

**Before the  
Federal Communications Commission  
Washington DC 20554**

**In the Matter of:**

Request for Review of a decision	)	
by the Schools and Libraries Division	)	Administrator Correspondence Dated
for Salem City School District,	)	April 15, 2016
Virginia	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**Request for Review**

Requestor: Salem City School District  
Billed Entity Number: 126590  
FCC Registration Number 0011594488  
Fundng Request Number: 2860670  
Form 471 Number: 1002528

In accordance with Sections 54.719 through 54.721 of the Commission's Rules, Salem City School District (Salem) requests Federal Communications Commission (Commission) review a decision of the Schools and Libraries Division of the Universal Service Administrative Company (Administrator). Because of sweeping changes in Category 2 funding in light of the Commission's E-Rate Modernization Order and the 2015 Eligible Services List, Salem requests the Commission overturn the funding denial and Commitment Adjustment for the above referenced FRN.

In a letter dated April 15, 2016, the Administrator stated that a previously-approved wireless controller was actually ineligible and rescinded funding. The only explanation the Administrator gave was to cite the Eligible Services List (ESL) found at:

<http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx>.

The ESL lists Wireless Controller Systems specifically as eligible for funding.<sup>1</sup> Salem requested funding for a wireless controller, Cisco AIR-CT5508-HA-K9. There is nothing in the 2015 ESL that would exclude this wireless controller from eligibility. During review and when rendering its decision to rescind funding, the Administrator did not provide any explanation or cite any Commission regulation that this controller is not eligible for E-Rate funding.

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<sup>1</sup> 2015 Eligible Services List, DA 14-1556, Rel. October 28, 2014 Page 3 of the ESL list.

The E-Rate Modernization Order coupled with the 2015 ESL support eligibility of this unit. The Order provided additional support for high-speed broadband networks within schools.<sup>2</sup> The Order also emphasized deployment of “robust” connectivity to support Bring Your Own Devices initiatives at schools,<sup>3</sup> while limiting the amount of funding for equipment to more equitably support LAN infrastructure and to prevent waste, fraud or abuse.<sup>4</sup>

The limit on equipment funding was set at \$150 per student over a five year period. The purpose was to promote cost-effective purchasing: “Our goal in setting a per-student limit is to ensure schools and libraries can purchase the internal connections they need while discouraging them from purchasing unnecessary equipment or using an inefficient network design.”<sup>5</sup> The Commission acknowledges that it could not possibly determine the network requirements for each and every school and library: “It would be impossible to identify, building-by-building, the precise amount of funding each eligible school and library will require in a given year to deploy or upgrade LANs and WLANs necessary to support broadband services within their buildings. As commenters note, building size, construction characteristics, where applicants are in their upgrade cycle, and other factors make each deployment unique.”<sup>6</sup>

Salem understands its network requirements better than the Administrator. Salem should be the party that decides what equipment it needs within its budget and is included as eligible on the ESL. Salem has determined that this wireless controller is needed for the robustness of their network. The 2015 ESL and the E-Rate Modernization Order both support this conclusion. The Administrator has not provided any evidence to the contrary.

We ask the Commission to overturn this Commitment Adjustment and restore funding for this Wireless Controller.

Respectfully submitted this sixth day of June, 2016

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<sup>2</sup> E-Rate Modernization Order, FCC 14-99, Rel. July 23, 2014 at 6.

<sup>3</sup> Modernization Order at 41.

<sup>4</sup> Modernization Order beginning at 82.

<sup>5</sup> Modernization Order at 116.

<sup>6</sup> Modernization Order at 89.