

FROM :

FAX NO. :

Jun. 16 2003 01:34AM P2

DOCKET FILE COPY ORIGINAL

"In the matter of: Request for Review by GEMS ACADEMY, of Decision of Universal Service Administrator" and shall refer to Docket Number:

CC Docket 02-6

RECEIVED

Date:06/13/03

JUN 16 2003

Secretary Of FCC

Federal Communications Commission  
Office of Secretary

(a.) Statement of party's interest in the matter for review.

On behalf of GEMS Academy's school board I, Edward Watson as Executive Director of the school is asking for a Waiver Request in reference to the ruling from the SLD Administrator, regarding the deadline for the Form 471 being signed for the Technology and Telecommunications grant funding for 2003/2004. There were extenuating circumstances that created the failure of the form not being signed within the window of completion.

(b.) Full statement of relevant materials and facts with supporting facts and documents

The form was sent in with the completed application and appropriate forms, but it was not signed due to the twenty eight day waiting period and it being submitted on line. I contacted the company that wrote the grant for the school and spoke with Mr. Robert Nelson, explaining the waiting period and seeking other vendor bids per the letter from SLD. The school paid a fee to join Funding Depot, who was to write all technology and telecommunications grants for the school. He assured us that the 471 would be forwarded to me for signature and sent onto SLD on a timely basis or shortly after the expiration of the twenty-eight days. On February 4, 2003 I faxed to Mr. Nelson a signed 471 that was requested by him. When the matter of having other vendors give bids was discussed he became upset. As other vendors submitted their bids there was a \$300,000 to \$400,000 difference in the amount Data Source and SBC had given. In discussing this difference and the need for adjustments to be made from the original amount stated, Mr. Nelson was no longer available for discussing the procedures to secure the grants. He finally set three appointments on three different occasions and neither was kept. When SLD was contacted I was told that the window was closed and to send a letter that would serve as an appeal to SLD, requesting a waiver of the 471 dead-line. SLD denied the appeal and instructed me to file an appeal with FCC.

(c.) The question present for review is: Will the FCC appeal the decision made by SLD regarding the school's failure to meet the deadline for the signed form 471?

Mr. Nelson did on purpose failed to make sure the 471 deadline was not met, which has put the school in the predicament of maybe losing students, as the school was being

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chosen by students because we were to become a totally automated classroom school, from kinder through senior high, offering the students a newly created core subject program that was based on carefully collected research data that was collected during this 2002-2003 school term. The program increased the performance of all participants academically, behaviorally, emotionally, psychologically and socially.

(d.) Statement of relief sought.

The relief sought in this case is to allow the 02/04/03 signed 471 stand with SLD, granting the school needed funding to continue with projects that require the installation of the technology and telecommunication equipment, via another vendor of choice.

- (e.) A copy of the request and it's entirety shall be served to the SLD administrator, consistent with the service of documents, set forth in 1.47.

A copy of this request for the appeal of the decision made by the SLD Administrator, has been forwarded onto SLD.

- (f.) If a request for review is made through alleges:

It is alleged that the conduct and desire of the Funding Depot, Data Source and SBC, jointly created a bid to create access profits through pricing goods and services that were out of line with other vendor bids. It was indicated to our board that this is a common practice for vendors who are paid via e-grant funding.

- (g.) Was there prohibitive conduct on the part of a third party?

All indication has shown that there was prohibitive conduct on the part of the Funding Depot's representative, Mr. Robert Nelson that has resulted in the school, which is a private tuition free school, possibly losing funds that are badly needed to insure that each classroom would be automated with computer access for each student within our small class size and lab setting. The telecommunication grant will assist the school greatly, as Sprint has charged approximately \$4,000 in telephone bills here in Humble, Texas, which has been more than the school's electricity bill which cools and heats a 50,000 square foot building.

1. The school has spoken with the mayor's office regarding the high costs of Sprint charges. No other telephone service can compete with Sprint, as they own the lines. The school only had two lines, one for incoming and outgoing calls and a fax line.
2. Sprint's customer service cannot give an adequate explanation of the charges.

All businesses and residents complain, but nothing has been done to lower these outrageous telephone bills, especially for those on fixed incomes.

FROM :

FAX NO. :

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Also, the school was to implement a community computer project to form a partnership between the senior citizens and school students, with the students assisting the senior adults in becoming computer literate through a mentoring program between the community and GEMS Academy.

(h.) Third party may file a response to allegations.

Each party, Funding Depot, Data Source Consulting, and SBC has been properly notified, to respond to the allegations made within this appeal.

Summary: GEMS Academy has succeeded in creating a learning environment in which students have increased their performance in reading, writing, and mathematics by two to six levels in six to eight months. We have provided a lab setting, along with student and family counseling, which has reduced student aggression and violence within their immediate families and towards each other within the school.

