

Little Falls Township Public Schools

560 Main Street, Little Falls, New Jersey 07424

March 29, 2016

Petition for Reconsideration

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

CC Docket No 02-6

Petition for Reconsideration of Federal Communications Commission (FCC) Public Notice "Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company", DA No. 16-220, February 29, 2016

Authorized person who can best discuss this Appeal with you

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Parsippany, NJ 07054 (preferred mode of contact)

Application Information

Entity Little Falls Township School District
Billed Entity Number 122823

<u>Form 471 #</u>	<u>FRN</u>	<u>SPIN</u>	<u>Service Provider</u>	<u>Original Funding Commitment</u>	<u>486 NL Funding Commitment</u>
985116	2703924	143013604	Cablevision Lightpath of NJ	\$17,424.00	\$11,616.00
991002	2704784	143023377	Line Systems, Inc.	\$2,793.12	\$1,862.08
991002	2704877	143000677	Verizon Wireless	\$1,716.00	\$1,144.00
TOTALS				\$21,933.12	\$14,622.08

Document Being Appealed: Public Notice: DA No. 16-220, February 29, 2016¹

Decision on Request: "Untimely Filed Request for Review"

Explanation: "...our rules specify that an affected party seeking review of a USAC decision shall file its request within 60 days from the date of that decision, not the Bureau's action in dismissing the appeal. See 47 CFR § 54.720(b)." ²

¹ DA 16-220, February 29, 2016, "Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company", p. 8. Footnote 24.

² Ibid, p. 8 footnote 24

Petition for Reconsideration:

Little Falls Township School District (the District) believes the Commission erred in its decision in Public Notice: DA No. 16-220, released February 29, 2016. The Commission erred by reviewing this under 47 CFR §54.720 (b) Filing deadlines. We believe it should correctly have been reviewed under 47 e-CFR §54.719 (c), and as such our request for waiver filed on 5/25/15 should be granted, and our appeal should be remanded to USAC for review on its merits.

We originally filed a Request for Waiver on 5/25/15³ regarding USAC's 3/25/15 Form 486 Notification Letter which stated, Service Start Date Change Explanation: 120-DAY 486 DEADLINE. The Form 486 NL changed the Service Start Date (SSD) from 7/1/14 to 11/3/14 for all three FRNs 2703924, 2704784, and 2704877. This resulted in the Original Funding Commitment of \$21,933.12 being reduced to \$14,622.08 and the denial of \$7,311.04.

Our understanding of the Commission's rules is that an appeal of a form deadline rule requires a waiver of the Commission's Rules regarding form deadlines. Under 47 e-CFR §54.719 (c): *"Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission."*⁴

This is further emphasized on the USAC website *"Parties seeking a waiver of FCC rules (i.e. late payment fees, waiver of form deadlines, etc.) should file an appeal directly with the FCC because USAC cannot waive FCC rules."*⁵

A third party responsible for filing the Form 486 for FRNs 2703924, 2704784, and 2704877, failed to do so, which was totally beyond the control of the District. As soon as the District discovered this, a Form 486 was filed. Upon receiving the Form 486 NL showing the SSD change, we asked that the FCC waive the rule requiring that the FCC Form 486 must be submitted no later than 120 days after the Service Start Date or 120 days after the date of the FCDL, whichever is later.⁶ The District in good faith interpreted and followed the Commission's rules under e-CFR §54.719 (c) and filed a Request for Waiver of the deadline directly to the Commission.

In its decision in Public Notice DA 15-983, Released: August 31, 2015 we believe the FCC erred in not reviewing the specific issues of our properly presented Request for Waiver. The reason cited by the Commission was, *"...dismissing an appeal that properly belongs before USAC pursuant to Commission rules."*⁷

The District strongly believes this is a legitimate and proper Request for Waiver filed in good faith with the FCC based on our belief that Commission rules regarding appeals of denied deadline extensions require an FCC waiver of Commission rules.

However, based on the Commission's (we believe erroneous) decision to dismiss dated 9/30/2015, we filed the appeal with USAC. Since we had to await the issuance of the

³ Request for Waiver from Little Falls Township School District to Federal Communications Commission, re "Form 486 Notification Letter regarding FRNs 2703924, 2704784, and 2704877", dated 3/25/2015.

⁴ 47 e-CFR §54.719 (c)

⁵ <http://www.usac.org/about/about/program-integrity/appeals.aspx>

⁶ Request for Waiver from Little Falls Township School District to Federal Communications Commission, re "Form 486 Notification Letter regarding FRNs 2703924, 2704784, and 2704877", dated 3/25/2015.

⁷ Appeals Disposition Public Notice 9-30-15 p.1 footnote 3

Commission's decision, the appeal to USAC was sent on 10/28/2015.⁸ USAC's decision on appeal states:

*"Our records show that your appeal was postmarked more than 60 days after the date your FCC Form 486 Notification 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."*⁹

There was no consideration to the fact that a Request for Waiver was properly lodged with the FCC and we were in good faith following the Commission's rules.

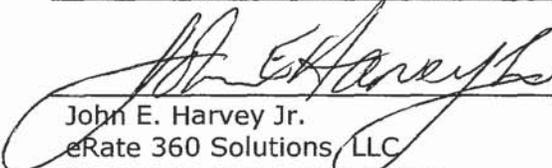
Conclusion:

There being no evidence of fraud, waste and abuse of program funds, Little Falls Township School District is of the opinion that we are being deprived of \$7,311.04 because of actions or lack thereof of a Consultant over whom we have no control.

If the District's belief that appeal of a waiver of form deadlines requires a waiver of Commission Rules is flawed we ask the Commission not to penalize the District for interpreting erroneously but to remand this application back to USAC to make a determination on its merits.

We thank the Commission for its reconsideration 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

Authorized signature for this Appeal ¹⁰


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⁸ Letter of Appeal from Little Falls Township 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 15-1105, released 9/30/2015) regarding Little Falls Township School District, Application Nos. 985116, 991002 Request for Waiver, CC Docket No. 02-6 (filed May. 26, 2015)", dated 10/28/2015

⁹ USAC ADLs for Application No. 985116 and 991002

¹⁰ "Letter of Agency" from Michael Leary, Interim Business Administrator of Little Falls Township School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of the District.



