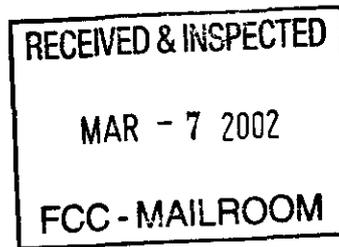


February 25<sup>th</sup>, 2002

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



RE: CC Docket Nos. 96-45 and 97-21

To Whom It May Concern:

Picher Public Schools ("Picher"), Entity Number 14014 is appealing the decision made by the Administrator of the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) to deny funding for the following Funding Request Numbers (FRNs), all of which were submitted with 471 application number 242429:

FRN 580921  
FRN 580924

All of the FRNs listed above were denied by the Administrator for the following reason: "Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal."

Picher was asked by an SLD representative, Michael Duesinger, to provide: 1) Copies of all contracts awarded; 2) Copies of any bid sheets or Request for Proposals; 3) Copies of bids received; 4) Reasons for choosing the listed service providers on their 471 application; and 5) Documentation of Picher's ability to pay their non-discounted portion of services requested.

On June 18<sup>th</sup>, 2001, Picher sent their response to Mr. Duesinger. **The issue here is whether or not Picher considered price as the primary factor in awarding bids.**

Picher is very confused as to what documentation provided led the SLD to the conclusion that price was not the primary factor. Picher believes that Mr. Duesinger misunderstood our response to his selective review. It is Picher's contention that price was considered as the primary factor. We ask that you consider the following factors:

1. Picher clearly considered price as a factor. Both the school board meeting minutes, and the cover letter to Mr. Duesinger clearly indicate that price had been considered. The school board minutes indicate that the board understood that the Internet Access service would cost \$23,000 (regrettably, there is a typo indicating \$17,000 on the school board meeting). Mr. Walker, in his cover letter to Mr.

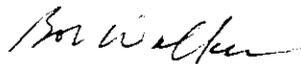
\_\_\_\_\_  
1

Duesinger also states "The Board was made aware that there would be an undiscounted amount (\$13,671.91) in which the district would be obligated to pay." Additionally, Picher demonstrated their ability to pay their non-discounted portion of services requested. The Commission has previously ruled that the applicant's willingness and ability to pay for their non-discounted portion of services requested demonstrates that the most cost effective bid had been chosen. How could Picher have chosen the most cost effective bid without considering price? Consistent with the Commission's competitive bidding rules, the fact that Picher was aware of, willing and able to pay for, their non-discounted portion proves that price was considered.

2. Only one bid for Internal connections (FRN 580924) was received. Picher had no other price to compare against for this service, and was not required to affirmatively solicit bids beyond the posting of the 470 Form.
3. Picher specifically answers the SLD's charge, in their original response to Mr. Duesinger. In the cover letter to Mr. Duesinger dated June 18<sup>th</sup>, 2001 the board minutes indicate that, among other reasons, Picher awarded the Internet Access bid (FRN 580921) because of **transition costs** in switching One Net (the only other bid received) and because of past service reliability (see "Attachment 1"). **In answering the request for the selective review information, Picher demonstrated that the combination of past service history and reliability outweigh any pricing considerations that the district had, making the awarded bid the best bid for the school district.** Additionally, please see "Attachment 2" which further demonstrates that price was considered.

We ask that the Administrator's decision to deny funding for the above referenced FRNs be reversed, and that the application be remanded to the SLD for further processing.

Thank you,



Bob Walker  
Superintendent  
Picher Public Schools  
PO Box 280  
Picher, OK 74360  
(918) 673.1714 x 402



# PICHER-CARDIN PUBLIC SCHOOLS

PICHER OKLAHOMA 74360

RECEIVED & INSPECTED  
MAR - 7 2002  
FCC - MAILROOM

Attachment # 1

- Superintendent's Office  
673-1714
- Jr./Sr. High School  
673-1713
- Elementary School  
673-1783
- Gymnasium  
673-1831
- Band Room  
673-1346
- Maintenance  
673-1625
- Fax Number  
673-1718

DATE: June 18, 2001  
 TO: Michael Duesinger  
 FROM: Bob Walker, Superintendent of Schools  
 RE: Response to item 5 (E-rate information)

The following is in response to the June 12, 2001 E-rate information request fax,  
**item 5: Documentation of your ability to pay the applicant share of E-rate.**

During the Picher-Cardin Regular School Board Meeting on January 8, 2001, an explanation of E-rate funding was provided by the superintendent, during the discussion before contracts were awarded. (Please see items 8 and 9 on the accompanying Agenda and their corresponding Minutes.) The Board was made aware that there would be an undiscounted amount (\$13,671.91), in which the district would be obligated to pay. By moving to award the contracts, the Board represented their commitment to budget the obligated amount for fiscal year 2001-2002.

Chris -

I talked to Mr. Duesinger yesterday.  
 Faxed this later. Haven't heard  
 from him as of yet, today.

6/18/01 - 10:05 AM.