Our school lab is under the directions of the, well known Dr. Lendell Braud, who has created programs for the learning disabled, disadvantaged and culturally deprived students for over thirty plus years. Our program was presented to the International Conference on Learning Disabilities with many inquires about our program. Each of us involved with the program has gotten such positive rewards, even though there was no funds for salaries, our students shined with increases in performances that were thought were impossible, but had not been proven possible.

The long range goal for GEMS Academy is to provide a solid academic, behavioral, emotional, psychological, and social foundation for those students who can enter college, and successfully complete a required course of study to earn an undergraduate degree. This is a direct response to the hard fact that many minority students drop out of college, after the first semester, due to the lack of developed reading comprehensive skills, communication skills, and on level processing of mathematical materials.

The administration, faculty, and staff have successfully created and implemented this school and its program, knowing that the research could significantly improve the learning styles and capabilities of students have been previously labeled as learning disabled, resource, or special, with no federal, state or private funding.

*Edward Watson*

Edward Watson, Executive Director

06-13-03

Date

FROM :

FAX NO. :

Jun. 16 2003 01:36AM P5

**USAC****Universal Service Administrative Company**  
Schools & Libraries Division**FORM 470--Receipt Notification Letter**  
**(Funding Year 2003: 07/01/2003--06/30/2004)**

December 09, 2002

**GEMS ACADEMY**  
Ed Watson  
600 CHARLES STREET  
HUMBLE, TX 77338**Re: Applicant's Form Identifier: ED**  
**Form 470 Application Number: 310350000437667**  
**Entity Number: 232584**  
**Date Form 470 Posted: 12/02/2002**  
**Allowable Vendor Selection/Contract Date: 12/30/2002**

We are pleased to inform you that the Schools and Libraries Division (SLD) has received your FCC Form 470, "Description of Services Requested and Certification Form," although we have NOT yet received your Block 5 signed certification page, either electronically or on paper. The posting date is noted above. This letter provides important information about the processing of your Form 470 application. Please read this letter carefully and retain it for your records and future reference.

The Form 470 Application Number listed above has been assigned by the SLD and will be used to track your Form 470. This number must be provided on each FCC Form 471, "Services Ordered and Certification Form," that cites this Form 470. Any applicant who relies on this Form 470 will need to know this Form 470 Application Number. You may wish to share this number with those schools and/or libraries featured in this application to assist them in their preparation of Form 471.

The purpose of the Form 470 is to open a competitive bidding process for the services desired. The Form 470 applicant is responsible for ensuring an open, fair competitive process and selecting the most cost-effective provider of the desired services. Please be aware that if a service provider was involved in the preparation or certification of your FCC Form 470, this could taint the competitive bidding process and result in the denial of your funding requests. The Form 470 must be completed by the entity that will negotiate with potential service providers. It cannot be completed by a service provider who will participate in the competitive bidding process as a bidder.

If you believe that a service provider was improperly involved in the submission of this Form 470, you should cancel this Form 470 and submit a new one if you wish. To cancel a Form 470, call the Client Service Bureau at 1-888-203-8100 and follow their instructions. Please also refer to the "Service Provider Role in Assisting Customers" at [www.sl.universalservice.org/vendor/manual/chapter5.doc](http://www.sl.universalservice.org/vendor/manual/chapter5.doc) or call the Client Service Bureau for information on proper service provider involvement in the preparation and submission of the FCC Form 471.

FROM :

FAX NO. :

Jun. 16 2003 01:36AM P6

You should save all competing bids for services to be able to demonstrate that the bid you chose is the most cost effective, with price being the primary consideration.

Remember also that you cannot seek discounts for services in a category of service on the Form 471 if those services in those categories were not indicated on a Form 470.

FCC rules require that requests for tariffed or month-to-month services and requests for new contractual services be posted on the SLD web site for a period of 28 days before selecting a vendor, to provide for a competitive bidding process. State or local laws may require a longer procurement cycle. This 28-day waiting period must occur before you may execute any contracts for contracted services, before you select your vendor for tariffed or month-to-month services, and before you sign and submit your Form 471. In addition, if you are seeking support on your Form 470 for the first time for services delivered under a multi-year contract signed on or before July 10, 1997, the SLD cannot process your Form 471 until the 28-day waiting period has elapsed.

The date that contracts can be executed for contracted services or that selection can be made for a vendor providing tariffed or month-to-month services is listed above as the "Allowable Vendor Selection/Contract Date."

For information about the filing window for FCC Form 471 for discounts on services to be provided for Funding Year 2003, check the Schools and Libraries web site at <www.sl.universalservice.org>. Information about the filing window will be posted when it becomes available.