Federal Communications Commission
Washington, D.C. 20554

Memo

To: Richard Larson, for
(Greater Albany Public Schools)

From: Ryan B. Palmer, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission

Date: March 2, 2016

Re: DA No. 16-220, released February 29, 2016

Please find accompanying this memo the Bureau's decision on your appeal. The accompanying decision may be referenced in the future by its proceeding number and release date: DA No. 16-220, Released February 29, 2016.

If the Bureau has granted your appeal, please contact the Universal Service Administrative Company (USAC) at 1-888-203-8100 for more information regarding your application. Please submit any information to USAC that the order may require. Once USAC has reviewed your application related to the issues resolved in the attached letter, you will receive a revised funding commitment decision letter.

If the Bureau has denied your appeal and you choose to seek consideration of the Bureau's decision, you must file either a petition for reconsideration by the Bureau or an application for review by the full Commission with the Commission within 30 days from the released date of this decision. You may file your petition for reconsideration or application for review using the Internet by accessing the Commission's electronic comment filing system (ECFS) at <http://fjallfoss.fcc.gov/ecfs2/>. Please be sure to reference CC Docket No. 02-6 on your filing.



PUBLIC NOTICE

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

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

DA 16-220

Released: February 29, 2016

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

CC Docket No. 02-6
WC Docket No. 06-122
WC Docket No. 02-60

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, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismiss to File Appeal with USAC³

Chatfield School District 227, MN, Application No. 946913, Request for Review, CC Docket No. 02-6 (filed Jan. 22, 2016)

Fridley School District 14, MN, Application No. 950028, Request for Review, CC Docket No. 02-6 (filed Feb. 11, 2015)

KIPP San Antonio, TX, Application No. 946492, Request for Waiver, CC Docket No. 02-6 (filed Nov. 30, 2015)

¹ 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 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c).

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

³ See, e.g., *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 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

Lanesboro Public School, MN, Application No. 952769, Request for Review, CC Docket No. 02-6 (filed Jan. 22, 2016)

Leadore Community Library, ID, Application No. 941794, Request for Waiver, CC Docket No. 02-6 (filed Dec. 15, 2015)

Marshall County Memorial Library, TN, Application No. 1006789, Request for Review, CC Docket No. 02-6 (filed Feb. 11, 2016)

Dismiss for Failure to Comply with the Commission's Basic Filing Requirements⁴

Fazil Bhimani, MN, No Application Number Given, CC Docket No. 02-6 (filed Jan. 22, 2016)

Fazil Bhimani, MN, No Application Number Given, CC Docket No. 02-6 (filed Jan. 22, 2016)

Sedona Charter School, AZ, No Application Number Given, CC Docket No. 02-6 (filed Jan. 5, 2016)

Vision Net, MT, No Application Number Given, CC Docket No. 02-6 (filed Jan. 27, 2016)

Dismiss as Moot⁵

Collinsville Public Library, AL, Application No. 977992, Request for Review, CC Docket No. 02-6 (filed Apr. 28, 2015)

Harambee Institute of Science and Technology Charter School, PA, Application No. 874945, Request for Review, CC Docket No. 02-6 (filed June 25, 2015)

⁴ 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, including the requirement that the request for review include supporting documentation); *see also Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

⁵ *See Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC approved the underlying funding request).

Dismiss on Reconsideration⁶

Biblioteca Abelardo Díaz Alfaro, PR, Application No. 807387, Petition for Reconsideration, CC Docket No. 02-6 (filed Apr. 27, 2015)

Yeshiva D'Monsey, NY, Application No. 693241, Petition for Reconsideration, CC Docket No. 02-6 (filed Nov. 3, 2015)

Dismiss on Reconsideration - Untimely⁷

Black Mesa Community School, AZ, Application No. 873629, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 27, 2016)

Granted⁸

*Granting Additional Time to Respond to USAC's Request for Information*⁹

Center for Advance Learning, CA, Application No. 1041418, Request for Review, CC Docket No. 02-6 (filed Feb. 2, 2016)

Erie Rise Leadership Academy Charter School, PA, Application No. 993108, Request for Review, CC Docket No. 02-6 (filed Feb. 16, 2016)

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

⁷ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 26 FCC Rcd 13004 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions); *Petitions for Reconsideration by Lincoln Parish School Board et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 7992, 7992, para. 1 n.1 (WCB 2011) (stating that the Bureau has the authority under 47 CFR § 1.106(p) to dismiss petitions for reconsideration of a Commission action that plainly do not warrant consideration by the Commission, such as petitions that are late-filed).

⁸ We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

⁹ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame).

*Discount Calculation - Urban/Rural Classification*¹⁰

St. Anthony Grade School, HI, Application No. 944613, Request for Review, CC Docket No. 02-6 (filed Sept. 18, 2014)¹¹

*Eligible Services*¹²

Hackley Public Library, MI, Application No. 838141, Request for Review and/or Waiver, CC Docket No. 02-6 (filed May 22, 2015)

Scranton Public Library, PA, Application Nos. 442455, 495363, 541934, 592057, 649268, 713891, 776424, Request for Review, CC Docket No. 02-6 (filed July 22, 2011)

*Ministerial and/or Clerical Errors – FCC Form 471*¹³

St. Catherine School, WI, Application No. 1017995 (FRN 2763124), Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)

Strive Preparatory School - District, CO, Application No. 1011445, Request for Review and Waiver, CC Docket No. 02-6 (filed Jan. 11, 2016, supplemented Feb. 8, 2016)

¹⁰ *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (remanding applications for further processing when it appeared that USAC reduced the requested discount rate without providing the applicants with a sufficient opportunity to provide supporting evidence).

