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BUTNER PUBLIC SCHOOLS

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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:

Butner Public Schools (Butner), Entity Number 140347, appeals 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 Number **673051** (FRN), which was submitted with Butner's 471 application number 265651.

That FRN was 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."

Butner 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 Butner's ability to pay our non-discounted portion of services requested.

On December 10, 2001, I sent Butner's response to Mr. Duesinger. The issue here is what "documentation provided" by Butner "demonstrates that price was not the primary factor in selecting" the proposal?

I am confused as to what documentation provided led the SLD to the conclusion that price was not the primary factor. The following information, all demonstrated within Butner's response to the Selective Review requested by Mr. Duesinger, proves that price was considered:

- Butner received only one bid for Internet Access.
- Butner had no other prices to "compare" against, and was not required to affirmatively solicit other bids beyond Butner's posting of the 470 Form.
- Butner demonstrated ability to pay our non-discounted portion of services requested.

Consistent with the Commission's competitive bidding rules, the fact that Butner was willing to pay for their non-discounted portion proves that price was considered. Butner specifically answers the SLD's charge, in their original response to Mr. Duesinger. In the cover letter to Mr. Duesinger dated December 10, 2001, I responded for item #4, "In the case of the internet provider it [the reason for selection for the service provider] was based on past service and reliability. State law does not require a school board to take the cheapest bid when accepting bids for services. Rather it can be what the School Board considers the best bid." In answering the request for the selective review information, I specifically stated 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.

Butner requests that the Administrator's decision to deny funding for **FRN 673051** be reversed, and that the application be remanded to the SLD for further processing.

Thank you,

Doris Johnston
H.S. Principal & Technology Director

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