It is important to remember that not all requested services will necessarily be approved for discounts. Your FCC Form 471, "Services Ordered and Certification Form," will be subject to review by the SLB for a determination of funding eligibility before funds are committed. (This review will consider all program rules, including eligibility of discount recipients and the eligibility of services for which discounts are requested.) In addition, availability of funds will be a factor in funding decisions. Therefore, you should consider the possibility of a denial of funding or a level of funding below your request, and include appropriate contingencies in contracts for any or all of the requested services.

Thank you for your interest in the Schools and Libraries program. If you have any questions, please call the SLD Client Service Bureau at 1-888-203-8100.

Schools and Libraries Division  
Universal Service Administrative Company

*\* We were not notified that form 471 was not signed.*

*Handwritten notes and signatures at the bottom of the page.*

FROM :

FAX NO. :

Jun. 16 2003 01:37AM P7

The logo for Universal Service Administrative Company (USAC) features the letters "USAC" in a bold, serif font. A stylized, curved line arches over the letters, resembling a signal or a protective shield.

Universal Service Administrative Company  
Schools & Libraries Division

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May 6, 2003

Edward Watson  
Gems Academy  
600 Charles Street  
Humble, TX 77338

Edward Watson

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence on May 5, 2003 regarding the 2003-2004 funding decisions on your 471 application identifier ED. These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the program integrity assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. We will then follow with a funding commitment decision letter for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We have begun in-depth review of the appeals we have received, and our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your case with the care and attention it deserves.

Schools and Libraries Division  
Universal Service Administrative Company

FROM :  
MSN Hotmail -

FAX NO. :

Jun. 16 2003 01:37AM PB  
Page 1 of 1

MSN - More Useful Everyday **Hotmail**®

1

**From :** "SLD Correspondence Unit" <SLDCorrespondenceUnit@sl.universalservice.org>  
**To :** <vwatson25@hotmail.com>  
**Subject :** Re: Form 471 Certifications and Signature  
**Date :** Tue, 27 May 2003 14:11:23 -0400

Thank you for your letter regarding your Form 471 certifications and signature page for funding year 2003.

Please note that if you agree with the SLD that you missed the filing deadline, but you think there were extenuating circumstances, the SLD cannot waive the deadline. However, you can ask the FCC to waive the rules in your case by filing a request for a "waiver." To file a waiver request, follow the instructions on our web site in the Reference Section at

in the article "Appeals Procedure." Please note that waivers are not granted often: only in special circumstances and when a deviation from the rules would serve the public interest. The waiver standard generally requires a showing of circumstances that could not be avoided even with careful planning.

If you have any further questions please feel free to contact our Schools and Libraries help line at 888-203-8100 or E-mail us at

. Please monitor our web site  
( ) for up-to-the-minute news and definitive information.

SLD Correspondence Unit  
Universal Service Administrative Company

(7)

FROM :

FAX NO. :

Jun. 16 2003 01:38AM P9

**GEMS ACADEMY**

600 Charles Street  
Humble, Tex. 77338  
281-540-3455 Phone/281-540-7411 Fax

USAC  
Schools and Libraries Div.  
Box 152 Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

Reference: 471 Signature Page, Form 470 Application Number-310350000437667  
Entity Number 232584/Applicant's Form Identifier: ED

USAC,

On Wednesday, April 23, 2003 I had the occasion to speak with one of your representatives, being informed that our 471 Form was completed except for my signature. I am, along with my faculty and staff are all dismayed that this was allowed to happen. Our school received your correspondence and immediately responded to Funding Depot's representative, Mr. Ron Nelson. He forwarded me a 471 Form and I signed it and sent it onto him.

In his visit, along with a Data Source representative we were told that all was in place and we would have our funding as requested, to enable us to install all the technology to assist in creating full technological class rooms for our students. We are a small struggling private school that does not charge our students. We depend totally on grants and donations. In our trials, we have brought students up four and five levels in reading and mathematics from their past testing scores. Our program is unique and is shared with no other entity, as it is largely researched based. We can't get research funds, until we have hard data to present, which we have now.

Now we are in a terrible situation, as the technology was the recruiting tool we were using to go along with our reading, writing, and mathematics labs, student reporting and etc.

Ron Nelson and Data Source gave us an \$804,631 figure that did not include computers. We sought additional vendor comparisons and found that the figures were not inline, being too high, without the two hundred computers and servers we needed. Since that conversation, Mr. Nelson has changed his number and GEMS Academy is stuck in a situation of not our own making.

