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Before the
Federal Communications Commission
Washington, DC 20554

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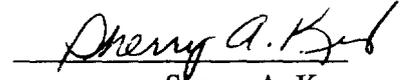
FCC MAIL ROOM

In the matter of:

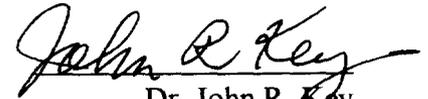
Request for Review by)
Pike County School District)
Commission of Decision of)
Universal Service Administrator)

FCC Docket Nos. 97-21 and 96-45

RE: Billed Entity Number: 128079
Application Number: 135522
Funding Request Number: 202627



Sherry A. Key
Career Technical Director
285 Gibbs St.
Troy, Alabama 36081
Phone: 334-566-5395 ext. 8410



Dr. John R. Key
Superintendent of Education
Pike County School District
101 West Love St.
Troy, Alabama 36801
Phone: 334-566-1850

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May 8, 2000

Pike County Board of Education

101 West Love Street
Troy, Alabama 36081
334-566-1850

Dr. John R. Key, Superintendent

**Sherry A. Key, Director
Career Technical Education**

May 8, 2000

Request for Review:
Federal Communications Commission
Office of the Secretary
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Dear Sirs:

I am enclosing my detailed copy of our School District appeal of the funding decision based on Form 471 application number 135522 Funding Request Number 0000202627 for the Pike County School District sent to SLD on 11/29/1999.

This date May 2, 2000 I received a denial of this appeal. I am appealing that decision based on the same cause: "program rules were changed after form 471 was filed".

If further information is needed, please do not hesitate to contact me.

Sincerely,



Sherry A. Key

Pike County School District
Appeal of the Funding Commitment Decision
FORM 471 Application Number 135522
Funding Request Number 0000202627
Spin: 143004824
Date: November 2, 1999
Postmarked: November 6, 1999
Received: November 9, 1999

1

I, Sherry A. Key, declare as follows:

1. I am employed by the Pike County School District as a teacher. I am currently serving as the Career Technical Education Director. I have been assigned the responsibility of Technology Coordinator for the purpose of obtaining e-rate discounts for this district. Further, I am the contact person for the Pike County School District's 1999 Form 471 Schools and Libraries Corporation application and the Schools and Libraries Division's Funding Commitment Decision Letter on Funding Request Number 0000202627.
2. On March 24, 1999, the Pike County School District filed a 1999 Form 471 application for telecommunications services that would be used for Internet access. Cable is not available to all schools within our district and the decision was made to request access via a common carrier. We formally announced a request for proposals that would allow our system to receive access to Internet services. In preparing the application, we followed the SLD staff advice in separating this part of the telecommunication bid from the POTS and long distance services because it was necessary for Internet service to be provided to all locations within the district. The reasons we separated this service were:
 - a. Our school district is serviced by four different telephone companies:

1. GTE for Banks, Alabama

One can literally call next door on a 243 exchange, across the street on a 735 exchange and on the other side of the street on a 566 exchange. We have tried for two years to obtain Internet service to these schools with no luck. Every service required a long distance charge which we could not afford!

2. GTE for Brundidge, Alabama (Separate Service Company from #1)

The service received from GTE has been so poor that it has recently culminated in a town meeting in which our elected representatives were present to hear the complaints. We had tried for two years to obtain Internet access to Banks School without excessive long distance charges to no avail.

3. Goshen Telephone Service

4. Bell South Telephone Service

- b. There is one ISP located in Troy, Alabama. There are no other ISPs in any other city or municipality in Pike County.
- c. Because all lines would have to terminate in Troy, Alabama, we were already experiencing difficulty receiving dial up service, and we wanted to eliminate the long distance charges to the ISP, we requested that one phone company provide the service to all schools by contracting with the other companies to provide T1 lines from the central office point to each

school and ultimately from the central office point to the ISP.

- d. We received one (1) bid. The Bell South Bid (See Attached Proposal - Attachment A)
3. As requested in the RFP, all circuits were provided through BellSouth, which in turn contracted with multiple telephone companies to complete the connections at the schools. Because we are a rural system with an 86% discount rate, we reflect a poverty area that does not have the funding necessary to hire a separate person to coordinate the resolution of network outages across multiple telecommunication services providers.
4. A service offering named Managed Network Services was included as a part of that proposal. Although this service is named "management", it is in reality a response to a request for a higher service level commitment for maintenance required to maintain the connectivity at a level that will ensure that reliable Internet access is provided to all of the children of this district in an equitable manner. This service provides a single point of contact for intervention of outages within the district since BellSouth does not own the entire network end-to-end. The school district seeks to minimize "downtime" by having a provider that can proactively monitor the connections. When an outage occurs immediate actions with the appropriate telephone company are taken to restore the service.