744-5476

RECEIVED & INSPECTED

MAR - 7 2002

FCC - MAILROOM

January 8, 2001

Picher-Cardin Public Schools

A regular meeting of the Board of Education, School District #15, Picher-Cardin Schools met Monday, January 8, 2001, at 7:00 p.m. in the James H. Spoon Board of Education Building.

The meeting was called to order by President Johnny Sparkman and opened in prayer by Bob Walker. The following members were present: Johnny Sparkman, Nick Koronis, Rhonda Rogers and Steve Garrett. Bruce Evans was absent. Others present were: Bob Walker, Greta Dawson, Bruce Chrz and Kim Pace.

Motion made by Nick Koronis and seconded by Rhonda Rogers approving the minutes for the December 4, 2000 regular board meeting. All votes yes.

Motion made by Rhonda Rogers and seconded by Steve Garrett approving General Fund purchase orders #401 through #460. All votes yes.

Motion made by Nick Koronis and seconded by Rhonda Rogers approving General Fund payroll and claims. All votes yes.

Motion made by Rhonda Rogers and seconded by Nick Koronis approving Activity Fund transactions. All votes yes.

Motion made by Nick Koronis and seconded by Steve Garrett approving Cafeteria Fund purchase orders #31 through #34. All votes yes.

Motion made by Rhonda Rogers and seconded by Nick Koronis approving Building Fund purchase order #1. All votes yes.

 Mr. Walker opened discussion concerning reviewing bids for Internet Access. These bids were in respect to year 4 E-Rate funding. Bids reviewed were from MasterMind and One Net. Mr. Walker recommended contracting with MasterMind for the following reasons: 1) the inclusion of filtering, 2) unlimited email accounts, 3) maintenance, 4) transition costs would be required if internet provider was changed, 5) MasterMind has provided the district a high level of service since 1994. Motion made by Steve Garrett and seconded by Rhonda Rogers to award the Internet Access bid of \$17,000.00 to MasterMind. All votes yes.

 Mr. Walker opened discussion concerning reviewing bids for Internal Connections. These bids were in respect to year 4 E-Rate funding. MasterMind had submitted the only bid in respect to Internal Connections. Mr. Walker discussed the different items this bid was related to, and recommended awarding this bid to MasterMind. Motion made by Steve Garrett and seconded by Nick Koronis to award the Internal Connections bid to MasterMind at an amount of \$78,000.00. All votes yes.

January 8, 2001  
Page 2

Motion made by Rhonda Rogers and seconded by Steve Garrett approving contracting with CRW Consulting in respect to filing for year 4 E-Rate funding. All votes yes.

Upon Mr. Walker's recommendation, a motion was made by Steve Garrett and seconded by Nick Koronis approving hiring Myca Morton on a permanent basis for the remainder of the 2000-2001 school year as a Lead Prevention Grant temporary teacher's Assistant. All votes yes.

Motion made by Rhonda Rogers and seconded by Steve Garrett for the board to go into executive session to discuss the re-employment status and evaluation of Bob Walker as superintendent, 25 O.S. Section 307(B)(1), so the board can return to open session and vote to re-employ or vote to find that reasons may exist for the nonre-employment of Bob Walker as superintendent. All votes yes.

Motion made by Steve Garrett and seconded by Rhonda Rogers acknowledging the board's return to open session. All votes yes.

Mr. Walker made the executive session compliance announcement stating that during the executive session Item 12 was the only item discussed by the board.

Motion made by Steve Garrett and seconded by Nick Koronis approving to re-employ Bob Walker as superintendent for the 2001-2002 school year. All votes yes.

There was a discussion concerning a recent survey question: "Is it in the best interest of the residents of the Picher-Cardin area to continue considering relocation/buy out as an option to address the issues affecting the future of the area?" No action taken on this item.

There was a discussion concerning the district receiving a 21<sup>st</sup> Century Community Learning Center Grant.

Motion made by Steve Garrett and seconded by Nick Koronis allowing the use of the old gym by the Picher-Cardin Youth Basketball program contingent upon how the facilities are maintained. All votes yes.

Under Item 20 New Business, a motion was made by Steve Garrett and seconded by Nick Koronis approving for Johnny Sparkman to draft a letter stating that we the undersigned, Picher-Cardin Board of Education, are willing to consider options of buy out/relocation, provided a K-12 school system is part of the option plan. All votes yes.

Adjournment.



# **Picher - Cardin Public Schools I015**

715 West "A" Street

P.O. Box 280

Picher, Oklahoma 74360

Phone: (918) 673-1714

Fax: (918) 673-1718

*Attachment # 2*

To Whom It May Concern:

At the time that Picher filed our Form 471 application for discounts on year four services, both the School Board and the Superintendent of Schools understood that price was the primary factor in awarding bids.

The factors of past service reliability, and service expertise were enough to outweigh any pricing concerns that we had at the time.

Thank you,



Bob Walker  
Superintendent  
Picher Public Schools



Johnny Sparkman  
Past President/Current Member  
Picher School Board