Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
	)	
Decision of the	)	**CC Docket No. 02-6**
Universal Service Administrative Company	)	
	)	**File No. _____**
By	)	
	)	
Geneva School District 304	)	
FCC Form 471 #: 955710	)	
Funding Request #: 2635265	)	
	)	
	)	

To: Office of the Secretary, FCC
Attention: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW AND WAIVER

Pursuant to 47 C.F.R. §54.719(b) and §54.719(c), the Geneva School District 304, BEN #129574 ("Geneva" or "District") respectfully requests review of the April 12, 2016 decision by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") to deny the funding request for the District for Funding Year 2014-2015 due to the failure of the District's service provider to certify the District's FCC Form 472 Number 2315372 prior to the deadline for submission of invoices to USAC.

The District does not deny the late certification of its Form 472. However, as will be shown herein, the District consistently acted reasonably, expeditiously, and consistent with the

FCC rules. The District timely filed its Form 470, negotiated an agreement with the service provider, timely filed its Form 471, filed for an extension when it saw that the service provider ISI Communications ("ISI" or "Service Provider") had failed to file its Form 473 certification in a timely manner, and then the District filed the Form 472 in a timely manner. The District was consistently hindered by the Service Provider's failure to timely file the Form 473 and to certify the Form 472.

The current invoicing process is one that the Commission recognized in the 2014 E-rate Modernization Order was fraught with problems because of its complexity. Yet, two years after the release of the Order which mandated simplification of the process, the process remains in place due to delays in implementing the Commission's directive to discontinue the requirement for service providers to be involved in the Form 472 reimbursement process.

The failure of the Service Provider and USAC to timely act have put the District in the unfortunate, unique, and fundamentally unfair position of being the only entity to act in a reasonable manner and at the same time the only entity which will be harmed because of others lack of care and alacrity. Geneva should not be penalized for the failure of others.

RELEVANT BACKGROUND

The difficulties in coordination between the District and its Service Provider began when Geneva first attempted to file its Form 472. After successfully completing the Form 470 process, successfully negotiating a contract and then completing the Form 471 process, Geneva's E-rate consultant attempted to file the District's Form 472 on October 28, 2015, prior to the initial invoicing deadline.[1] When the consultant attempted the submission, she received an error message stating that the Service Provider's Form 473 certification for Funding Year 2014 had not yet been filed and that the District's invoices would not be reimbursed if the Form 473 was

[1] *See* Declaration of Marcia Struwing at 2, attached hereto as Exhibit A ("Struwing Declaration").

not on file.[2] Concerned about the filing deadline, the consultant immediately applied, that same day, for a 120-day invoicing deadline extension from USAC consistent with the Commission's rules.[3] The consultant then informed the Service Provider that they needed to file their Form 473.[4] On November 19, 2016, USAC granted a one-time 120-day extension of the District's invoicing deadline, extending the deadline until February 25, 2016.[5]

After a number of emails back and forth between the District and their Service Provider during the month of November regarding the status of the Form 473 filing, the Service Provider filed the Form 473 on December 10, 2015.[6] On December 22, 2015, ISI confirmed with USAC that they had received the Form 473 and that it would take 7-10 business days to process the form.[7] On January 5, 2016, ISI confirmed that the Form 473 had been processed.[8] That same day, after hearing that the Form 473 had been processed, Geneva's consultant immediately filed the District's Form 472.[9]

On February 19, 2016, six days before the end of the extended filing deadline, Geneva's consultant contacted USAC's help desk to inquire about the status of the Form 472.[10] The help desk informed her that the Form was "under review."[11] The consultant was never informed that the Service Provider had not certified the form.[12] Moreover, neither the Service Provider nor the

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[2] *See* Struwing Declaration at 3.
[3] *See* Struwing Declaration at 4; *see also* BEAR Invoice Extension Request, attached hereto as Exhibit B.
[4] *See* Struwing Declaration at 5.
[5] *See* Email from USAC to ISI Communications, Invoice Deadline Extension, dated November 19, 2015 attached hereto as Exhibit C.
[6] *See* Struwing Declaration at 6.
[7] *Id*. at 7.
[8] *Id*. at 8.
[9] *Id*. at 8.
[10] *Id*. at 9.
[11] *Id*. at 9.
[12] *Id*. at 9.