¹¹ A review of the record indicates that USAC denied petitioner's request for a rural discount based on an erroneous conclusion that St. Anthony Grade School is located in Honolulu County, Hawaii. Petitioner's application states that the school is located in the town of Wailuku. Petitioner's location in Wailuku is not disputed in the record. Wailuku is located in Maui County, not Honolulu County. We remand this application to provide petitioner with the opportunity to support its requested discount based on its accurate location. We express no opinion regarding petitioner's ultimate eligibility for a rural discount. Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by Animas School District 6 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16903, 16905, para. 4 (WCB 2011) (granting petitioners waivers of our filing deadline for appeals because their late-filed appeal would never have been necessary absent an error on the part of USAC); 47 CFR §§ 54.720(a), (b).

¹² *See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District 5 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2080 (WCB 2012) (finding that USAC erred in its eligibility determination regarding the services petitioners sought for funding and reversing USAC's decision to reclassify services).

¹³ *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320 nn.5 & 13 (WCB 2010) (permitting applicant to add item it failed to enter from pre-existing documentation associated with the application and to correct mischaracterization of non-discounted price as the pre-discount price). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late); 47 CFR §§ 54.720(a), (b).

Trinity Lutheran School, IA, Application No. 1011029, Request for Review, CC Docket No. 02-6 (filed July 23, 2015)

*Necessary Resources*¹⁴

Northside Children's Day Center, NY, Application No. 145762, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Apr. 25, 2005)¹⁵

*Service Substitution*¹⁶

Cornerstone Sch-Nevada, MI, Application No. 758131, Request for Review, CC Docket No. 02-6 (filed Jan. 29, 2013)

*Waiver of Appeal Filing Deadline*¹⁷

Bastrop Independent School District, TX, Application No. 962244, Request for Waiver, CC Docket No. 02-6 (filed Jan. 27, 2016)

¹⁴ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Academy of Excellence et al.; Schools and Libraries Universal Service Support Mechanism* CC Docket No. 02-6, Order, 22 FCC Rcd 8722, 8727-28 (2007) (granting applicants the chance to reduce their funding requests to levels such that they had the necessary resources to use them effectively before being reevaluated by USAC when there was no evidence of fraud or abuse and their initial requests appeared to represent a good faith effort to purchase only what they could use effectively).

¹⁵ We also grant this appeal with respect to the issue about its technology plan. See, e.g., *Requests for Review or Waiver of the Decisions of the Universal Service Administrator by Brownsville Independent School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6045, 6049, para 8 (2007) (waiving procedural aspects of the technology plan rules for petitioners that failed to show that they had an approved technology plan in place for the relevant funding year).

¹⁶ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Beaufort County Public School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, 29 FCC Rcd 3124, 3125, para. 3 (WCB 2014) (granting service substitution appeals when the petitioners missed USAC's deadline for service substitution requests but complied with the Commission's requirements for service substitutions under 47 CFR § 54.504(d) and had a reasonable explanation for missing the deadline). Additionally, we direct USAC to grant the applicant an extension of the service implementation deadline to allow it to implement its service substitution request. See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation when applicants meet the requirements for a service implementation deadline extension).

¹⁷ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 8.

*Waiver of Competitive Bidding Requirement to Comply with State and Local Procurement Rules*¹⁸

Riverside Unified School District, CA, Application Nos. 775641, 799564, 818678, 820175, 820454, Request for Declaratory Ruling or Waiver, CC Docket No. 02-6 (filed Dec. 10, 2015)

*Waiver of Price as Primary Factor Requirement: Applicant Selected Lowest-price Solution*¹⁹

Troup County School System, GA, Application No. 845112, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 30, 2015)

Denied

*FCC Form 470 with Inadequate Specificity and No Indication of Request for Proposal (RFP) on Services Being Sought*²⁰

Biblioteca Abelardo Díaz Alfaro, PR, Application No. 989482, Request for Review and Waiver, CC Docket No. 02-6 (filed Oct. 16, 2015)²¹

Colegio Catolico Notre Dame Secundario, PR, Application Nos. 979835, 979879, 987304, 972245, 990843, Request for Review, CC Docket No. 02-6 (filed Sept. 14, 2015)

¹⁸ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1941, 1941, para 1 (WCB 2012) (granting waiver to San Jose Unified School District of competitive bidding rule requiring compliance with state and local procurement law when the applicant violated a state rule requiring the RFP to be published in a newspaper of general circulation but the applicant published the RFP on its website and received sufficient bid responses, and there was no evidence of waste, fraud, and abuse). This waiver applies to FRNs 2102832, 2165204, 2232257, 2233278, and 2227717.

¹⁹ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115-17, paras. 10-12 (WCB 2011) (waiving the requirement that an applicant be able to demonstrate that it used price as the primary factor in vendor selection when the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse).

²⁰ See, e.g., *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District et al.; Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26406, 26410, para. 7 (2003) (clarifying that the requirement for a bona fide request for services means that “applicants must submit a list of specified services for which they anticipate they are likely to seek discounts consistent with their technology plans, in order to provide potential bidders with sufficient information on the FCC Form 470, or on an RFP cited in the FCC Form 470, to enable bidders to reasonably determine the needs of the applicant”); *Request for Review of the Decision of the Universal Service Administrator by Washington Unified School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 13746, 13748, paras. 3-5 (WCB 2013) (finding that the applicant violated the Commission’s competitive bidding requirements by failing to include sufficient information on its FCC Form 470 to enable prospective service providers to identify and formulate bids).

²¹ Although the applicant’s appeal to USAC was filed late, consistent with precedent, we find good cause exists to waive section 54.720(a) of the Commission’s rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because they submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC’s adverse decision). Therefore, we address this appeal on the merits and deny it because of competitive bidding violations.