FROM :

FAX NO. :

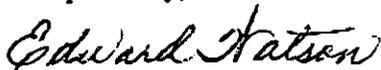
Jun. 16 2003 01:38AM P10

He and Data Source have signed many schools up in Houston Independent School District and other districts. Their quotes are extremely high and GEMS lost favor with these men, after they were told that our Board wanted to compare apples to apples. We paid a fee to join Funding Depot and their negligence has taken a main opportunity from us, if we are not funded. Please consider us in this funding year, as without the technology grant, our plans for all grade levels are dead. Our high school was totally technological, which reduced the need of more teachers. All subjects were to be computer based, even health and physical education. We have secured mathematics programs, science programs, installing a dry science lab. Our students are at-risk in their homes and other schools. We take the time, apply an errorless learning pattern to their reading approach and they learn.

On behalf of the students, faculty, staff, our board and myself, I ask that we be given the opportunity to receive the funding that we need to go forward into creating a full technological learning environment, once you received the enclosed signed 471 Form, Block Six.

I thank the representatives who took time to speak with me on several occasions, explaining that we may not be funded this year due to the failure of Nelson to have the signed 471 Form forwarded onto you. I can only assume that this is the method Funding Depot employs to keep the grant from being funded, if they feel they may have competition. Again, please consider GEMS for funding this 07/01/03!!!!

Respectfully,



Edward Watson,  
Executive Director

FROM :

FAX NO. :

Jun. 16 2003 01:39AM P11

## GEMS RESEARCH RESULTS FOR TECHNOLOGY AND TELECOMMUNICATIO GRANTS

### I. ACADEMIC RESEARCH RESULTS:

In September of 2002 GEMS Academy (Gifted Educated Minds Served) began its first year. The school adopted a laboratory model. Students were referred for testing, if the teacher felt that the student might have learning or emotional/behavioral problems. Thirty-six students were placed in one or more intervention groups designed to improve learning and behavioral/emotional functioning. Since most students exhibited more than one learning deficit they frequently served as an experimental in one group and a control in a different group resulting in all students receiving help in one or more areas. Six months expired between pre-testing and post-testing. Standardized achievement tests were used to evaluate progress. The number (N=) of experimental and control subjects in each group is presented in parenthesis. Of course, the experimental subjects in a remedial area received remediation while the control subjects received no remediation in that area. Over this 6 month period the students made the following progress:

#### ACADEMIC RESULTS:

- Students receiving mathematics remediation made 3 years, 6 months progress in a six month period in addition, subtraction, multiplication, division, and fractions. (Experimental N= 20, Control N=8)
- Students receiving reading remediation made 1 year, 9 months progress in six months. This same experimental reading group made 2 years, 5 months progress in spelling over a six month period (Experimental N= 9, Control N=8).
- Some students were assigned to receive visual-motor remediation because of severe neurological deficits and very poor handwriting. Experimental subject (N=8) obtained 2 years, 6 months progress over a 6 month period. Control subjects (N=8) made no significant progress.

FROM :

FAX NO. :

Jun. 16 2003 01:39AM P12

In Summary, these remedial groups experimental subjects made significant progress as compared to controls ( $p < .001$ ). There were several students who made tremendous progress, advancing to seven levels in mathematics and six levels in reading. All students improved in their spelling, which enabled the student to read progressively higher levels of materials with comprehension.

Our model is based on Paris' extraordinary results with pigeons. Repetition, with exactness and corrective imprinting are the keys to this fundamental learning model.

## II. PRESENT TECHNOLOGICAL SUCCESS AND PLANS FOR FUTURE TECHNOLOGY

- Dr. Braud developed the 35 lesson mathematics program so that it could be converted to a CD Rom format to be presented to students on PC's. Additional mathematics lessons are being developed this summer and all lessons will be CD Rom compatible.
- Mr. Orris Brown placed the "Hooked On Phonics" program on video (with special permission from Gateway Learning). This allowed us to present material to small groups of students. Presently, we are also putting this program on CD Rom for class presentation on Power Point once we receive additional grants for this technology. We can use these CD Roms and other CD Roms that we intend to develop to help teach letters to our Kindergarten class and sounds and early reading readiness material to our first grade classes. This will give greater preparation to all students, approaching third grade for the Texas TAKS Assessment test. We feel that these new approaches will certainly be in line with the "No Child Left Behind" initiative. This year the students who took TAKS in reading and writing did quite well, with a mid eighties percentile of passing.
- Technology will be an important component in our mathematics lab, writing lab, science and history classes.

FROM :

FAX NO. :

Jun. 16 2003 01:40AM P13

- We are developing materials to teach concept formation to young students (K & 6th ). Technology will be used in the presentation of this program, with emphasis on student learning and comprehension preparation for junior high and high school. At this critical time in a students school years, this solid foundation of objective learning will significantly, reduce junior high and high school drop out.
- We also intend to develop a vocabulary program that will utilize computer technology in the presentation of this program.