District ever received any notice from USAC that the form had not been certified prior to the expiration of the deadline.[13]

On March 16, 2016, the District's consultant became aware that the Form 472 was still pending, because the form had not been certified.[14] On March 21, 2016, the service provider certified the Form 472 after being informed that the form had not been certified.[15] Less than 30 days had elapsed from the end of the invoicing period. On March 30, 2016, the Service Provider received a Form 472 (BEAR) Notification Letter from USAC indicating that the requested reimbursement amount would be $0 due to "Invoice Received Date [3-22-16] Later Than [sic]".[16]

On April 4, 2016, Geneva filed an appeal of the denial with USAC.[17] The appeal was denied by USAC eight days later on April 12th.[18]

DISCUSSION

In the 2014 E-rate Modernization Order, the Commission recognized the need for a simplification of USAC's invoicing process and made changes to "yield an invoicing process that is simpler and clearer."[19] As part of its review of the BEAR invoicing process, the Commission noted that the process "requires significant coordination between the applicant and service provider for the applicant to receive payment."[20] In order to streamline the process, the Commission decided to remove the service provider from the BEAR reimbursement process altogether by allowing USAC to process reimbursements directly to the applicant, as opposed to

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[13] *Id*. at 9; *see also* Declaration of Daniel G. Howard at ¶2, attached hereto as Exhibit D ("Howard Declaration").
[14] *Id*. at ¶10.
[15] *See* Howard Declaration at ¶3.
[16] Form 472 (BEAR) Notification Letter, dated March 30, 2016, attached hereto as Exhibit E.
[17] Geneva School District 304 Appeal, attached hereto as Exhibit F.
[18] Administrator's Decision on Appeal – Funding Year 2014-2015 (April 12, 2016), attached hereto as Exhibit G.
[19] *In the Matter of Modernizing the E-rate Program for Schools and Libraries, Report and Order and Further Notice of Proposed Rulemaking*, Report and Order, 29 FCC Rcd 8870, 8963 at ¶232 (July 23, 2014) ("E-rate Modernization Order").
[20] *Id*. at 8964, ¶234.

sending the reimbursements to the service provider.[21] Due to this processing change, the Commission further stated that service provider certifications on the Form 472 would no longer be needed and ordered the Media Bureau and the Office of the Managing Director to work with USAC to implement the new direct reimbursement process consistent with the changes.[22] The Commission's directive was made in July 2014. Two years have elapsed since the Order and no changes have been made to the reimbursement process. According to USAC's website, USAC will not implement the reimbursement change until July 1, 2016. Were it not for this unreasonable delay in implementation of a 2014 rule change, the District would not now be facing this issue.[23]

Since the 2014 E-rate Modernization Order, the move from paper filing to online filing has created even greater confusion for applicants during the invoicing stage of the funding process. When filing in paper form an applicant could clearly see that a portion of the Form 472 required service provider certification prior to completing the document. In the online filing, the applicant files a Form 472 online which appears to be completed when uploaded. There is no notice from USAC that certification by the service provider is pending and an applicant can easily think that the form has been completed. Since the service provider is not a party to the preparation and submission of the bulk of the Form 472, they are often unaware that certification is needed on the form. This move from paper filing to online filing after the release of the E-rate Modernization Order caused even more confusion for applicants and service providers and made the Commission's streamlined process even more necessary and important than before. Yet, two years has passed since the Order and the streamlined process has still not been implemented.

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[21] *Id*. at 8965, ¶237.
[22] *Id*. at 8965, ¶237.
[23] See Service Provider Process, Step 5, Invoicing available at http://www.usac.org/sl/service-providers/step05/default.aspx (last viewed June 8, 2016).

Since issuing the E-rate Modernization Order, the Commission has issued two decisions concerning late filing of a Form 472. Neither decision addressed the fact situation presented in this appeal. In *Hancock*, waiver requests were filed relating to invoice extensions for funding years that pre-dated the E-rate Modernization Order.[24] The Commission evaluated whether the requests were made in good faith and within a reasonable period of time after the services were provided or whether "extraordinary circumstances" justified granting the extension request.[25] In *Hancock*, the majority of petitioners sought waiver requests for invoices that were filed more than 12 months late, and in some instances waiver requests were sought for invoices filed years after they were due.[26] In one instance, a high school sought an extension for filing two invoices 10 months late.[27] The Commission evaluated whether the 10 month request was made in good faith and within a reasonable period of time after the services were provided and determined that staff confusion was not a "reasonable basis" for a "substantial delay" in submitting invoices for payment.[28]