Consortio Colegios Catolicos Diocesis Fajardo y Humacao, PR, Application Nos. 942769, 942755, 985436, 987380, 986857, Request for Review, CC Docket No. 02-6 (filed Sept. 15, 2015)

Consortium Escuelas Catolicas, PR, Application Nos. 979223, 978025, 991208, 978939, 991149, 987324, 987261, 978169, 983530, 983348, 982395, 978093, 978146, Request for Review, CC Docket No. 02-6 (filed Sept. 14, 2015)

*Ineligible Services*²²

City of Boston, Dept. of Neighborhood Development, MA, Application No. 151059, Request for Review, CC Docket No. 02-6 (filed Mar. 18, 2004)

*Ministerial and/or Clerical Errors – FCC Form 471*²³

Fall River Joint Unified SD, CA, Application No. 1012895, Request for Review and Waiver, CC Docket No. 02-6 (filed Feb. 4, 2016)

Risen Savior Lutheran School, WI, Application No. 1007714, Request for Review, CC Docket No. 02-6 (filed Oct. 13, 2015)

St. Catherine School, WI, Application No. 1017995 (FRN 2763122), Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)

St. Paul Lutheran School, LA, Application No. 1013728, Request for Review, CC Docket No. 02-6 (filed Dec. 7, 2015)

Timothy Academy South, PA, Application No. 1014359, Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)

The Neighborhood Academy, PA, Application No. 832296, Request for Review, CC Docket No. 02-6 (filed Oct. 31, 2012)

²² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by AllWays, Inc. (Prairie Hills School District 144); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1968, 1969, para. 1 (WCB 2012) (upholding denials of funding requests for services that had not been designated as eligible for E-rate support). In determining which party or parties to hold responsible for violations of E-rate rules, the Commission has directed USAC to consider which party was in the better position to have prevented the violation and which party committed the act or omission that forms the basis of the violation. See *Federal-State Joint Board on Universal Service; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 96-45, 97-21, 02-6, Order on Reconsideration and Fourth Report and Order, 19 FCC Rcd 15252, 15257, para. 15 (2004) (*Schools and Libraries Fourth Report and Order*). In this case, the service provider, W.T. Rich Company, Inc. submitted to USAC invoices that included ineligible services. Under the program rules in place at the time, the applicant, City of Boston, Dept. of Neighborhood Development, was not required to review invoices and did not make any certifications with respect to whether the services on the invoices were eligible. Accordingly, we direct USAC to continue recovery proceedings against W.T. Rich Company, Inc. only.

²³ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-rate applications).

*Untimely Filed Request for Review*²⁴

Crossroads Academy, FL, Application No. 1051023, Request for Review, CC Docket No. 02-6 (filed Feb. 1, 2016)

Gilroy Unified School District, CA, Application No. 830048, Request for Review, WC Docket No. 02-6 (filed Jan. 12, 2015)

Greater Albany Public Schools, OR, Application No. 846615, Request for Review, CC Docket No. 02-6 (filed Jan. 11, 2016)

Jersey Community Unit School District 100, IL, Application No. 947918, Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2015)²⁵

Holy Cross School, IL, Application No. 992762, Request for Waiver, CC Docket No. 02-6 (filed Feb. 10, 2016)

Little Falls Township Public Schools, NJ, Application Nos. 985116,991002, Request for Review, CC Docket No. 02-6 (filed Jan. 12, 2016)

McCleary School District 65, WA, Application No. 1051602, Request for Waiver, CC Docket No. 02-6 (filed Feb. 12, 2016)

Nevada Joint Union High School District, CA, Application Nos. 826037, 864705, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2013)

Riverhead Central School District, NY, Application No. 1008865, Request for Review, CC Docket No. 02-6 (filed Feb. 1, 2016)

St. Michael School, IL, Application No. 986333, Request for Waiver, CC Docket No. 02-6 (filed Feb. 9, 2016)

²⁴ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by the Commission's rules, and did not show special circumstances necessary for the Commission to waive the deadline). Gilroy Unified School District, Greater Albany Public Schools and Little Falls Township Public Schools argue that their USAC decision appeals should have been considered timely since they were filed with USAC within 60 days of the Bureau's decision to dismiss the appeals. We note, however, that our rules specify that an affected party seeking review of a USAC decision shall file its request within 60 days from the date of that decision, not the Bureau's action in dismissing the appeal. See 47 CFR § 54.720(b).

²⁵ Jersey Community Unit School District 100 filed an appeal with USAC seeking review of two separate decisions concerning the same application. We note that its appeal is untimely only in relation to the Oct. 7, 2015, Form 472 (BEAR) Notification Letter, not the Form 472 (BEAR) Notification Letter dated Nov. 12, 2015.

*Violation of the Competitive Bidding 28-Day Rule*²⁶

Henry County School District, VA, Application No. 1013393, Request for Review, CC Docket No. 02-6 (filed Feb. 2, 2016)²⁷

Contribution Methodology
WC Docket No. 06-122

Dismiss as Moot

*Late 499-Q Filing Waiver Request*²⁸

Netwolves Network Services, LLC (f.k.a. Norstan Network Services), Petition for Waiver, WC Docket 06-122 (filed Sept. 1, 2015)

Dismiss Without Prejudice

*Late Filing Fee Waiver Request*²⁹

Craig Communications, LLC, Petition for Waiver, WC Docket 06-122 (filed Feb. 2, 2016)

²⁶ See, e.g., *Application for Review of A Decision of the Universal Service Administrator by Challis Joint School District #181; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 3812, 3814, para. 5 (WCB 2011) (denying request for review where applicant selected a service provider for E-rate services prior to submitting its FCC Form 470 when the rule requires the applicant to wait at least 28 days after such posting).

²⁷ USAC denied the appeal for Application No. 1013393 on the grounds that there was no signed contract in place when petitioner filed its FCC Form 471. However, on *de novo* review, we find that the petitioner failed to wait 28 days before making a determination to select a service provider for E-rate services. Thus, we deny this appeal on the ground that petitioner violated the Commission's competitive bidding 28-day rule.

²⁸ *Universal Service Contribution Methodology, Requests for Waiver of Decisions of the Universal Service Administrator by Ambess Enterprises Inc., et al.*, WC Docket No. 06-122, 25 FCC Rcd 3722 (WCB 2010) (dismissing several petitions for waiver of USAC decisions because subsequent USAC action has provided relief sought by petitioners).

²⁹ *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding request procedurally defective for failure to comply with 47 CFR § 54.721).