### **III. RESEARCH IN EMOTIONAL AND BEHAVIORAL PROBLEMS**

The psychological and counseling staff noted that the students at GEMS exhibited very high anxiety levels. We designed a research project that where students learned to use relaxation exercises/guided imagery to reduce anxiety and improve concentration ability. Experimental subjects (N=12) made significant progress over control subjects (N=11). This improvement was found in terms of two very large changes. First, there was a reduction of anxiety. In addition, the student's receiving relaxation techniques demonstrated over two years improvement in concentration ability with less violence demonstrated towards each other within the school setting and home environment.

Over the past 20 years, Dr. Braud has conducted four other successful studies using relaxation exercises, guided imagery, and anger management techniques to decrease aggression, hyperactivity, and other behavior problems. Next year GEMS expects to have an increase in students with severe behavioral problems because of this history of success with aggressive children and because of the results we demonstrated this year in the areas of learning and behavior. School violence is an important problem today. We hope to develop successful techniques to address this problem and share these techniques and programs with other schools. Technology could help us deliver these techniques to an entire classroom and send updated information on behavioral programs to other schools.

FROM :

FAX NO. :

Jun. 16 2003 01:40AM P14

We intend to continue our laboratory school model. This model will allow us to develop specific educational materials and techniques. We will evaluate the success of these materials and techniques utilizing pre and post tests. We will deliver many of these materials and programs utilizing technology and we intend to share the success of our program using technology.

Prepared by **Dr. Lendell Braud**  
**Licensed Psychologist**  
**Director of the School Psychology Program at Texas Southern**  
**University—Houston, Texas**

# FCC Form 470

Universal Service Program Description of Services Requested and Certification Form



Entity Number: 232584  
Contact Person: Ed Watson

Applicant's Form Identifier: ED  
Phone Number: 281-540-3455

FCC Form

Approval by OMB  
3060-0806

## 470

### Schools and Libraries Universal Service Program Description of Services Requested and Certification Form

Do not write in this area

Form 470 Application Number: 310350000437667

19. The applicant includes:(Check one or both)

- a.  schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b.  libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a.  individual technology plans for using the services requested in the application
- b.  higher-level technology plans for using the services requested in the application
- c.  no technology plan needed; application requests basic local and/or long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed status, check both a and b):

- a.  Technology plan(s) has/have been approved by a state or other authorized body.
- b.  Technology plan(s) will be approved by a state or other authorized body.
- c.  The application requests basic local and/or long distance telephone service only; no technology plan needed.

22.  I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23.  I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software - maintenance, and electrical connections necessary to use the services purchased effectively.

24.  I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person <i>Edward Watson</i>	26. Date
27. Printed name of authorized person Ed Watson	
28. Title or position of authorized person Director	
29. Telephone Number (281) 540-3455	

Form 470 Application Number: 310350000437667

GEMS ACADEMY  
600 CHARLES STREET  
HUMBLE, TX 77338-

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at [www.sl.universalservice.org/vendor/manual/chapter5.doc](http://www.sl.universalservice.org/vendor/manual/chapter5.doc) or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554

Please submit this form to:

**SLD - Form 470  
P.O. Box 7026  
Lawrence, KS 66044-7026  
1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD - Form 470  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, KS 66046  
1-888-203-8100**

Done

60

(57)

470

Schools and Libraries Universal Service  
Description of Services Requested  
and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

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

Form 470 Application Number: 310350000437667			
Applicant's Form Identifier: ED			
Application Status: INCOMPLETE			
Posting Date:			
Allowable Contract Date:			
Certification Received Date:			
1. Name of Applicant: GEMS ACADEMY			
2. Funding Year: 07/01/2003 - 06/30/2004		3. Your Entity Number 232584	
4. Applicant's Street Address, P.O.Box, or Route Number			
a. Street 600 CHARLES STREET			
City HUMBLE	State TX	Zip Code 5Digit 77338	Zip Code 4Digit
b. Telephone number (281) 540-3455		ext.	c. Fax number ( ) -
d. E-mail Address			
5. Type Of Applicant (Check only one box)			
<input type="checkbox"/> Library (including library system, library branch, or library consortium applying as a library)			
<input checked="" type="checkbox"/> Individual School (individual public or non-public school)			
<input type="checkbox"/> School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)			
<input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Contact Person's Name: Ed Watson			
6b. Street Address, P.O.Box, or Route Number (if different from Item 4)			
<input checked="" type="checkbox"/> 600 CHARLES STREET			

City <b>HUMBLE</b>	State <b>TX</b>	ZIP Code 5Digit <b>77338</b>	ZIP Code 7Digit
6c. Telephone Number (10 digits + ext.) <b>(281) 540-3455</b>			
6d. Fax Number (10 digits) <b>() -</b>			
6e. E-mail Address (50 characters max.)			