In the recent *Ada Order*, the Commission addressed petitions for waivers requested for the 2014 Funding Year.[29] All of the petitions were for a funding year after the E-rate Modernization Order was implemented and were, therefore, subject to the Commission's rules permitting applicants to request and receive a single 120-day invoice extension.[30] In each instance, the applicants failed to seek the 120-day invoicing extension before the end of the

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[24] *In the Matter of Requests for Waiver or Review of Decisions of the Universal Service Administrator by Hancock County Library System Bay Saint Louis, Mississippi et al.*, Order, 30 FCC Rcd 4723 (May 11, 2015) ("*Hancock Order*").
[25] Hancock Order, 30 FCC Rcd at 4725, ¶4.
[26] *Id.* at 4726, ¶9.
[27] *Id*.
[28] *Id*.
[29] *In the Matter of Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District Ada, Oklahoma et al*., Order, 31 FCC Rcd 3834 (April 25, 2016) ("*Ada Order*").
[30] *Ada Order*, 31 FCC Rcd at 3835, ¶3.

initial invoicing deadline.[31] The Commission noted that all of the petitioners "could have, but failed to submit timely invoice deadline extensions with USAC to receive extra time for filing and reimbursement."[32] Moreover, the Commission found that "[i]n light of the ease with which petitioners could have sought an automatic extension" none of the petitioners demonstrated that they faced "special circumstances" warranting a deviation from the invoice deadline rules.[33]

The facts here are distinguishable from the circumstances in the *Hancock* and *Ada Orders*. In *Hancock*, the filing delays for invoicing were significant – spanning delays of 10 months to over a year. In *Ada* no automatic extension was sought. Here, Geneva timely filed for a 120-day extension, filed the Form 472 within the extension and then the Service Provider only missed the date to certify by 26 days. The less than 30-day certification delay does not rise to the level of the "significant delays" from the *Hancock Order*. Moreover, as the Commission has recognized in previous waiver requests, a waiver in this case would have minimal impact on the Universal Service Fund, as the funds were already approved in the FCDL and held in reserve.[34]

Significantly, USAC never provided notice to either the District or ISI that a certification had not been filed on a form that was otherwise complete, as it typically does with other forms that have failed to be certified and involve errors of a ministerial or clerical nature. For example, USAC is required to notify applicants that have filed a Form 471, but which lack the required certifications, that the certification is missing from the form and to give the applicant 15 calendar days from the date of receipt of the notice to provide the omitted certifications.[35] The directive

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[31] *Id*. at ¶4.
[32] *Id*. at ¶7.
[33] *Id*. at ¶7.
[34] *In the Matter of Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science, Tucson, Arizona, et. al*., Order, 25 FCC Rcd 9256, 9260 at ¶9 (2010).
[35] *See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al.*, Order, 21 FCC Rcd 5316, 5326 at ¶ 23 (2006).

to ensure that clerical or ministerial errors do not result in an inability to obtain funding comes directly from the Commission. In the *Bishop Perry Order*, the Commission directed USAC:

> [t]o provide applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 and FCC Form 471, and an additional opportunity to file the required certifications. Specifically, USAC shall inform applicants promptly in writing of any and all ministerial and clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy those errors. USAC shall also inform applicants promptly in writing of any missing or incomplete certifications. Applicants shall have 15 calendar days from the date of receipt of notice in writing by USAC to amend or refile their FCC Form 470, FCC Form 471 or associated certifications.[36]

The Commission noted that the 15 day period was limited enough to ensure that funding decisions were not unreasonably delayed, yet would provide applicants with an opportunity to cure "truly unintentional ministerial and clerical errors."[37] Moreover, the Commission found that "[i]f USAC helps applicants file and correct complete applications initially, USAC should be able to reduce the money it spends on administering the fund because fewer appeals will be filed protesting the denial of funding for these types of issues."[38] The Commission further instructed USAC to develop a "more targeted outreach program and educational efforts to inform and enlighten applicants on the various application requirements, including the application and certification deadlines."[39]

While the *Bishop Perry Order* was focused on the Forms 470 and 471, the principles of the Order apply equally to the remaining aspects of the E-rate process. Prior to expiration of the invoicing deadline extension, Geneva put USAC on notice that it was concerned about the invoicing process and specifically requested the status of its Form 472. Rather than direct Geneva to the issue and notify them that the certification had not been completed, USAC

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[36] *Id*.
[37] *Id*. at 5326-7, ¶23.
[38] *Id*.
[39] *Id*. at ¶43.

provided Geneva with feedback that the form was "under review."[40] Geneva then heard nothing further from USAC regarding the need to certify the form prior to the pending expiration. A simple notification regarding the need for certification would have provided Geneva with the opportunity to ensure that the form was properly completed. USAC failed to provide Geneva with any form of notice that the form was pending certification, even upon request for status from the District. It is, in part, this lack of information that led to the late-filed form.

