

Unified School District 217
P. O. Box 167
Rolla, Kansas 67954

316-593-4344

Mac Plummer
~~Larry Bowers, Ed. D~~
Superintendent

July 7, 1999

FILED
JUL 12 1999 DOCKET FILE COPY ORIGINAL
FCC MAIL ROOM

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

In the matter of :
Request for Review by USD 217: Rolla Schools of Decision of Universal Service Administrator (FCC Docket Nos. 97-21 and 96-45)

I write this letter to the FCC to find recourse for our school district being denied funding through the Universal Service Administrative Co. (USAC). The USAC denied an appeal to a funding request for a 1998 e-rate application. Enclosed is a copy of the "Administrator's Decision on Appeal" letter which state the reason for denial.

The USAC's FCD letter does not state that an appeal to a denial has to be filed within 30 days of the FCD letter. Our district's intention was to appeal the denial, but first focused on completing the appropriate forms for the approved funding. After these forms were completed, our district researched the reason for the denial and sent a letter of appeal to the USAC.

The number of days between the USAC's FCD letter and our district's appeal letter would have been filed sooner if it was not for the timing of the USAC's FCD letter. The FCD letter was received a couple of weeks before the holiday season. As with most schools, our district closed for two weeks thus delaying our appeal letter.

After filing the appeal letter to the USAC, USAC's appeal division staff has requested additional documents to support our appeal of the FCD denial. If the appeal was to be denied because failure to file with in 30 days, why did USAC request additional information? The last documents being faxed to the USAC on 3/23/99.

No. of Copies rec'd 0+2
List ABCDE

Additionally, the USAC's "Administrator's Decision on Appeal" letter contain as an attachment our district's original appeal letter. It seems from the USAC staff's notes on this document that the reason for the FCD denial was incorrect, and funding should have been awarded.

Our district seeks relief from the 30-day deadline for appealing our FCD letter and seeks approval of our funding request which has been denied by the USAC.

I appreciate your time and attention. Please contact me for further clarification.

A handwritten signature in cursive script that reads "Mac Plummer".

Mac Plummer, Superintendent

ht

Enclosures

FCD letter

Original Appeal letter

USAC's -Administrator's Decision on Appeal letter with attachment

Supporting documents requested by USAC's staff

ROLLA UNIFIED SCH DISTRICT 217
Larry Bowers
P.O. BOX 167
ROLLA, KS 67954

December 2, 1998

Re: Form 471 Application Number: 70931
Funding Year: 1998
Billed Entity Number: 138212

We have completed our review of your FCC Form 471, Services Ordered and Certification Form, and made decisions with respect to your requests for discounts along with other applications received within the same time period. This letter is to advise you of our decisions.

As you may know, the Federal Communications Commission (FCC) in June 1998 made two changes to the Universal Service Fund for schools and libraries that have direct bearing on your discount request for 1998. First, the 1998 program year has been extended by six months, for a new ending date of June 30, 1999. Second, the FCC established new funding priorities whereby all eligible applicants will receive discounts for eligible telecommunications services and Internet access. Support for internal connections will be allocated in accordance with need so that schools and libraries will receive discounts in order of the discount percentages for which they qualify beginning with applications qualifying for the highest discount percentages. Discounts for internal connections will continue until all funds are exhausted. These changes are reflected in the information in this letter regarding your discount request.

On the following page(s) is a list, by row of Items 15 and 16 of your FCC Form 471. For each item, there is a Funding Request Number (FRN) and several other

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very important pieces of information relating to the disposition of that request. A complete explanation of each item begins below.

If you have any questions about our decisions on your discounts, you may send them in writing to the Schools and Libraries Corporation, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981.

Your next step in the discounting process is to complete and submit the FCC Form 486 enclosed with this letter to notify the SLC that you are currently receiving or have already begun to receive services for which discounts have been approved. This will enable your service providers to invoice SLC for your discounts. Please note that we are notifying each service provider listed on your Form 471 of our decision on your discount request. In addition, you should contact each service provider yourself to make any necessary arrangements regarding start of services, billing of discounts, and any other administrative details relevant to your participation in the Universal Service Fund. For important information about your Form 486, see next page.