Denial

*Late 499-A Filing Fee Waiver Request*³⁰

Flatel Wireles, Inc. dba ZingPCS, Petition for Waiver, WC Docket 06-122 (filed Jan. 19, 2016)

Rural Health Care (RHC)

WC Docket No. 02-60

Grants

*Invoice Deadline Extension Request*³¹

Charles Cole Memorial Hospital, HCP No. 31776, FRN 1456059, WC Docket No. 02-60 (filed Dec. 29, 2015)

*Failure to Comply with Invoicing Procedures*³²

AT&T Corporation, WC Docket No. 02-60 (filed June 3, 2011) (concerning Crawford Memorial Hospital and Health Services, HCP No. 10803, FRN 29817)

³⁰ *Universal Service Contribution Methodology, Federal-State Joint Board on Universal Service, Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology, Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology, Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010); *Federal-State Joint Board on Universal Service, Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC 499 instructions).

³¹ *See, e.g., Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15555, 15558, para. 6 (WCB 2008) (granting relief to petitioners demonstrating good faith in complying with the invoicing deadline).

³² We find that Crawford Memorial Hospital and Health Services (Crawford) is the party at fault in violating the Commission's invoicing procedures. We therefore direct USAC to discontinue its recovery actions against AT&T Corporation for FRN 29817 and seek recovery of funding from Crawford, the party at fault in violating the Commission's invoicing procedures. We also clarify that recovery of funds improperly disbursed under the rural health care support mechanism (i.e., the Telecommunications and Healthcare Connect Fund programs) shall be directed at the party or parties who have committed the statutory or rule violation, regardless of whether that party is a beneficiary or a service provider. *See, e.g., Schools and Libraries Fourth Report and Order*, 19 FCC Rcd 15252, 15255-57, paras. 10-15 (directing USAC to pursue recovery actions against the party or parties that violated the Commission's rules); *Request for Review of the Decision by the Universal Service Administrator by Bell South Telecommunications, Inc. and Union Parish School Board; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 11208 (WCB 2012) (seeking recovery of funding from the party that violated the Commission's rules); AT&T Petition.

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

- FCC -



Universal Service Administrative Company

Schools and Libraries Division

FORM 486 NOTIFICATION LETTER
(Funding Year 2014: 07/01/2014 - 06/30/2015)

March 25, 2015

Bert Garofano co Roberto Rubino
 LITTLE FALLS TWP SCHOOL DIST
 322 Route 46 West
 Parsippany, NJ 07054

Re: Form 486 Application Number: 1059753
Applicant's FCC Form 486 Identifier: 122823-P1

This letter is to notify you that the Universal Service Administrative Company (USAC) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose Service Provider Identification Number (SPIN) you identified on each Funding Request Number (FRN).

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

An explanation of the data provided in our letter reports is in the Guide to USAC Letter Reports posted in the Reference Area of our website. Complete program information, including invoice deadlines, is also posted on our website. You may also contact our Client Service Bureau toll-free by phone at 1-888-203-8100, by email using the Submit a Question link on our website, or toll-free by fax at 1-888-276-8736.

NEXT STEPS

Discuss with your service provider whether you would like discounts on your bills or to pay your bills in full and be reimbursed for discounts.

Applicants invoice USAC before the invoice deadline using the applicant invoice [FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form] for reimbursements of discounts after paying the service provider bills in full. Service providers invoice USAC using the service provider invoice [FCC Form 474, Service Provider Invoice (SPI) Form] after billing applicants for their non-discount portion. Whichever method you choose, you must pay your non-discount portion, as stated in program rules. Program rules also require that participants maintain all documentation for at least five years after delivery of discount service.

TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

Schools and Libraries Division - Correspondence Unit
 30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
 Visit us online at: www.usac.org/sl

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the above date on 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 for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - FCC Form 486 Number 1059753 and FRN(s) as assigned by USAC,
 - "Form 486 Notification Letter for Funding Year 2014", AND
 - the exact text or the decision that you are appealing.
3. 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 the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the 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 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.

Schools and Libraries Division
Universal Service Administrative Company

FORM 486 NOTIFICATION LETTER REPORT
(Funding Year 2014)

Funding Request Number: 2703924
Form 471 Application Number: 985116
Service Provider Name: Cablevision Lightpath of New Jersey
Service Provider Identification Number: 143013604
Billing Account Number: N/A
Service Start Date: 11/03/2014*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$11,616.00

Funding Request Number: 2704784
Form 471 Application Number: 991002
Service Provider Name: Line Systems, Inc
Service Provider Identification Number: 143023377
Billing Account Number: N/A
Service Start Date: 11/03/2014*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$1,862.08

Funding Request Number: 2704877
Form 471 Application Number: 991002
Service Provider Name: Verizon Wireless (Cellco Partnership)
Service Provider Identification Number: 143000677
Billing Account Number: N/A
Service Start Date: 11/03/2014*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$1,144.00



USAC

Universal Service Administrative Company
Schools and Libraries Division

Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685



TIME SENSITIVE MATERIAL

00007

Bert Garofano co Roberto Rubino

LITTLE FALLS TWP SCHOOL DIST

322 Route 46 West

Parsippany, NJ 07054

ELECTRONIC CODE OF FEDERAL REGULATIONS

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Title 47: Telecommunication

PART 54—UNIVERSAL SERVICE

Subpart I—Review of Decisions Issued by the Administrator

[↑ Back to Top](#)

§54.719 Parties permitted to seek review of Administrator decision.

(a) Any party aggrieved by an action taken by the Administrator, as defined in §54.701, §54.703, or §54.705, must first seek review from the Administrator.

(b) Any party aggrieved by an action taken by the Administrator, after seeking review from the Administrator, may then seek review from the Federal Communications Commission, as set forth in §54.722.

(c) Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission.



Helping Keep Americans Connected

Schools & Libraries

Need Help?



Print Preview

FCC Form 486

Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form

FCC Form 486 Status: COMPLETE

Applicant's Form Identifier: 122823-P1

FCC Form 486 Number: 1059753

(create your own code to identify this FCC Form 486)

Block 1: Billed Entity Information

Need Help?