Unlike the applicants in the *Ada Order*, Geneva timely filed for the 120-day extension knowing that the Service Provider still needed to file their Form 473 for the 2014 Funding Year. The District diligently filed their Form 472 the same day that they were informed that the Service Provider's Form 473 had been accepted by USAC. The only portion of the form that was left incomplete was the certification by the Service Provider – a certification that in one month will no longer be required due to a rule change that was mandated nearly two years ago, but has yet to be implemented.

The District on behalf of its students, the intended beneficiary of the E-Rate program,[41] diligently (i) pushed the Service Provider to file its form 473; (ii) filed a timely 120-day extension request; (iii) filed the Billed Entity portion of the Form 472 as soon as it received confirmation that the Form 473 was filed and processed by USAC; and (iv) pushed the Service Provider to certify the Form 472. The District should not be punished because of the Service Provider's delay in certification. Under the District's contract with the Service Provider, it is still responsible for payment to the Service Provider even if E-rate funds are not granted.[42] Even though it was the Service Provider's failure that jeopardized the E-Rate funding, the Service

[40] *See* Struwing Declaration at 9.
[41] *See* E-rate Modernization Order 29 FCC Rcd at 8873, ¶4.
[42] ISI Metropolitan Area Ethernet Network Service (MEANS) Confirmation of Service Order, dated February 29, 2013, attached hereto as Exhibit H.

Provider will suffer no consequences for its failure in alacrity, while the District and its students will be punished unless a waiver is granted.

Similarly, the District should not be punished because of USAC's inability to timely comply with the Commission's directive to eliminate the service provider certification. In 2014, the Commission recognized that the service provider's involvement in the invoicing process was fraught with problems and due to those complexities decided to remove the service provider from the reimbursement process altogether. The District completed all of the paperwork that would have been required of it had USAC timely implemented the Commission's updated BEAR process. It has been nearly two years since the directive was issued and it will not be until July 1, 2016 that the process will be changed. The District should not be penalized due the lassitude of the Service Provider and USAC.

In light of the July 1, 2016 process change, whereby the Form 472 certification requirement will be eliminated, Geneva's requested waiver is limited in scope. Once the certification requirement is eliminated, applicants will no longer be hindered by a service provider's failure to timely provide the certification. The process will also become much more transparent for applicants and service providers. An applicant will immediately know if a service provider has failed to file their Form 473, because the applicant receives an error message when attempting to file the Form 472. The system will work as it should by providing the applicant with notification that there is an issue.

The certification issue is also procedural in nature, not substantive. In the *Bishop Perry Order*, the Commission found that the "complete rejection of applications" based on procedural violations is not warranted. Likewise, Geneva's funding should not be denied based on a procedural failure to certify the Form 472.

Given the District's diligent efforts to properly file the Form 472, including seeking a timely extension, the District should not be penalized. In the end, Geneva is simply requesting that the Commission waive a procedure that should no longer be in effect.

CONCLUSION

Geneva and its students should not be punished for the lassitude and lack of alacrity of others. Geneva was timely and proactive throughout the process. The failures of the service provider and USAC to act in a timely manner should not penalize the students in the District who are innocent victims. Accordingly, Geneva requests that the Commission grant a limited waiver of its invoicing deadline.

Respectfully submitted,

GENEVA SCHOOL DISTRICT 304

By: _____
Mark J. Palchick
Rebecca E. Jacobs

Womble Carlyle Sandridge & Rice, LLP
1200 Nineteenth Street, NW
Suite 500
Washington, DC, 20036
(202) 857-4400
(202) 467-6910 (fax)

CC: Universal Service Administrator

June 13, 2016

Exhibit A

DECLARATION OF MARCIA STRUWING

I, Marcia Struwing, declare the following:

1. I am the Senior Telecommunications Consultant for ClientFirst Technology Consulting ("ClientFirst"). I work with E-rate applicants to assist them with navigating the E-rate process and obtaining funding.

2. On October 28th, I attempted to submit a Form 472 for Geneva School District 304 ("Geneva" or "District").

3. I received an error message when I attempted the submission that notified me that the service provider's Form 473 had not been filed and that the District's invoices would not be reimbursed if the Form 473 was not on file.