FCC Form 471 Applicants who are approved for discount eligibility are reminded that they continue to be subject to audits and other reviews that the SLC may undertake to assure that discounted services are being used in compliance with program rules. If the SLC discovers that discounted services are not being used in compliance with program rules, 471 Applicants will be subject to enforcement activities and other means of recourse by the SLC and other appropriate Federal, state, and local authorities.

Explanation of Information Provided in SLC Funding Notification

On the following pages we provide you with a synopsis of the discount eligibility decision for each item you requested. To help understand this synopsis the following definitions are provided:

- * Funding Request Number (FRN): A number assigned by the SLC that will identify a Funding Request. A Funding Request is a single row of item 15 or 16.
- * Funding Status: An item may be "Funded," "Denied," "Partially Funded," or not approved because of "Funds Exhausted." An item that is "Funded" will be approved at the level that SLC determines is appropriate for that item. That will generally be the level requested by the Applicant unless the SLC determines during the application review process that some adjustment is appropriate, for example, a different discount percentage for that item than the FCC Form 471 featured. If an item is "Denied," that denial will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An item will be "Partially Funded" or "Unfunded," in accordance with FCC program rules, if the total amount of funds in the Universal Service Fund is insufficient to fully fund all approved requests. If the Form 471 was received after all the funds in the Universal Service Fund were allocated and it was processed, the status will indicate "Unfunded - Funds Exhausted."
- * SPIN (Service Provider Identification Number): A unique number assigned to each service provider by the Universal Service Administrative Company (USAC).
- * Service Provider Name: The legal name of the service provider.
- * Provider Contract Number: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- * Services Ordered: The type of service ordered from the service provider, as shown on Form 471.

- * Earliest Possible Effective Date of Discount: The first possible date of service for which the SLC will reimburse the service provider for discounted services. Note: If the actual service start date provided on a Form 486 is later than this date, the actual service start date set forth in the Form 486 will be the effective date of the discount.
- * Contract Expiration Date: The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.
- * Estimated Total Annual Pre-discount Cost: Amount in Column 10 of Item 15/16, Form 471 as determined through the application review process, PLUS an automatic extension of monthly costs for Telecommunications Services and Internet Access through June 30, 1999. Please note that, during the Problem Resolution process at SLC, the amount in Col. 10 of Item 15/16 may have been corrected to conform to the information provided about Service Start Date and Monthly Costs.
- * Discount Percentage Approved by SLC: This is the discount rate that the SLC has approved for this service.
- * Funding Commitment Decision: This represents the total amount of funding that the SLC is now reserving to reimburse service providers for the cost of the discount for this service. This figure may be different from the Estimated Total Annual Pre-Discount Cost (Col. 10 of Item 15/16) times the Percentage Discount (Col. 11 of Item 15/16) in your application. It may be higher because of the addition of the monthly cost for Telecommunications Services and Internet Access for the six months from January 1, 1999, through June 30, 1999. It may be lower because of an adjustment determined appropriate by the SLC, such as of the discount percentage, or a denial of discounts and, if so, the accompanying comment will explain this difference. The difference may also reflect a reduction from the request level made necessary by overall funding limitations, in which case the "Funding Status" above will indicate "Partially Funded" or "Unfunded." Whatever amount is listed here, it is important that you and your service provider both recognize that the SLC should be invoiced and the SLC may direct disbursement of discounts on only eligible, approved services actually rendered.
- * Funding Commitment Decision Explanation: This entry may appear to amplify the comment in the "Funding Commitment Decision," if the discount request for this service is denied for reasons other than "Unfunded" or if the SLC determined that some adjustment to the request level was appropriate.

Using the Enclosed FCC Form 486 and Invoice

FCC Form 486: You will use this form to notify the SLC that you are currently receiving or have already received services for which discounts have been approved. Your completed Form 486 allows us to begin processing invoices from your service providers for your discounts. It also sets in motion the process by which you and your service provider can invoice SLC for approved services you have already paid for.