**Block 2: Summary Description of Needs or Services Requested**

**7 This Form 470 describes (check all that apply):**

a.  Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b.  Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c.  Services for which a new written contract is sought for the funding year in Item 2.

d.  A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.**

**8  Telecommunications Services**  
**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a.  YES, I have an RFP. Choose one of the following: It is available on the Web at \_\_\_\_\_ or via  the Contact Person in Item 6 or  the contact listed in Item 11.

b.  NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity(e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
POTS	two existing six new
Long Distance	for 8 lines
Cell Phones	10 users
T-1	Two circuits

**9  Internet Access**  
**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a.  YES, I have an RFP. Choose one of the following: It is available on the Web at \_\_\_\_\_ or via  the Contact Person in Item 6 or  the contact listed in Item 11.

b.  NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity(e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Email	for 500 users
Internet	for 500 users

10  Internal Connections  
 Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a  YES. I have an RFP. Choose one of the following: It is available on the Web at  
 or via  the Contact Person in Item 6 or  the contact listed in Item 11.

b  NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity(e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Router	as required
Hubs	as required
Switch	as required
CU/SU	as required
Racks	as required
Servers	as required
Internal Wiring	as required
Wireless Connections	as required
Video over IP	as required
Voice over IP	as required
UPS	as required
Remote Switch	as required
installation	as required
maintenance	as required
training	as required

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone number (10 digits + ext.)  
 () - \_\_\_\_\_

Fax number  
 () - \_\_\_\_\_

E-mail Address (50 characters max.)  
 \_\_\_\_\_

12.  Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

**Block 3: Technology Assessment**

14.  Basic telephone service only: If your application is for basic local and/or long distance telephone service (wireline or wireless) only, check this box and skip to Item 16

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

FAX NO. :

Jun. 16 2003 01:44AM P21

FROM :

a. Desktop communications software: Software required <input checked="" type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.
b. Electrical systems: <input checked="" type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.
c. Computers: a sufficient quantity of computers <input checked="" type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.
d. Computer hardware maintenance: adequate arrangements <input checked="" type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.
e. Staff development: <input type="checkbox"/> all staff have had an appropriate level of training or additional training has already been scheduled; and/or <input checked="" type="checkbox"/> training is being sought.
f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

**Block 4: Recipients of Service**

**16. Eligible Entities That Will Receive Service:**

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected:

a.  Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b.  Statewide application (check all that apply):

- All public schools/districts in the state:
- All non-public schools in the state:
- All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here.  If checked, complete Item 18.

c.  School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible entities	
<i>For these eligible entities, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces

If your application includes INELIGIBLE entities, check here.  If checked, complete Item 18.

FROM :

FAX NO. :

Jun. 16 2003 01:44AM P22

<b>17. Billed Entities</b>	
<b>Entity Name</b>	<b>Entity Number</b>
GEMS ACADEMY	232584

<b>18. Ineligible Entities</b>			
<b>Ineligible Participating Entity</b>	<b>Entity Number</b>	<b>Area Code</b>	<b>Prefix</b>

**Block 5: Certification**

**19. The applicant includes:(Check one or both)**

a.  schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

b.  libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

**20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:**

a.  individual technology plans for using the services requested in the application

b.  higher-level technology plans for using the services requested in the application

c.  no technology plan needed; application requests basic local and/or long distance telephone service only.

**21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):**

a.  technology plan(s) has/have been approved by a state or other authorized body.

b.  technology plan(s) will be approved by a state or other authorized body.

c.  no technology plan needed; application requests basic local and/or long distance telephone service only.

**22.  I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.**

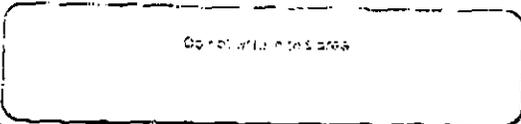
**23.  I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.**

**24.  I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.**

FROM :

FAX NO. :

Jun. 16 2003 01:45AM P23



Entity Number <u>232584</u>	Applicant's Form Identifier <u>ED</u>
Contact Person <u>ED WATSON</u>	Phone Number <u>281-540-3455</u>

### Block 6: Certifications and Signature

- 24 The entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a  schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
  - b  libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary and secondary schools, colleges, or universities.
- 25 The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.
- 26 All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:
- a  an individual technology plan for using the services requested in this application; and/or
  - b  higher-level technology plan(s) for using the services requested in this application; or
  - c  no technology plan needed; applying for basic local and long distance telephone service only.
- 27 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):
- a  technology plan(s) has/have been approved; and/or
  - b  technology plan(s) will be approved by a state or other authorized body; or
  - c  no technology plan needed; applying for basic local and long distance telephone service only.
- 28 I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- 29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 264 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- 30 I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- 31 I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- 32 I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.
- 33 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34 Signature of authorized person <i>Ed Watson</i>	35 Date <u>02042003</u>
36 Printed name of authorized person <u>ED WATSON</u>	
37 Title or position of authorized person <u>EXECUTIVE DIRECTOR</u>	
38 Telephone number of authorized person <u>281 540 3455</u> Extension	
Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001. The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.	