4. Concerned about missing the invoice filing deadline, I immediately sought a deadline extension from USAC.

5. After seeking the extension, I contacted the service provider to notify them of the Form 473 issue.

6. During the month of November, I worked to coordinate with the service provider on the filing of the Form 473 and sent several emails back and forth with the service provider on the issue.

7. On December 22, 2015, the service provider informed me that they had confirmed with USAC that their Form 473 had been received and that it would take 7-10 business days to process the form.

8. On January 5, 2016, I was informed by the service provider that the Form 473 had been processed by USAC. That same day, I filed Geneva's Form 472.

9. On February 19, 2016, I contacted the USAC help desk to inquire about the status of Geneva's Form 472, since Geneva had not received reimbursement for its invoices. The help desk representative told me that the Form 472 was "under review." The representative did not say anything regarding the need for certification. Moreover, I have since confirmed that the service provider never received any notice of the need to certify the form.

10. On March 16, 2016, I became aware that the Form 472 was still marked as pending.

11. On March 21, 2016, the service provider notified me that they had certified the form.

To the best of my knowledge, I state under penalty of perjury that the Appeal and the foregoing are true and correct.

June 13, 2016

Marcia Struwing

Exhibit B

BEAR Invoice Extension Request

Contact: Sheila Finch

sfinch@geneva304.org

BEN: 135393

Application #: 955710

FRN: 2635265	ISI Communications Inc	143033330
FRN: 2635167	Verizon Wireless	143000677
FRN: 2682429	Call One Inc	143003866
FRN: 2682455	Call One Inc	143003866
FRN: 2635140	Call One Inc	143003866

Exhibit C

From: deadline@sl.universalservice.org
[mailto:deadline@sl.universalservice.org]
Sent: Thursday, November 19, 2015 11:04 AM
To: suej@isicommunications.com
Subject: Invoice Deadline Extension

This serves as acknowledgement and approval of your request for your one-time 120 day invoice deadline extension for the following FRNs:

2635265
2635749
2643482
2812459

Since this serves as approval, an invoice requesting payment must be submitted so that it is postmarked no later than the date found on the USAC website within the Search Tools in order for your request to be considered as timely filed. If you are resubmitting a Form 472, please remember that you should forward the form to the Service Provider as soon as possible to ensure sufficient time to process your request. The invoice should be submitted in accordance with the instructions that are posted in the SLD Forms area of the SLD web site at www.sl.universalservice.org or are available by contacting the SLD Client Service Bureau at 1-888-203-8100.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
Universal Service Administrative Company

This e-mail has been generated programmatically. Please do not respond to this e-mail.

Exhibit D

DECLARATION OF DANIEL G. HOWARD

I, Daniel G. Howard, declare the following:

1. I am the Managing Member for ISI Communications. We provide Ethernet services to Geneva School District 304 ("Geneva" or "District").

2. ISI never received any notification from USAC that the Geneva Form 472 had been filed, but not certified.

3. On March 21, 2016, ISI certified the Form 472 after becoming aware that the form needed certification.

To the best of my knowledge, I state under penalty of perjury that the Appeal and the foregoing are true and correct.

June 13, 2016

Dan Howard

Exhibit E

USAC
Universal Service Administrative Company

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

March 30, 2016

Susan Jasulaitis
ISI Communications, Inc.
28W440 Mack Road
West Chicago, IL 60185

Re: Invoice Number - as assigned by USAC: 2315372
Service Provider Identification Number: 143033330
Reimbursement Form Number: ISI
Billed Entity Number: 135393

Sheila Finch
GENEVA SCHOOL DISTRICT 304
227 N 4TH ST
GENEVA, IL 60134

Preferred Mode of Contact: E-mail at sfinch@geneva304.org
Total Amount of Reimbursement Approved for Payment: $0.00

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR to request reimbursement for any unpaid lines.

We recommend using the BEAR Online tool from the Apply Online area or Required Forms section of our website for additional submissions. If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

Pursuant to the Federal Communication Commission's (FCC) Second Report and Order and Further Notice of Proposed Rulemaking (FCC 03-101, released April 29, 2003), you must remit the amount shown as "Total Amount of Reimbursement Approved for Payment" above to your customer no later than 20 days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to your customer (See BEAR Form, Block 4, Service Provider Acknowledgment).