Each Billed Entity Applicant must file a separate Form 486, although each Billed Entity's Form 486 may include services from multiple Forms 471 if the same Billed Entity Number is listed on the various Funding Commitment Decision letters that you receive. When completing your Form 486, please be certain to use the Billed Entity Number as listed at the beginning of this Funding Commitment letter. (We may have revised or corrected the Billed Entity Number from your original Form 471, so please use the number exactly as it is listed in this letter.)

To assist in completing your Form 486, we have pre-printed your Block 1 information, including the Billed Entity Number. Please review the pre-printed

information. If you believe there is an error in the pre-printed information -except for the Billed Entity Number-please cross off and print the correct information above each item. Then make multiple copies of this Billed Entity -specific Form 486 for future use, and follow the instructions with the form to complete and submit it to SLC.

Billed Entity Applicant Reimbursement Form: If you have already paid in full for services for which you are now being approved for discounts, you can use the enclosed Billed Entity Applicant Reimbursement Form to seek reimbursement from your service provider. This Form is not for use by service providers, who have their own invoice form. If you plan to submit a Billed Entity Applicant Reimbursement Form, please read and follow the instructions carefully regarding the Form as well as the Form 486 to avoid delay in processing your reimbursement.

SLC Funding Notification Synopsis for Application Number: 00070931

Funding Request Number:00068124 Funding Status: DENIED
SPIN: 143002303 Service Provider Name: Pioneer Tel. Assn. I
Provider Contract Number: T
Services Ordered: Telc Svc(s)
Effective Date of Discount: 02/14/1998 Contract Expiration Date:
Estimated Total Annual Pre-discount Cost: \$13,685.00
Discount Percentage Approved by SLC: N/A
Funding Commitment Decision: \$0.00 - Invalid telecomm. provider
Funding Commitment Decision Explanation: The type of service requested was not posted to the SLC website and thus did not meet the 28 day competitive bidding requirement.

Funding Request Number:00068138 Funding Status: Funded
SPIN: 143002303 Service Provider Name: Pioneer Tel. Assn. I
Provider Contract Number: C
Services Ordered: Inet Acc(s)
Effective Date of Discount: 01/01/1998 Contract Expiration Date: 12/01/1998 ✓
Estimated Total Annual Pre-discount Cost: \$24,216.00
Discount Percentage Approved by SLC: 77%
Funding Commitment Decision: \$18,646.32 - Batch Approved Detail Line

JUL 12 1999

Unified School District No. 217

316-593-4345 • P.O. BOX 167
316-593-4345

FCC

February 1, 1999

Rolla, Kansas 67954

COPY

SLC
Box 125-Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

This letter is in regards to an appeal to the denial of

Funding Request: 00068124 with Application Number: 00070931.

Our school was denied funding for telecommunication services for an existing contract. The funding letter states "Invalid telecomm provider" and "The type of service requested was not posted to the SLC website and thus did not meet the 28 day competitive bidding requirement."

Since our district was applying for a discount on an existing contract, the service requested was not subject to the "28 day competitive bidding requirement".

The denial because of "Invalid telecomm provider" is due to an error in providing an accurate service provider name. Our service provider was in the midst of a name change when my staff completed the Form 471. It was our understanding that Pioneer Tel. Assn. had changed their name to Pioneer Communication, Inc. We used the new company name and the SPIN number of 143002303 on our Form 471-block 5-column (1) for both our telecommunication services and our Internet access service. Our telecommunication service (FCD=00068124) was denied, but our Internet access service (FCD#00068138) was funded.

Please review our denial of funding for telecommunication services.

The following person can assist with further information or questions on this appeal.

Harvey Taylor
Rolla High School
P.O. Box 167
Rolla, KS 67954

Fax: 316-593-4204
Voice: 316-593-4345
E-mail: htaylor@usd217.org

Sincerely,



Larry Bowers
Superintendent

/hgt



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

SCHOOLS AND LIBRARIES DIVISION

JUL 12 1999

FCC

Larry Bowers
Rolla Unified School District
P. O. Box 167
Rolla, KS 67954

June 22, 1999

Administrator's Decision on Appeal

Re: Application Number: 70931
Date of Issuance of Funding
Commitment Decision Letter: 12/2/98
Date Appeal Received: 2/8/99

FCC rules require applicants to submit appeals so they are received by us within 30 days of the date that the relevant Funding Commitment Decisions Letter was issued. (See "SLD Procedure for Post-Commitment Appeals" at <http://www.sl.universalservice.org/reference/appeals.asp>.)