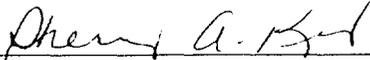
5. In August, I tried to contact SLD to determine why we had not yet received notification of services. Because we are at an 86% discount, it is obvious that we cannot afford to carry the cost of telecommunication services, Internet services, and internal connections without e-rate funding. Although I contacted several individuals, I was told that there was no way of determining the length of time it would take for us to hear from the request. During the last week of August, I was notified that we were being audited. As we went into the months of September and October, I again tried to determine when we would receive e-rate funding, even e-mailing the SLD for assistance, to no avail. When we entered November (nine months after the initial application) we realized that we would have to cut off all services and pay the installation charges again, if we were funded. Although I talked with SLD representatives a number of times, at no time did they state that there was a limit on the percent of managed services.
6. Unless the decision to disallow Pike County School District the T1 service provided by BellSouth is reversed, it will leave the district without access to Internet service for another year.
7. I have researched all information provided to me by SLD in completing the Form 471. In no place do I find reference to a limit of 30% for ineligible services. During the audit, I complied with all requests and provided all of the above

Pike County School District
Appeal of the Funding Commitment Decision
FORM 471 Application Number 135522
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information. At no time was I informed that there was a problem with this part of the request. As a matter of fact, I have since pulled up the information provided, "Maintenance and Installation" citing paragraphs 451,452,459, and 460 and I cannot find any reference that should have clued me not to award that bid. There was no way the school district could have known or anticipated that these services were supposed to be unbundled in our application for funding consideration. I was not aware, and have still not found any information that does not allow for after-the-fact unbundling when ineligible services have been asked for, (until I received your funding decision letter which inclosed a form identified as SLD - June 1999 - pg. 3 - four months after we filed the 471). It would appear to me that if the 30% decision was made in June and we were being audited in August, September, October and November that you would have made us aware of that change so that we could have made corrections during the audit process.

In summary, I am requesting that the SLD reconsider this request for T1 lines so that we can offer access to Internet services for this school district.



Sherry A. Key, Contact Person Form 471

Pike County School District
Appeal of the Funding Commitment Decision
FORM 471 Application Number 135522
Funding Request Number 0000202627
Spin: 143004824
Date: November 2, 1999
Postmarked: November 6, 1999
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6

John R. Key, Superintendent of Education
Pike County Board of Education

BELLSOUTH RESPONSE TO PIKE COUNTY BOARD OF EDUCATION BID FOR
INTERNET SERVICE

03/01/99

BellSouth is bidding a single Frame Relay T-1 connection from Troy Pike Regional Technology Center to BellSouth.net for Internet service and a wide area network with T-1's to each school from the Troy Pike Regional Technology Center. All schools will connect to the Internet at the Troy Pike RTC.

Response to bid specifications.

1. Read and comply.
2. Read and comply. Pricing follows.
3. Read and comply.
4. Read and comply.
5. Read and comply. Description follows.
6. Read and comply. Description follows.
7. Read and comply. Information provided in pricing.

PRICING

	<i>Install</i>	<i>1 Yr.</i>	<i>Contract Periods</i>	
			<i>2 Yr.</i>	<i>3 Yr.</i>
Full Frame Relay T-1 to BellSouth.net. Connection is made at the Troy, Alabama BellSouth office.	\$1200	\$1900	\$1886	\$1781
Total Direct Internet Connection	\$1200	\$1900	\$1886	\$1781
T-1's from Troy Pike Center for Technology to the following sites:	<i>Install</i>	<i>Mo to Mo</i>	<i>2 Yr.</i>	<i>3 Yr.</i>
Goshen High	\$ 30	\$475	\$435	\$435
Goshen Elementary	30	475	435	435
Banks Primary	30	465	426	426
Banks Middle	30	465	426	426
Pike County High	30	465	426	426
Pike County Elementary	30	465	426	426
Total Wide Area Network to Connect Schools to Internet via Technology Center	\$ 180	\$2810	\$2574	\$2574

5. BellSouth.net provides 24 hour a day, 7 day a week customer support for repair and maintenance with an 800 number to our Data Communications Service Center in Atlanta. When you call, you will talk with a service technician and have access to a service supervisor if escalation becomes necessary.

7. BellSouth.net provides a credit for outages on their Internet service that last for more than 30 minutes. The terms of the credit are: The customer should immediately report the trouble to the Network Operations Center. The Network Operations Center will open a trouble ticket and initiate the repair process to restore the service. If the outage lasts more than 30 minutes after the NOC opens the trouble ticket, the customer is eligible to receive a credit. The amount of the credit will equal the cost of one day's BellSouth.net Business service (Monthly rate/30) times the number of days the outage lasted. If a customer has two outages in the same day, only one day's credit will be applied.