(21)

FROM :

FAX NO. :

Jun. 16 2003 01:45AM P24

Do not write in this area

Entity Number <u>232 584</u>	Applicant's Form Identifier <u>ED</u>
Contact Person <u>Edward Watson, Jr.</u>	Phone Number <u>281-540-3455</u>

### Block 6: Certifications and Signature

- 24 The entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a  schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
  - b  libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary and secondary schools, colleges, or universities.
- 25 The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.
- 26 All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:
- a  an individual technology plan for using the services requested in this application; and/or
  - b  higher-level technology plan(s) for using the services requested in this application; or
  - c  no technology plan needed; applying for basic local and long distance telephone service only.
- 27 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):
- a  technology plan(s) has/have been approved; and/or
  - b  technology plan(s) will be approved by a state or other authorized body; or
  - c  no technology plan needed; applying for basic local and long distance telephone service only.
- 28 I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- 29 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- 30 I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- 31 I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- 32 I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.
- 33 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34 Signature of authorized person <u>Ed Watson</u>	35 Date <u>04242003</u>
36 Printed name of authorized person <u>ED WATSON</u>	
37 Title or position of authorized person <u>DIRECTOR</u>	
38 Telephone number of authorized person <u>281 540 3455</u>	Extension
Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001. The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.	



FROM :

FAX NO. :

Jun. 16 2003 01:46AM P25

Entity Number	<u>232584</u>	Applicant's Form Identifier	<u>ED</u>
Contact Person	<u>ED WATSON</u>	Phone Number	<u>281-540-3455</u>

**NOTICE:** Section 34.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 45 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471  
P.O. Box 7026  
Lawrence, Kansas 66044-7026**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD-Form 471  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, Kansas 66046  
(888) 203-8100**



FROM :

FAX NO. :

Jun. 16 2003 01:47AM P26

# Funding Depot

Wednesday, December 4, 2002

## Congratulations!

The initial steps required to process your E-rate grant request have been completed.

Enclosed you will find two sets of documents. The first set consists of the 470-form information that has been submitted online. This information is a general overview of your service request and has been forwarded to you for your records. Please begin a notebook and put the first set of documents in the notebook for a permanent record.

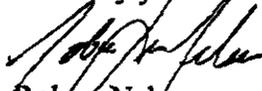
The second set, which reads FCC Form 470 in the upper left hand side of the page, is a certification form. This document must be signed and dated by you, (line item 25 & 26) on the second page. You will then forward the entire 3-page document to the address on the final page to expedite the next step of the process. It is important to try to overnight these documents to insure a timely submission.

Once the signed document has been received at the forwarding address it will certify your request and begin the 28-day countdown to the next step. Therefore, it is important that we process this information as swiftly as possible.

The first vendor to bid on your project is Data Source Consulting LLC of Houston. They have/will be contacting you and doing an initial survey of your project to begin the network design and bidding process.

Thank you for allowing us to be of service to you.

Sincerely yours



Robert Nelson  
President

FUNDINGDEPOT.COM

17750 Preston Rd. • Dallas Texas 75252 • [robertnelson@fundingdepot.com](mailto:robertnelson@fundingdepot.com)  
Toll Free (866) 570-3400 • Fax (646) 304-7258

FROM :

FAX NO. :

## Funding Depot Grant Membership Contract

This Grant Engagement Letter ("Agreement") is made and effective this 2nd day of November

2007 by and between GEMS ACADEMY, Humble, Texas ("School")  
and Funding Depot ("Company").

Now, therefore, in consideration of all the mutual promises covenants and conditions School and Company agree as follows:

### E-Rate

On May 7, 1997, the Federal Communications Commission (FCC) adopted a Universal Service Order implementing the Telecommunications Act of 1996. The Order was designed to ensure that all eligible schools and libraries have affordable access to advanced telecommunications services. Under the Order, the Schools and Libraries Support Mechanism provides discounts ranging from 20% to 90% on Telecommunications Services, Internet Access, and Internal Connections to eligible schools and libraries, subject to a \$2.25 billion annual cap.