Our records show that your appeal was received more than 30 days after the date your Funding Commitment Decisions Letter was issued (see dates above). **Therefore, we will not be able to consider your appeal at this time.** We are currently awaiting guidance from the Federal Communications Commission (FCC) on whether there are any situations in which we could consider such appeals. If you believe there was an extraordinary impediment to your filing your appeal within 30 days of issuance of your Funding Commitment Decisions Letter that merits special attention, you may wish to advise us of that impediment by letter sent to the address above. If you do that, please make clear in your letter that you are seeking special relief from the 30-day deadline and include a copy of your original appeal. We will respond to such letters once we have been advised by the FCC of our authority to act.

Schools and Libraries Division
Universal Services Administrative Company

COPY

Unified School District No. 217

3rd & VAN BUREN • P. O. BOX 167

316/593-4345

1999 FEB -01 10:54

February 1, 1999

Rolla, Kansas 67954

SLC
Box 125-Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

This letter is in regards to an appeal to the denial of

Funding Request: 00068124 with Application Number: 00070931.

Our school was denied funding for telecommunication services for an existing contract. The funding letter states "Invalid telecomm provider" and "The type of service requested was not posted to the SLC website and thus did not meet the 28 day competitive bidding requirement."

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Please review our denial of funding for telecommunication services.

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Harvey Taylor	Fax: 316-593-4204
Rolla High School	Voice: 316-593-4345
P.O. Box 167	E-mail: htaylor@usd217.org
Rolla, KS 67954	

Sincerely,

Larry Bowers

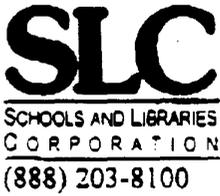
Larry Bowers
Superintendent

/hgt

① Invalid Telecomm Provider - Telecom Provider
Valid for 10 months 7/5/99

② Postings - 470 for pre-existing contract
• Box 10 checked. Green team by
mistake changed to Tariff by mistake.

Larry Bowers



Faxed

I provided the 1st page of your 471 for reference to which form needs attention. (in case you filed multiple forms)

Your FAX #

Date: 6-11

To: Larry Bowers

Re: Form 471 for (Applicant Name)

Please review and initial the changes/corrections on the following pages of your Form 471 application, control number 2682. We have included the first page of your Form 471 to ensure this is the correct application. If the changes/corrections are appropriate, please sign below, authorizing SLC to make these changes/corrections on your behalf. Fax this completed form (and supporting documentation if required) to (785) 841-0603 to:

ATTEN: Mike

"I certify that the information listed contained in the attachment(s) is accurate and complete to the best of my knowledge, information and belief, and that I am authorized to submit this information on behalf of (Name of billed entity Form 471 applicant)."

(Name of Authorized Person)

(Title of Authorized Person)

(Signature of Authorized Person)

(Telephone Number of Authorized Person)

6/17/98 need worksheet of calculations for # 14. (Date) which spin do we use for Pioneer Comm. Inc? 143002303 OR 143003971 For Block 5 # 15 Column 3 if Tariff (such as long distance or phone service) put a T in col. 3 Take charge col. 7 to Date when you posted 471 I will call about Block 5 6/12

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Contact Person's Name Larry Bowers

Phone Number (316) 593-4344

Calculation for Discount Percentage

(Item 14-Form 471)

	1	2	3	4	5
	Number of Students	# of Students Eligible for National School Lunch Program	% of Students Eligible for National School Lunch Program	Discount Level (Rural)	Col. 1 times Col. 4
Rolla High School	69	56	81%	90	62.1
Rolla Grade School	130	59	45%	70	91.0
Totals	199				153.1

For Shared Services Ordered by Billed Entity

0.769347 = 77%

FAXED
6-17-98
HT

ATTN: MIKE
785-841-0603

471

Schools and Libraries Universal Service Services Ordered and Certification Form

Estimated Average Burden Hours Per Response: 6 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Schools and Libraries Corporation can set aside sufficient support to reimburse providers for services.