Submitted By:



Debbie Cooner
Account Manager
BellSouth Business
334-273-2118

BELLSOUTH'S BID RESPONSE TO PIKE COUNTY BOARD OF EDUCATION FOR NETWORK MANAGEMENT SERVICES

03/01/99

BellSouth Managed Connection Service for Internet T-1 Connection and 8 Pike County Board of Education locations with T-1 connections.

BellSouth Managed Connection Service provides network maintenance, monitoring, and management and coordination of network status for seven (7) schools and the central office.

Service provides proactive monitoring of network to identify problems and provide coordination of trouble resolution.

Service provides a single point of contact for WAN maintenance.

Standard service agreements will be established and maintained to ensure network performance.

BellSouth Managed Connection Service provides reports on network status and utilization.

PRICING

<i>Contract Periods</i>	<i>Install</i>	<i>12-36 Mo.</i>	<i>37-60 Mo.</i>
1 Frame Relay circuit at 56 Kbps. which is used as the monitoring connection	\$ 945	\$ 155	\$ 155
X Management, using existing Pike Co. Cisco router and CSU/DSU*	\$ 7200	\$1200	\$1080
Maintenance of existing Cisco routers after warranty period	2000		\$580
	<u>\$10,145</u>		<u>\$1,815.00</u>
Management, using BellSouth provided router and CSU/DSU**	\$13600	\$2000	\$1800

* & ** See explanation of services below.

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* & ** See explanation of services below.

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***Monitoring** and coordination service is provided. BellSouth.net monitors the network and router on a 24 x 7 basis. If a problem is detected, BellSouth.net informs the customer and coordinates the troubleshooting activities. BellSouth.net is responsible for managing/coordinating troubleshooting activities with the customer and facilitating any third party service dispatches, but will not handle the actual troubleshooting activities, which are the responsibility of the customer and the third party vendor.

The customer is responsible for providing replacement parts for their Customer Premises Equipment (routers and CSU/DSU's). This may include vendor maintenance contracts.

**** When BellSouth.net** has provided the customer premises equipment as part of the transport, BellSouth.net will retain ownership of the termination equipment and will be responsible for all installation, configuration, repair, and/or replacement of that equipment

Submitted By:

Debbie Cooner
Account Manager
BellSouth Business
334-273-2118

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03/01/99

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PRICING

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Submitted By:



Debbie Cooner
Account Manager
BellSouth Business
334-273-2118

A FAX FROM

BELLSOUTH BUSINESS SYSTEMS

4001 Carmichael Center, Suite 450
Montgomery, Alabama 36106

FROM: Debbie Cooner, Account Manager
TELEPHONE NO.: (334) 273-2118
FAX NO.: (334) 273-0490

TO: Sherry Kemp
TELEPHONE NO.: 565-5896
FAX NO.: 334-566-1690

REMARKS: _____

No. Pages, Including Cover 6
DELIVERY URGENT
NORMAL

Contact Person's Name: Sherry A. Key

and Phone Number: 334-206-5395

Block 5: Services Ordered

15 "Shared" services: All EXCEPT site-specific, internal connections and dedicated ("private line") connections from only one school or library to an ISP or other end-user

(1) SLC Service Provider Number or Full Legal Name of Service Provider	(2) Universal Service Control Number for Form 470 on which this is based	CONTRACT			(6) Services or Products	(7) Service Start Date	Amount		(10) Estimated Total Annual Prediscount Cost	(11) Percentage Discount (from Item 14)
		(3) Contract Number (if applicable)	(4) Award Date	(5) Expiration Date			(8) Estimated One Time Pre-discount Cost	(9) Estimated Monthly Pre-discount Cost		
143005909 B-C-Net	905300000144632				Telecommunication Services					
		-	03/17/1999	06/30/2000	Internet Access	07/01/1999	3000	2766	31192	86
					Internal Connections (Shared)					
143004824 BellSouth	905300000144632				Telecommunication Services	07/01/1999	17,595	4008	65,691	86
		-	03/17/1999	06/30/2004	Internet Access					
					Internal Connections (Shared)					
					Telecommunication Services					65,691
					Internet Access					
					Internal Connections (Shared)					

$(4008 \times 12 = 48,096 + 17,595 = 65,691)$

add install costs

FROM : FAX NO. : 5661590 DATE: 27 1999 09:27AM PG



BellSouth Business Systems, Inc.
 Suite 430
 4001 Carmichael Center
 Montgomery, Alabama 36106

BELLSOUTH'S BID RESPONSE TO PIKE COUNTY BOARD OF EDUCATION FOR NETWORK MANAGEMENT SERVICES
 03/01/99

Update: 08/27/99

BellSouth Managed Connection Service for Internet T-1 Connection and 8 Pike County Board of Education locations with T-1 connections.