1. Billed Entity Name:

LITTLE FALLS TWP SCHOOL DIST

2. Billed Entity Number:

122823

3. Funding Year:

2014

4. Complete Mailing Address of Billed Entity:

Address Line 1: 560 MAIN STREET

Address Line 2 (optional):

City: LITTLE FALLS

State: NJ

Zip Code +4: 07424 -

Telephone: (973) 256 - 1034 ext.

Fax: (973) 256 - 6542

Email:

5. Contact Person Information:

Contact Person Name: Bert Garofano co Roberto Rubino

Contact Information is the same as in Item #4

Address Line 1: 322 Route 46 West



Telephone: (888) 535 - 7771 ext. 106

Address Line 2:



Fax: (866) 569 - 3019

City: Parsippany



Email: ugarofano@erate360.com

State: NJ

Zip Code +4: 07054 -

* Select a radio button above next to the preferred method of contact.

Block 2: Early Filing Information and CIPA Waiver Requests

Need Help?

6a. Early Filing

CHECK THE BOX BELOW IF THE FRNS ON THIS FCC FORM 486 ARE FOR SERVICES STARTING ON OR BEFORE JULY 31 OF THE FUNDING YEAR.



The Funding Requests listed in Block 3 have been approved by USAC as shown in my Funding Commitment Decision Letter (FCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.

Remember: Early filing using Item 6a is an option if and ONLY if services will start within the month of July of the relevant Funding Year, all relevant certifications in Block 4 can be accurately made, and the FCC Form 486 is postmarked on or before July 31 of the Funding Year.

6b. CIPA Waiver

CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR THE SECOND FUNDING YEAR IN WHICH YOU HAVE APPLIED FOR DISCOUNTS IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY.



I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this FCC Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year in which they apply for discounts.

(For Libraries for Funding Year 2004: You may also request this waiver for FY2004 if you as the Billed Entity are the Administrative Authority for the library(ies) represented on this FCC Form 486. By checking this box, you are certifying that the libraries represented in the Funding Request Number(s) on this FCC Form 486 will be brought into compliance with the CIPA requirements before the start of Funding Year 2005.)

Block 3: Service Information[Need Help?](#)

7. Please provide the following information for each FCC Form 471 Block 5 (Discount Funding Request) item for which the Billed Entity is indicating that the named service provider may begin submitting invoices to USAC. You will need your FCDL for some of the information required below. Remember: The FRNs listed below must be from the same Funding Year as is listed in Block1, Item 3.

	(A) FCC Form 471 Application # From FCDL:	(B) Funding Request # (FRN) From FCDL:	(C) Service Provider Identification # (SPIN) From FCDL:	(D) Service Provider Name From FCDL:	(E) Funding Year Service Start Date (Earliest Date that Discounted Services Will Begin):	delete?
1	985116	2703924	143013604	Cablevision Lightpath of New Jersey	7/1/2014	
2	991002	2704784	143023377	Line Systems, Inc	7/1/2014	
3	991002	2704877	143000677	Verizon Wireless (Cellco Partnership)	7/1/2014	

Block 4: Certifications[Need Help?](#)

8. I certify that, if required by program rules, the entity(ies) receiving discounted services as indicated on this FCC Form 486 are covered by technology plan(s), that have been approved by a state or other authorized body (*i.e.*, a USAC-certified technology plan approver) prior to the commencement of service and that cover all 12 months of the funding year. Provide the name(s) of the organization(s) that approved a technology plan for any eligible entity that is receiving services covered under this FCC Form 486 or, if EVERY FRN listed in this FCC Form 486 is for services that do not require a technology plan, enter "NONE" here.
- Other
- Priority 1
9. I certify that the services listed on this FCC Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the FCC Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this FCC Form 486 except for those services provided under tariff or on a month-to-month basis. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity; that I have examined this request; and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
10. I understand 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 services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for five years (or whatever retention period is required by the rules in effect at the time of your certification) any and all records, including FCC Forms 479 where required, that I rely upon to complete this form and, if audited, will make available to the Administrator such records.

NOTES FOR COMPLETING THE CERTIFICATIONS IN ITEM 11:

A Billed Entity who is the Administrative Authority must check Item 11a or 11b or 11c. Check only ONE item. If the Billed Entity is not the Administrative Authority, skip to Item 11d. A Billed Entity who represents one or more Administrative Authorities must check Item 11d or 11e. A Billed Entity who represents one or more Administrative Authorities in Funding Years after Funding Year 2001 and who checks Item 11d must check Item 11f or 11g. See the FCC Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities."

IF THIS FORM PERTAINS TO A FUNDING YEAR PRIOR TO FUNDING YEAR 2001 (THE FUNDING YEAR BEGINNING JULY 1, 2001), SKIP TO ITEM 12.

11. FOR A BILLED ENTITY WHO IS THE ADMINISTRATIVE AUTHORITY:

I certify that as of the date of the start of discounted services:

- a. the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).
- b. pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486:

(FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.

(FOR FUNDING YEAR 2003 ONLY: FOR LIBRARIES IN THE SECOND OR THIRD FUNDING YEAR FOR PURPOSES OF CIPA) is (are) in compliance with the requirements of CIPA under 47 U.S.C. § 254(l) and undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA under 47 U.S.C. § 254(h) for the next funding year.

- c. the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 is (are) receiving discount services only for telecommunications services.

FOR A BILLED ENTITY WHO REPRESENTS ONE OR MORE ADMINISTRATIVE AUTHORITIES:

- d. I certify as the Billed Entity for the consortium that I have collected duly completed and signed FCC Forms 479 from all eligible members of the consortium.
- e. I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), do not apply.

For Funding Years after Funding Year 2001: If you checked Item 11d above, check ONE of the boxes below:

- f. I certify that some or all of the eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver, and upon request from the Administrator I can provide this information; OR
- g. I certify that no eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver.

The certification language above is not intended to fully set forth or explain all the requirements of the statute.