Please read instructions before completing. (To be completed by each Billed Entity)

Block 1: Applicant Address and Identifications (School, library, or consortium desiring Universal Service funding.)

1. Name of Applicant (Billed Entity) **USD217: Rolla Schools** 2. Funding Year **1998**

3a. NCES School Code (if individual school) or NCES Library Code (if individual library)

3b. 471 Application Number (Administrator will insert this) 3c. Billed Entity Number

4a. Type of Applicant (Check only one box.)

school

school district

library or library consortium under the LSTA

consortium of multiple entities

4b. If applicant is a consortium, check all other boxes that apply:

includes non-governmental entities ineligible for support

region of a state statewide multi-state

state educational agency

local educational agency

educational service agency

5. Applicant's Street Address, P.O. Box, or Route Number
P.O. Box 167

City Rolla	State KS	Zip Code 67954	Telephone Number (316) 593-4344	E-mail Address RollaSchools@usd217.org
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6. Contact Person's Name **Larry Bowers**

Street Address, P.O. Box, or Route Number (if different from Item 5)

City	State	Zip Code
------	-------	----------

Fill in all of the following (if available), and check the preferred mode of contact: Telephone **(316) 593-4344**

FAX **(316) 593-4250** E-mail **lbowers@usd217.org** Mail

Block 2: Purpose of Request

7. Purpose of Request: (Check all that apply, if any.)

a. Discount on contract(s) signed prior to a request being posted on the Administrator's website.
Was an FCC Form 470 filed with regard to all the contract(s)? Yes No

b. Discount on contract(s) signed after a request being posted on the Administrator's website.

c. Minor modification or supplement to existing contract(s) for which a Form 471 was already filed.
471 Application Number _____

Block 3: Characteristics of Applicant and Applicant's Service Order (derived from FCC Form 470 Blocks 2 & 3)

8a. Number of students 199	8b. Number of library patrons 610
9. Number of buildings to be served 3	10. Number of rooms to be served 27

	Existing Service	Total Services After Order
--	------------------	----------------------------

SLC BATCH #
 APR 10 9 57
 CONTROL # A

JUL 12 1999

FCC

Fax

FAXED
3/23/99

USD 217 Rolla

To: SLC - Attn: Sohail

From: Larry Bowers

Fax: 973-884-8488

Pages: 6

Phone:

Date: March 23, 1999

Re:

CC:

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

Sohail:

Please find following documentation to verify our conversations of Tuesday, March 23, 1999. The first page is a clarification from Pioneer Communications, Inc. regarding their new name, their spin number, and the date of our contract with them. Following this is a copy of our original contract with them (4 pages)

Larry Bowers

COPY



120 West Kansas Avenue
P. O. Box 707
Ulysses, Kansas 67880-0707

Tel: 316 / 356-3211
Fax: 316 / 356-3242
Internet: www.pioncomm.net

March 23, 1999

Unified School District 217
ATTN: Larry Bowers
PO Box 167
Rolla, Kansas 67954-0167

Dear Mr. Bowers:

In reference to the agreement providing USD 217 Internet Services and Telecommunications Services signed November 9, 1997. Pioneer Telephone Association d.b.a. Pioneer Communications has extended the contract date for Internet Services and Telecommunications Service to June 30, 1999. Our spin number is 143002303. If I can be of any further assistance please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Nagel', is written over a faint circular stamp or watermark.

Robert Nagel
Director of Tariffs and Settlements
Pioneer Telephone Assn. Inc d.b.a. Pioneer Communications

AGREEMENT
FOR
COMMUNICATIONS FACILITIES AND SERVICES
BETWEEN

UNIFIED SCHOOL DISTRICT 217

AND
PIONEER TELEPHONE ASSOCIATION, INC.

AGREEMENT

THIS AGREEMENT is entered into as of the ____ day of _____, 1997, between Unified School District 217/Rolla, KS (hereinafter referred to as "SCHOOL") and Pioneer Telephone Association, Inc. (hereinafter referred to as "PIONEER TELEPHONE").