The USAC check should be mailed to the service provider named above within 20 days of the date of this letter.

The maximum remaining amount available for each Funding Request Number (FRN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the FRN for the funding year. For example, if we successfully process a BEAR for an FRN, we will not approve a SPI for that same FRN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

CC: GENEVA SCHOOL DISTRICT 304

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 955710
Funding Request Number: 2635265
Funding Year 2014: 07/01/2014 - 06/30/2015
Contract Number: n/a
Funding Commitment Decision: $8784.00
Reimbursement Amount for this FRN: $0.00
Reimbursement Request Decision Explanation:
Invoice Received Date [03/22/2016] Later Than;

Exhibit F

Geneva School District 304
BEN: 135393

Contact: Sheila Finch
227 N. 4th Street
Geneva, IL 60134
630-463-3070

The District filed their BEAR form within the filing window, but the service provider's certifications were received late. The service provider filed their own 473 forms late, and therefore were unable to meet the BEAR filing deadline.

We request that USAC extend the filing deadline to accommodate the service provider's certification for the following FRNs for 471 Application #1009664:

- Invoice #2315372, FRN #2812939 – ISI Communications, SPIN 143033330

The District filed BEAR forms for reimbursement prior to the original filing deadline. The vendor eventually filed the appropriate forms, but they failed to certify the forms prior to the BEAR filing deadline.

Exhibit G

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

April 12, 2016

Sheila Finch
Geneva School District 304
227 N 4th St
Geneva, IL 60134-1307

Re:	Applicant Name:	GENEVA SCHOOL DISTRICT 304
	Billed Entity Number:	135393
	Form 471 Application Number:	955710
	Funding Request Number(s):	2635265
	Your Correspondence Dated:	April 06, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 472 (BEAR) Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s):	2635265
Decision on Appeal:	**Denied**
Explanation:	

- FCC Form 472 Number 2315372 was certified online by the Service Provider on March 22, 2016 which was after February 25, 2016 the last day to submit an invoice to USAC. It is the applicant's responsibility to ensure that all blocks of the FCC Form 472 are submitted to USAC in a timely manner. You did not demonstrate otherwise in your appeal. Therefore, the appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. 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.

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

Schools and Libraries Division
Universal Service Administrative Company

Exhibit H

ISI METROPOLITAN AREA ETHERNET NETWORK SERVICE (MEANS)
CONFIRMATION OF SERVICE ORDER

This Order serves as a confirmation of Customer's selection of Metropolitan Area Ethernet Network Service (MEANS) and payment plans offered by ISI Communications, Inc (ISI). MEANS provides the customer with an Ethernet LAN/WAN extension/circuit of their Customer Premise equipment (CPE) Ethernet interface(s) between two locations. The prices, terms and conditions under which the MEANS service is provided are governed by ISI General Terms and Conditions, and the Service Description attached hereto or as described in the applicable ISI Catalog.

1. The rates shown in this Order are the rates currently in effect. Any rate decreases will automatically be applied to the Monthly Charge. Rate increases in excess of the Monthly Charge shown on page 2 will not be applied.

2. The term for providing the MEANS service corresponds to the term payment plan selected by Customer on page 2. Upon completion of the MEANS Service term, the service will automatically convert to month-to month rates until Customer cancels or renews the MEANS Service.

3. If Customer terminates the MEANS service prior to the expiration of the term, Customer shall be liable to ISI for a percentage of the monthly charge, based on the term selected (see page 2) for each month remaining in the term from the date of termination. These charges will become due and payable immediately upon the effective date of termination.

4. If Customer cancels this Order prior to completion of the establishment of the MEANS Service, Customer shall reimburse ISI for all expenses incurred in processing the Order and for the installation of the required equipment and facilities completed up to the date of cancellation.

5. The liability of ISI for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission occurring in the course of furnishing the MEANS Service, and not caused by the negligence of Customer, shall in no event exceed an amount equivalent to the proportionate charge to Customer for the period of service during which such mistake, omission, interruption, delay, error or defect in transmission occurs. No other liability shall in any case attach to ISI.

6. Customer shall not assign or otherwise transfer any rights or obligations under this Order without the prior written consent of ISI, which shall not be unreasonably withheld or delayed.

7. In the event of conflict or discrepancy between the provisions of this Order and the provisions of the Service Descriptions, the provisions of the Service Descriptions shall govern and control.

This Order and any applicable tariff are the complete agreement of the parties and supersede any discussions, representation, or proposals, written or oral, concerning the MEANS Service.