Block 4: Signature	Need Help?
---------------------------	----------------------------

14. Printed name of authorized person: Bert Garofano

15. Title or position of authorized person: Consultant

16a. Street Address, P.O. Box, or Route Number:

Address Line 1: 322 Route 46 West

Address Line 2 (optional): Suite 280 W

City: Parsippany

State: NJ

Zip Code +4: 07054 -

16b. Telephone number of authorized person:

(888) 535 - 7771 ext. 106

16c. Fax number of authorized person:

(866) 569 - 3019

16d. Email address of authorized person:

ugarofano@erate360.com

16e. Name of authorized person's employer: Erate 360 Solutions, LLC



[SLD Home](#) | [Contact Us](#)

Client Service Bureau: 1-888-203-8100

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FCC Form 486

Do Not Write In This Area

Approval by
OMB
3060-0853

Application ID : 1059753

Entity Number	122823	Applicant's Form Identifier	122823-P1
Contact Person	Bert Garofano co Roberto Rubino	Phone Number	888-535-7771 x 106

I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

<p>12. Signature of authorized person <i>Bert Garofano</i></p> <p>14. Printed name of authorized person Bert Garofano</p> <p>15. Title or position of authorized person Consultant</p> <p>16a. Street Address, P.O. Box, or Route Number 322 Route 46 West Suite 280 W City Parsippany State NJ Zip Code 07054 -</p> <p>16b. Telephone number of authorized person 888-535-7771</p> <p>16d. Email address of authorized person ugarofano@erate360.com</p>	<p>13. Date 3/3/2015 12:27:20 PM</p> <p>16c. Fax number of authorized person 866-569-3019</p> <p>16e. Name of authorized person's employer Erate 360 Solutions, LLC</p>
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Please submit this form to:

SLD Form 486
PO Box 7026
Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, send this form to:

SLD Forms
ATTN: SLD Form 486
3833 Greenway Dr
Lawrence, KS 66046
888-203-8100

December 2013

FCC Form 486



PUBLIC NOTICE

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

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

DA 15-1105

Released: September 30, 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, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate)

CC Docket No. 02-6

Dismiss³

Little Falls Township Public School, Application Nos. 985116, 991002, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2015)

Mound City Public Library, Application No. 886740, Request for Review, CC Docket No. 02-6 (filed Jan. 20, 2015)

Dismiss as Moot⁴

¹ 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).

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

³ See, e.g., *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).

Little Falls Township Public Schools

560 Main Street, Little Falls, New Jersey 07424

October 28, 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 15-1105, released 9/30/2015) regarding Little Falls Township School District, Application Nos. 985116, 991002, Request for Waiver, CC Docket No. 02-6 (filed May 26, 2015)

Authorized person who can best discuss this Appeal with you

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

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

Application Information

Entity Little Falls Township School District
Billed Entity Number 122823

Form 471 #	FRN	SPIN	Service Provider	Original Funding Commitment	486 NL Funding Commitment
985116	2703924	143013604	Cablevision Lightpath	\$17,424.00	\$11,616.00
991002	2704784	143023377	Line Systems, Inc.	\$2,793.12	\$1,862.08
991002	2704877	143000677	Verizon Wireless	\$1,716.00	\$1,144.00
TOTALS				\$21,933.12	\$14,622.08

In their notice of 9/30/2015, the FCC determined that this appeal "*properly belongs before USAC pursuant to Commission rules.*"¹ 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.

Appeal:

Document Being Appealed: Form 486 Notification Letter – Funding Year 2014, re Little Falls Township School District, Form 486 Application Number 1059753, issued March 25, 2015²
Decision (same for all FRNs): Service Start Date – 11/03/2014
Service Start Date Change Explanation(same for all FRNs): 120-Day 486 Deadline

Little Falls Township School District (the District) requests that the SLD accept the 7/01/2014 Service Start Dates (SSD) for FRNs 2703924, 2704784, and 2704877 requested

¹ FCC Public Notice - Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company (DA 15-1105, released 9/30/2015), p.1, footnote 3.

² Letter from Schools and Libraries Division, USAC, to Bert Garofano c/o Roberto Rubino, consultants for Little Falls Township School District, entitled "*Form 486 Notification Letter – Funding Year 2014*", re Form 486 Application Number 10159753, issued March 25, 2015.

on Form 486 # 10159753, thereby restoring the full \$21,933.12 of funding for these three FRNs. The District presents significant mitigating circumstances that led to the late filing of Form 486 # 10159753, and respectfully requests the SLD not to deny us access to the \$7,311.04 of funds denied by SLD's decision in its Form 486 Notification Letter.

Mitigating Circumstances:

Little Falls Township School District (the District) has an ongoing contract with the Passaic County Educational Services Commission (PCESC) for technical and administrative support of virtually all aspects of technology, to include the entire E-rate process. The former Technology Consulting Director of PCESC, Andres Ospina, was responsible for preparation and filing of all E-rate applications and forms as well as compliance with SLD procedures. The District staff had only a very limited knowledge of the E-rate process, especially the Form 486 filing process and deadlines.

Mr. Ospina filed two Form 471s for the District for funding year 2014. The District received Funding Commitment Decision Letters (FCDLs)³ approving funding for FRNs 2703924, 2704784, and 2704877 prior to the 7/1/2014 start of the funding year and forwarded these FCDLs to Mr. Ospina. However, the District was unaware that Mr. Ospina failed to file the Form 486 by the 10/29/14 filing deadline prescribed by the 7/1/2014 Service Start Date for these three FRNs. The District notes that, although it has received and maintained file copies of SLD-generated correspondence (including the FCDLs for both FY 2014 Form 471s), it has no record of receiving the "Form 486 Urgent Reminder" letter which would have alerted it to Mr. Ospina's failure to file the Form 486.

Mr. Ospina filed a BEAR form for the first quarter of FY 2014 for FRN 2704784. The 11/13/2014 BEAR Notification Letter⁴ was received by the District and routinely handed to Mr. Ospina by the District's clerical staff who were unaware of the significance of its contents. Although Mr. Ospina was responsible to manage and comply with the E-rate process on behalf of the District, he did not take action in response to the letter's denial of BEAR reimbursement for Mr. Ospina's failure to file a Form 486 for FRN 2704784.