WHEREAS, PIONEER TELEPHONE is presently providing communications facilities and services to the SCHOOL, and

WHEREAS, recent federal legislation and actions by the Federal Communications Commission have created the potential for schools to request and receive funding from the national Universal Service Funds ("USF"), and

WHEREAS, PIONEER TELEPHONE desires to cooperate with the SCHOOL in achieving such funding; and

NOW, THEREFORE, the parties agree as follows:

1. TERM

This Agreement will be effective on January 1, 1998, and continue for a one year period to December 31, 1998.

2. RATES

The current tariff rates of PIONEER TELEPHONE on the communication facilities and services being provided to the SCHOOL shall remain in effect for the term of the Agreement.

3. FACILITIES AND SERVICES

The current facilities and services being provided by PIONEER TELEPHONE to the SCHOOL are:

SEE ATTACHMENT A

4. SCHOOL'S QUALIFICATIONS FOR USF

Should the SCHOOL be able to qualify for any USF, its discount would be based on the existing PIONEER TELEPHONE tariff rates.

5. DISCOUNTS TO SCHOOL

Any and all discounts to the SCHOOL will be based on rulings issued by the Federal Communications Commission for qualifying services.

6. REPRESENTATION OF PARTIES

The parties both represent and warrant to each other that they have the full power and authority to enter into and perform all requirements under this Agreement.

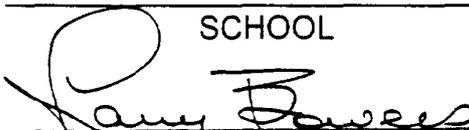
7. MISCELLANEOUS

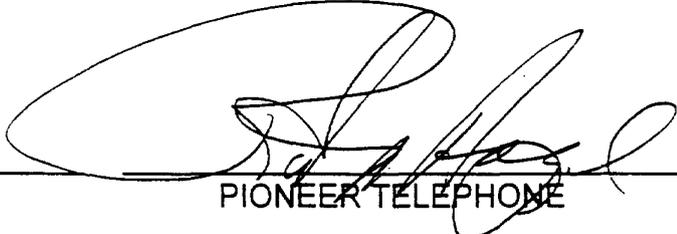
This Agreement has been executed in the State of Kansas and shall be construed and enforced in accordance with the laws of Kansas.

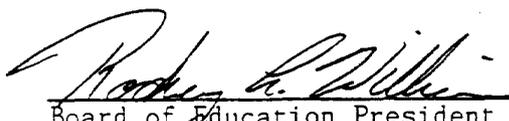
IN WITNESS WHEREOF, the SCHOOL and PIONEER TELEPHONE have executed this Agreement as of the day and year first above written.

USD 217 Rolla

SCHOOL


Superintendent


PIONEER TELEPHONE


Board of Education President

ATTACHMENT A

PIONEER TELEPHONE USD 217 AGREEMENT

INTERNET CHARGES

MONTHLY INTERNET CHARGE	700.00
T-1 ROLLA - ULYSSES	1,318.00
TOTAL MONTHLY	2,018.00
E RATE % DISCOUNT	70%
TOTAL DISCOUNT	1,412.60
BALANCE DUE PIONEER FOR INTERNET	605.40

YEARLY INTERNET CHARGE	8,400.00
T-1 ROLLA - ULYSSES	15,816.00
TOTAL YEARLY	24,216.00
E RATE % DISCOUNT	70%
TOTAL DISCOUNT	16,951.20
BALANCE DUE PIONEER FOR INTERNET	7,264.80

TELECOMMUNICATIONS CHARGES

LOCAL SERVICE MONTHLY	154.00
TOLL CHARGES MONTHLY	508.71
TOTAL LOCAL CHARGES MONTHLY	662.71
E RATE % DISCOUNT	70%
TOTAL DISCOUNT	463.90
BALANCE DUE PIONEER TELECOMMUNICATIONS	198.81

LOCAL SERVICE YEARLY	1,848.00
TOLL CHARGES YEARLY	6,104.52
TOTAL LOCAL CHARGES YEARLY	7,952.52
E RATE % DISCOUNT	70%
TOTAL DISCOUNT	5,566.76
BALANCE DUE PIONEER TELECOMMUNICATIONS	2,385.76