Eaj CUSTOMER INITIALS: DATE: 2-19-13

ISI Comm. INITIALS: _____ DATE: _____

ISI METROPOLITAN AREA ETHERNET NETWORK SERVICE (MEANS)
CONFIRMATION OF SERVICE ORDER

Order Type: Renewal

Term Payment Plan: Three (3) Years

Service: 500 baseT

Diversity/Protection ☐ (see attached diagram)

Requested Installation Date: 7-1-2013

Number of Links: b

Service Description Terms and Conditions:
ISI METRO ETHERNET

Monthly Charge: $ 915.00

Non-Recurring Service Charges: $ 0.00

NETWORK DIAGRAM IS REQUIRED WHEN ORDER INCLUDES DIVERSITY OR ROUTE PROTECTION

Your signature acknowledges that you understand and accept the terms and conditions for ISI Metropolitan Area Ethernet Network Service (MEANS) and that you are authorized to make the commitments under this order

Customer

Elizabeth A. Janowiak
Authorized Customer Signature

Elizabeth A. Janowiak
Print Name and Title
DIRECTOR OF TECHNOLOGY

2-19-2013
Date

Geneva School District 304
Company Name

227 N 4th Street
Billing Address

Geneva, IL 60134
City, State, Zip

GenevaSchls - 304
Existing Billing Account Number (if applicable)

ISI COMMUNICATIONS, INC.

Authorized ISI Signature

Daniel G. Howard, Authorized Representative
Print Name and Title

Date

ISI Sales Representative:

Mail Signed Original to:

ISI Communications, Inc.
Contracts Management
5235 Central Avenue
Western Springs, IL 60558

ISI Sales Person **Sales Person Here**

Sales Code _____

CUSTOMERS REQUESTING TERMINATION OF SERVICES (OTHER THAN MONTH TO MONTH) PRIOR TO THE EXPIRATION DATE WILL BE CHARGED A TERMINATION WHICH IS CALCULATED AS FOLLOWS:

TPP MONTHLY RATE X MONTHS REMAINING X 75% (TERMINATION PERCENTAGE)

ALL RULES AND REGULATIONS PERTAINING TO THE SERVICES PROVISIONED HEREIN, ARE CONTAINED IN APPLICABLE SERVICE DESCRIPTION. SHOULD ANY PORTION OF THIS CONFIRMATION OF SERVICE ORDER CONFLICT WITH THE APPLICABLE SERVICE DESCRIPTION, THE SERVICE DESCRIPTION WILL GOVERN. SIGNATURE ABOVE INDICATES SIGNOR HAS READ AND AGREES TO THE TERMS AND CONDITIONS POSTED ON THE ISI WEBSITE http://www.dntp-ip.com/Documentation.html GOVERNING THE ISI SERVICE PURCHASED. ADDITIONAL TERMS REFERENCED BELOW MAY ALSO APPLY.
Additional Terms are hereby attached and binding to the referenced Terms and Conditions of this Agreement in Exhibit A - Request for Proposals Geneva CUSD 303- Erate Program Internet Services .

ISI Confirmation of Service Order
(MEANS)
ATTACHMENT A
Service Address and Pricing

(Double-click on sheet below to populate cells)

SERVICE ADDRESS	SERVICE DESCRIPTION	QTY	UNIT PRICE	EXTENDED PRICE
NETPOP 1, 505 Innovation Drive, West Chicago, IL 60185, Cab#2.0	IP Circuit - 500Mb	100	$9.15	$915.00
NETPOP 1, 505 Innovation Drive, West Chicago, IL 60185, Cab#2.0	Fiber X-connection	1	$incl	$incl
	Select One		$	$
	Select One		$	$
	Select One		$	$
	Select One		$	$
	Select One		$	$
	Select One		$	$
	Select One		$	$
	Select One		$	$
	Select One		$	$
	Select One		$	$
MONTHLY TOTAL				**$915.00**

The following one-time, nonrecurring charges apply:

Non-Recurring (Installation) Charges:

	QUANTITY	UNIT PRICE	EXTENDED PRICE
Service Order Charge (applies to subsequent Service changes)	1	$waived	$waived
		$	$
Special Construction Charges (for facilities and outside plant construction and deployment when indicated as referred to in Attachment B.		$0	$0
TOTAL			**$waived**

Additional Considerations Incorporated into this Agreement:

Monthly Invoicing will individually bill entity shown on the Signature Page for 100Mbps of the cumulative Bandwidth allocated for this service Agreement - 500Mbps of Internet total, 100Mbps individually

CUSTOMER INITIALS: EAG DATE: 2-19-2013

ISI INITIALS: _____ DATE: _____

Network Diagram (if applicable)

The APPENDED "ISI CONFIRMATION OF SERVICE ORDER TERMS" ARE INCORPORATED AND MADE PART OF THIS "CONFIRMATION OF SERVICE ORDER AGREEMENT."