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PRICING

	<u>Install</u>	<u>37-60 Mo.</u>
1 Frame Relay circuit at 56 Kbps. which is used as the monitoring connection	\$ 945	\$ 155
* Management, using existing Pike Co. Cisco router and CSU/DSU*	7200	\$1080
Total Network Management	\$8145	\$1235

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Submitted By:



Debbie Cooner
Account Manager
BellSouth Business
334-273-2118



BellSouth Business Systems, Inc.
 Suite 450
 4001 Carmichael Center
 Montgomery, Alabama 36106

**BELLSOUTH RESPONSE TO PIKE COUNTY BOARD OF EDUCATION BID FOR
 INTERNET SERVICE
 03/01/99**

Update: 08/27/99

BellSouth is bidding a single Frame Relay T-1 connection from Troy Pike Regional Technology Center to BellSouth.net for Internet service and a wide area network with T-1's to each school from the Troy Pike Regional Technology Center. All schools will connect to the Internet at the Troy Pike RTC.

Response to bid specifications.

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2. Read and comply. Pricing follows.
3. Read and comply.
4. Read and comply.
5. Read and comply. Description follows.
6. Read and comply. Description follows.
7. Read and comply. Information provided in pricing.

PRICING

T-1's from Troy Pike Center for Technology to the following sites:

Install 60 Mo. Contract

Goshen High	\$ 1575	\$ 435
Goshen Elementary	1575	435
Banks Primary	1575	426
Banks Middle	1575	426
Pike County High	1575	426
Pike County Elementary	1575	426
PC-Net, Troy	0	199
Total Wide Area Network to Connect Schools to Internet via Technology Center	\$9450	\$2773

5. BellSouth.net provides 24 hour a day, 7 day a week customer support for repair and maintenance with an 800 number to our Data Communications Service Center in Atlanta. When you call, you will talk with a service technician and have access to a service supervisor if escalation becomes necessary.

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Submitted By:



Debbie Cooner
Account Manager
BellSouth Business
334-273-2118

EDUCATION

DATA NETWORKING SOLUTIONS PACKAGE

WHY SHOULD I CONSIDER MANAGED CONNECTION SERVICE?

Designing and implementing a wide area network (WAN) is not a simple task and building it is only the first step. When you rely on networking as a fundamental operational tool, you want the most secure, dependable service available.

With BellSouth's router leasing option, BellSouth will install, configure, and repair or replace router equipment to ensure ongoing reliable operation of your network. Alternatively, if you have your own routers, BellSouth can provide you with continuous monitoring, failure reporting, and coordinate trouble resolution with your router maintenance vendor.

Data is a valuable asset for schools and libraries. BellSouth networking expertise can help ensure the availability of valuable information in your organization.

People who have the skills to perform these functions are difficult to hire and expensive to retain. Expert engineers at BellSouth can provide solutions for network support.

It is difficult to teach a class or manage a school or library without reliable communication tools. Contact your BellSouth account representative for additional information.

HOW TO GET STARTED

BellSouth provides many options for connecting people for powerful results. On the right you see a selection of what is available. As an educator, you want to give your students every opportunity to succeed. And, never before has it been so possible. To see how you can bring high speed, reliable networking into being in your school setting, please contact your BellSouth account representative today.

For more information about the components and advantages of high speed networking, visit the Network Solutions section of the BellSouth Education Gateway at:

<http://k12.bellsouth.net>

Data Transport

Access Options

- Frame Relay (FR)
- Connectionless Data Service (CDS)

Speed Options

- 56 Kbps (DS0)
- 128 Kbps (fractional)
- 384 Kbps (fractional)
- 1.536 Mbps (DS1)
- Faster speeds are also available to meet your requirements

Managed Connection Service

With Managed Connection Service from BellSouth, expert network engineers will monitor your wide area network connections from the router to our management facility. Should a service affecting problem exist, BellSouth will be your single point of contact for trouble resolution. BellSouth will:

- Alert you to a network problem immediately
- Coordinate problem resolution
- Provide you with periodic progress reports until the problem is resolved

Equipment Options:

- Router Lease Option (from BellSouth)
- Router Purchase Option (direct from vendor)
- Existing Router Option (must be compliant with BellSouth standards)

Dedicated Internet Access

Features:

- Connecting ports
- Internet routing protocol routing
- Internet access gateway
- Long distance fee to third party between the BellSouth Management facility and the Internet
- Access to the BellSouth Education Gateway
- Free Web Mail

Options:

- E-mail accounts
- Web development services
- Server services such as Domain Name service, proxy service, fire wall, etc.