Mr. Ospina resigned from PCESC on 2/22/2015. Apparently just prior to his resignation Mr. Ospina attempted to file a BEAR form for Verizon Wireless for FRN 2704877 because on 2/25/2015, the District was informed by Verizon Wireless that a BEAR filed by Mr. Ospina in December of 2014 had been denied by SLD on 12/29/14 due to Mr. Ospina's failure to file a Form 486.⁵ On 2/26/15 this correspondence was forwarded by the District to Roberto Rubino at PCESC.⁶ Mr. Rubino quickly hired a consultant, eRate 360 Solutions, to take whatever steps were necessary to remedy the situation and get the District its E-rate reimbursements for FY 2014. On 3/3/2015 eRate 360 Solutions filed a Form 486 for FRNs 2703924, 2704784, and 2704877,⁷ which was approved by SLD shortly thereafter with the Service Start Dates for all three FRNs adjusted to 11/3/2014.

There is no waste, fraud, or abuse of E-rate program funds; the District was victimized by the failure of a consultant upon whom the District relied upon to meet an administrative

³ Funding Commitment Decision Letters (FCDLs) from Schools and Libraries Division, to Andres Ospina, consultant for Little Falls Twp. School District, re Form 471 Application Number 985116 and 991002, dated 5/15/2014 and 6/11/2014 respectively.

⁴ BEAR Notification Letter from Schools and Libraries Division, to Andres Ospina, consultant for Little Falls Twp. School District, re Form 472 Application Number 2106804, dated 11/13/14.

⁵ Email from Erate_bearforms@verizonwireless.com to Michael Leary (mleary@lfschools.org) re "Little Falls BOE FRN 2704877", dated 2/25/15.

⁶ Email from Nancy Panepinto (npanepinto@lfschools.org) to Roberto D. Rubino (PCESC) subject "E-Rate – Little Falls Board of Education" dated 2/26/2015.

⁷ FCC Form 486 # 1059753 for funding year 2014, posted by Little Falls Twp. School District on 3/3/2015.

deadline. Once the problem was recognized, the District acted promptly to have the error corrected. The District respectfully asks the SLD to restore the \$7,311.04 of denied funds, that the circumstances do not warrant such a harsh penalty.

Alaska Gateway School District, Tok, AK, et al:

The District, like many other small districts, is overwhelmed by the complex requirements of the E-rate process. At the same time, given the difficult economic conditions, the District is unable to hire a full-time staff person to manage this process and complete all of the filings the E-rate process requires. The District resolved this dilemma by relying upon a third party with the requisite expertise, specifically the PCESC.

Unfortunately, the person assigned by PCESC, Mr. Ospina, failed to file an administrative form. We complied with the bidding, vendor selection, and funding request phases – processes in which the District staff participated as required – only to be thwarted by failure of our outside consultant to perform as required.

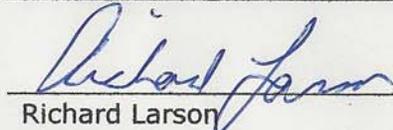
In its *Alaska Gateway* ruling the FCC clearly took this very sort of situation into account:

As we recently noted in *Bishop Perry Middle School*, a departure from required filing deadlines may be warranted upon careful review of the Petitioner's case and when doing so will serve the public interest. Generally, these applicants claim that staff mistakes or confusion, or circumstances beyond their control resulted in missing the FCC Form 486 deadline. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms. **Furthermore, some of the errors were caused by third parties or unforeseen events and therefore were not the fault of the applicants.** Given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted.⁸

The District respectfully contends that the FCC's recognition of the difficulties faced by small districts such as ours ought to be applied to this particular situation. We ask the SLD to apply the *Alaska Gateway* ruling regarding the administrative deadline for submission of the Form 486 and accept the Service Start Date of 7/1/2014 on Form 486 1059753, thereby restoring full funding of \$21,933.12 to FRNs 2703924, 2704784, and 2704877.

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

Authorized signature for this Appeal⁹


Richard Larson

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

Date: 10/28/15

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
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⁸ DA 06-1871, September 14, 2006, "*Alaska Gateway School District, Tok, AK, et al.*", File Nos. SLD-412028, et al., CC Docket No. 02-6; p. 5.

⁹ "Letter of Agency" from Michael Leary, Interim Business Administrator of Little Falls Township School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of the District.



Universal Service Administrative Company
Schools & Libraries Division

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

November 19, 2015

Richard Larson
eRate 360 Solutions LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054-0000

Re: Applicant Name: LITTLE FALLS TWP SCHOOL DIST
Billed Entity Number: 122823
Form 471 Application Number: 985116
Funding Request Number(s): 2703924
Decision Letter Date: March 25, 2015
Date Appeal Postmarked: October 28, 2015
Your Correspondence Received: October 28, 2015

Our records show that your appeal was postmarked more than 60 days after the date your FCC Form 486 Notification 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

cc: William Petrick

Richard Larson
eRate 360 Solutions LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054-0000

Billed Entity Number: 122823
Form 471 Application Number: 985116
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

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

November 19, 2015

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054-0000

Re: Applicant Name: LITTLE FALLS TWP SCHOOL DIST
Billed Entity Number: 122823
Form 471 Application Number: 991002
Funding Request Number(s): 2704784, 2704877
Decision Letter Date: March 25, 2015
Date Appeal Postmarked: October 28, 2015
Your Correspondence Dated: October 28, 2015

Our records show that your appeal was postmarked more than 60 days after the date your FCC Form 486 Notification 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

cc: William Petrick

Richard Larson
eRate 360 Solutions, LLC
322 Route 46W, Suite 280W
Parsippany, NJ 07054-0000

Billed Entity Number: 122823
Form 471 Application Number: 991002
Form 486 Application Number:

Letter of Agency

Little Falls Board of Education
Billed Entity Number: 122823

Letter of Agency For FY 17 (2014 - 2015)

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 **Little Falls Board of Education** 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 **Little Falls Board of Education**. 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 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.).
- (d) 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.
- (e) 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: Little Falls Board of Education

Date: 3/3/2015

Signature: 

Printed Name: MICHAEL LEARY

Title: INTERIM BA/BS