By executing this Service Order Agreement (with its appended "ISI Confirmation of Service Order Terms" and other Documents, if applicable) ("CSO"), Customer is requesting, and agrees to pay for, the Service(s) identified herein and to be bound by the "General Terms and Conditions" and applicable "Supplemental Product Terms and Conditions" (Including "Additional Definitions" and "Miscellaneous Charges") (collectively, "Terms and Conditions") located at www.isicommunications.com, unless those Terms and Conditions are permitted to be and, in fact, are expressly superseded by terms and conditions, including rates and charges, contained in this CSO. It is the intent of the parties to incorporate via reference into this CSO all applicable website terms and conditions located at www.isicommunications.com , as they may be modified from time to time consistent with this CSO.

Customer shall pay the "Grand Order Totals" of charges set forth above, which amounts in all instances are exclusive of taxes, surcharges, and fees to be imposed by ISI including, but not limited to, applicable federal, state, local use, excise, sales, or privilege taxes, duties or similar liabilities either shown as Miscellaneous Charges or imposed by operation of law.

If there are any discrepancies between the Grand Order Totals of charges shown above and charges appearing elsewhere in this Agreement, the Grand Order Total of charges shall be controlling.

Customer authorizes ISI to acquire from third parties any credit information, Customer Proprietary Network Information ("CPNI"), or other information necessary for ISI to establish Customer's account and provision and maintain Service.

Customer shall furnish such executed "letters of agency" to ISI or its designee as may be required in connection with Service.

If a "Master Service Agreement" ("MSA") exists between Customer and ISI and is in effect as of the date of this CSO, Service will be furnished pursuant to such MSA, except that the charges set forth in this CSO shall apply. If said MSA does not include the applicable product Exhibit for the Service requested, the Terms and Conditions set forth at www.isicommunications.com and incorporated herein will apply to the Service.

The undersigned represents that he/she is authorized to enter into this CSO on behalf of Customer.

Customer must sign (and if applicable, check and initial immediately below its acknowledgement and receipt of the Documents shown) and deliver this CSO, without modification, to ISI within thirty (30) days of the "Date" (not the "Request Service Date") set forth at Page 1 and 2 hereof, or ISI may decline to provide the Service offered.

Customer: **Geneva School District 304**	ISI Communications, Inc.
Elizabeth A. Janowiak	
Authorized Customer Representative Signature	Authorized ISI Signature
Elizabeth A. Janowiak	
Authorized Customer Name	Authorized ISI Name
Director of Technology	
Authorized Customer Title	Authorized ISI Title
2-19-2013	
Date Signed by Customer	Date Signed by ISI

ISI Confirmation of Service Order
ATTACHMENT B

Special Provisions are made part of this Agreement and will have the following specifications and terms of use:

Additional Terms are hereby attached and binding to the referenced Terms and Conditions of this Agreement in Exhibit A - Request for Proposals Geneva School District 304 Erate Program Internet Services. Bandwidth upgrades to existing service will be accommodated as follows: a. When total aggregate bandwidth is equal to 1GE or less, implementation will be completed within 7 business days; 2. When total aggregate bandwidth is greater than 1GE, implementation will be completed within 21 business days.

Service Agreement pertains to customer termination at 505 Innovation Drive, West Chicago, IL.

The subscribed bandwidth detailed in this Agreement will be allowed to burst to the aggregate subscribed bandwidth, when available, as detailed in page 3 of this Agreement.

Bandwidth utilization reports will be available to the customer for subscribed bandwidth via web portal and unique login on commencement date of this Agreement

Customer will be invoiced individually for subscribed bandwidth as detailed in page 2 of this Agreement.

CERTIFICATE OF SERVICE

I, Maureen Murphy, hereby declare that a copy of the foregoing request for review and waiver was sent via U.S. mail, this day, June 13, 2016, to the following, as required by section 54.721(c) of the Commission's rules:

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
P.O. Box 685
Parsipanny, NJ 07054

Maureen Murphy