Docket No. 02-6  
WC Docket No. 06-122

Pursuant to our 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.<sup>1</sup> 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.<sup>2</sup>

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

#### Dismiss<sup>3</sup>

Gilroy Unified School District, Application No. 830048, Request for Waiver, CC Docket No. 02-6 (filed Mar. 11 2015)

Greater Albany Public School District, Application No. 846615, Request for Waiver, CC Docket No. 02-6 (filed Mar. 9, 2015)

Greenbrier County School District, Application No. 776848, Request for Waiver, CC Docket No. 02-6 (filed May 8, 2015)

<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 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).

<sup>2</sup> 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).

<sup>3</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by La Canada Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 30 FCC Rcd 4729, para. 2 (Wireline Comp. Bur. 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

**Richard Larson**

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**From:** Mukhopadhyay, Sumita <Sumita.MUKHOPADHYAY@sl.universalservice.org>  
**Sent:** Wednesday, December 16, 2015 3:21 PM  
**To:** 'Richard Larson'  
**Subject:** RE: Error in Appeal ADLs for two appeals- Gilroy Unified School District & Little Falls Township School  
**Attachments:** Gilroy\_USAC-Appeal\_471-830048\_ADL\_11-19-15.pdf; LittleFalls\_FY17\_471s\_985116-991002\_USAC-Appeal\_ADL\_11-19-15.pdf; Gilroy\_USAC-Appeal\_471-830048\_letter\_9-25-15.pdf; LittleFalls\_FY17\_471s\_985116-991002\_USAC-Appeal-Ltr\_10-28-15.pdf

Richard

We have received USAC guidance on this. Based on the fact that FCC has already made their decision and did not Remand the appeal to us, we are unable to process this.

Thanks  
Sumita.

---

**From:** Richard Larson [<mailto:rlarson@erate360.com>]  
**Sent:** Monday, November 23, 2015 3:25 PM  
**To:** Mukhopadhyay, Sumita  
**Subject:** Error in Appeal ADLs for two appeals

Sumita –

I believe there is an error in the two appeal ADLs I just received from your department (please see the attached PDFs):

- Gilroy Unified School District (BEN 144283) – Form 471 # 830048 – filed 9/25/15
- Little Falls Township School Di (BEN 122823) – Form 471 #s 985116 & 991002 – filed 10/28/15

The stated reason for both appeals being denied is “... *FCC rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed.*” In each case, the appeal was originally was timely-filed with the FCC in the belief that the appeal was a Request for Waiver and therefore should not be filed with SLD but instead should be filed with the FCC. The Gilroy USD appeal requested a Waiver of the Form 486 filing deadline, and the Little Falls appeal requested a Waiver of the Invoice filing deadline (please see the attached appeal letters).

However, for reasons not stated by the FCC in its ruling, both Requests for Waiver were dismissed by the FCC with the terse statement that each of these appeals “*properly belongs before USAC pursuant to Commission rules.*”

I do not believe SLD’s 60-day clock should be calibrated on the original denial documents, but rather against the FCC’s 9/30/2015 DA 15-1105. We appealed to the FCC in the good faith belief that we were complying with recently issued FCC guidelines on the filing of appeals. We re-flied these appeals with SLD in compliance with the FCC’s instructions on DA 15-1105. We believe that it is an error for the SLD to ignore those instructions from the FCC, and ask that you withdraw these two ADLs and judge each of these appeals on its merits.

Thank you for your consideration in this matter.

Sincerely,

Richard Larson

Senior Compliance Officer



**eRate 360 Solutions, LLC**

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## Letter of Agency

**Gilroy Unified School District**  
**Billed Entity Number: 144283**

### Letter of Agency For FY 15 (2012 - 2013) and FY16 (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 **Gilroy Unified School 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 **Gilroy Unified School 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: Gilroy Unified School District

Date: FEB 1, 2012

Signature: 

Printed Name: Alvaro Lopez

Title: Assistant Supt., Business Services