

Folsom Cordova Unified School District

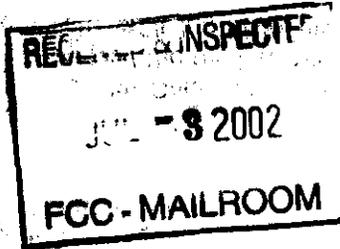
Department of Technology and Information Systems

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Letter of Appeal
Schools and Libraries Division
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Commitment Adjustment
Funding Year: 1998-1999
Form 471 Application Number 81646
Funding Request No. 81437
FCC Docket Nos. 97-21 and 96-45

Dear Sir or Madam,

I am writing this letter in appeal of the Commitment Adjustment Letter I just received regarding this application. This project involved the modernization of our Mills Middle School in Rancho Cordova, CA, in 1998, during which we built a new network with Internet access for the site.

Back on February 29, 2000, I sent a letter of appeal to the Federal Communications Commission requesting a review of the USAC Administrator's Decision Letter dated February 18, 2000, denying our request for release of this funding based on a technical error. A copy of this letter of appeal is attached.

In that letter, I explained the special circumstances involving this project. In this case, the original 471 was submitted by the district's previous Director of Technology, naming River City Communications (SPIN #143012724) as the vendor who would do this work. She was unaware at the time that a major state modernization project for this school was about to be commenced by the district's Facilities director, and that this modernization project would, in fact, include the data networking of the school. Without knowing about the E-Rate program, and following California law, the Facilities Director bid out and entered into an agreement with a general contractor for modernization of this entire site, including the installation of the data network providing the Internet connections.

The vendor who was hired by the general contractor as the subcontractor for data under this modernization project was Semans Communications (SPIN #14301141), not River City. At this point, the district had no option available to change vendors, per California bidding and contracting requirements, to have River City do the work, and the network was completed by Semans as contracted.

Everything else about this project met the exact requirements of the E-Rate program, and provided a desperately needed service to this school. Upon applying for the reimbursement,

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the SLD found that the school was not qualified for the \$116,962 it was otherwise eligible for, because the vendor used had changed from the one originally identified in the 471.

Upon discovering this technical problem, I appealed this decision to the FCC on the following grounds:

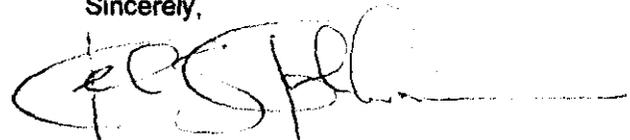
1. The procedural error made was an accident created by two different people unaware of the other's efforts;
2. Though there was an error with the "letter" of the law, the work met in every way the "spirit" of the law and the program. Funding was approved and set aside for this project, and most importantly, the work was bid according to legal requirements, done in a cost-effective manner by an approved vendor, and met in every other way the requirements of the "E-Rate" program.
3. This finding would grievously harm the district. The amount already expended for this project was almost \$150,000, and the amount identified for reimbursement to the district was \$116,962.40. Again, the funding was already approved and provided for by the program, and if the district is not allowed to access this money, it will have to be deleted from other schools' potential network budgets, diminishing and harming the whole purpose and impact of the E-Rate program.

Unfortunately, we never heard back from the FCC on this appeal. When your letter arrived, I was hoping someone had heard our plea for help, but it seemed instead to be a form letter simply confirming a "routine review" and that the commitment was being "adjusted" to eliminate this funding. So I'm not actually sure, at this point, whether or not there was an awareness of our plight or a status update on this appeal with either the SLD or the FCC.

Because this project met the exact spirit of the law, if not the exact letter, and because this funding represents dollars **desperately needed and depended upon to be able to connect many of our other non-E-Rate-eligible schools to the Internet**, I once again appeal for the reconsideration of this Commitment Adjustment. **The funding was clearly set aside by the program and intended for use by this district for this purpose.** There is no common good met by not allowing this funding commitment to be completed, and this funding reimbursed to the district as intended, so other schools in our district can equally benefit.

Thank you sincerely for any attention you can give this matter. Please do contact me if you have any questions in this regard. I will be out of my office during the month of July, but will be available via e-mail if you need to get in touch during that timeframe.

Sincerely,



Kelly J. Calhoun, Director

KJC

cc: Deborah Bettencourt, Deputy Superintendent;
Matt Washburn, Director of Facilities
Federal Communications Commission – Office of the Secretary

Enclosures: Letter of Appeal to FCC (2/29/00)
USAC Administrator's Decision on SPIN Change (2/18/00)
Commitment Adjustment Letter (6/03/02)