### 1. ENGAGEMENT.

School hereby engages Funding Depot, and Funding Depot accepts engagement, to provide the school the following services (hereinafter "services"):

A). Such E Rate application services include, but are not limited to:

1. Obtaining "entity number" for the school. For purposes of this Agreement "entity numbers" shall mean the identification number assigned to E-Rate entities by The Schools and Library Division (SLD) that uniquely identifies the location/physical address of the entity to receive the funding.
2. Assisting school in completing a technology needs assessment
3. Assisting school in completing and submitting the Application (Form 470) for services.
4. Assisting school in completing and submitting Application (Form 471) for funding.
5. Follow up in assisting school answer questions as required.
6. Assist school in creating an approved "Technical Plan".

B). Funding Depot will assist the school contact person in receiving competitive bids from responding qualified vendors for work to be completed under the E Rate program:

1. Receive all request for correspondence from vendors
2. Scheduling vendor's walkthrough of school to prepare bids
3. Secure network design for school
4. Soliciting competitive bids for proposals

C) Funding Depot will oversee the negotiations between the school and "Schools and Libraries" for funding proposals

1. Funding Depot will oversee the filing of funding requests once the school has been approved for funding
2. A notebook of all forms, communication, and bids for the permanent record of the school

FROM :

FAX NO. :

Jun. 16 2003 01:48AM P28

## Funding Depot Grant Membership Contract

D) Funding Depot will assist the School in looking at developing an appropriate budget for technology and look for additional funding sources to assist the school in pursuing future technology funding needs.

### 2. TERM.

Company shall provide services to School pursuant to this Agreement for a term commencing with the execution of this agreement and ending on June 30, 2004.

### 3. PLACE OF WORK.

Company shall render services primarily at Company's own offices, but shall, if needed, provide the services at the offices of the School or such other places as reasonably required as appropriate for the performance of the services.

### 4. PAYMENT.

School shall pay for the services provided by Funding Depot by becoming a member of Funding Depot with a membership fee of \$100.00 and if the School is a private school, it will need an independent technology approval. The fee for a private school technology plan approval is \$395.00.

### 5. CONTROLLING LAW.

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The parties to this Agreement hereby agree that the exclusive jurisdiction, forum, and venue for any legal action resulting from or in connection with this Agreement and for the interpretation and/or enforcement of this Agreement shall be in Dallas County, Texas,

### 6. FINAL AGREEMENT.

This Agreement constitutes the final understanding and agreement between the parties with respect to the subject matter hereof and supersedes all prior and/or contemporaneous negotiations, understandings and agreements between the parties, whether written or oral. This Agreement may be amended, supplemented or changed only by an agreement in writing signed by both of the parties.

### 7. NOTICES.

Any notice required to be given or otherwise given pursuant to this Agreement shall be in writing and shall be hand delivered, mailed by certified mail, return receipt requested or sent by recognized overnight courier service as follows:

Funding Depot  
17750 Preston Rd.  
Dallas, Texas 75252

Mon Jun 16 16:24:31 2003

Jun. 16 2003 01:48AM P29

FROM :

FAX NO. :

### Funding Depot Grant Membership Contract

#### 8. SEVERABILITY.

If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

#### 9. SPECIFIC PERFORMANCE.

School acknowledges that a breach of this Agreement will cause irreparable harm to Funding Depot for which there may be no adequate remedy at law, and agrees that the Company shall be entitled, in addition to its other remedies at law (including actual and consequential damages) to specific performance of this Agreement or any provision hereof.

#### 10. BINDING OBLIGATION.

This Agreement and the other instruments contemplated by this Agreement to be executed by School have been duly executed and delivered by School and constitute valid and legally binding obligations of School and enforceable in accordance with their terms.

*Note: Funding Depot is not a vendor and does not sell products or telecommunication services.*

IN WITNESS WHEREOF, the parties as of the date written have executed this Agreement.

Funding Depot

By: \_\_\_\_\_  
Robert Nelson  
President

Date

By: Edward Watson 11-02-02  
Date

FROM :

FAX NO. :

Jun. 16 2003 01:49AM P30

# DATA SORS CONSULTING, L.L.C.

Technology Solutions For Your Business

---

May 13, 2003

Edward Watson  
Gems Academy  
600 Charles  
Humble, Texas 77338

To Edward Watson,

RE: Erate Program Update

As this current school year comes to a close, we at Datasorsconsulting hope that this correspondence finds your school fine and well. We thought it was a good idea to write and give you an update on your pending submission to Schools and Libraries Division (SLD) for Erate funding for Year Six.

According to your funding resource, FundingDepot.com, your package is complete and your funding decision from SLD should come soon. As with all major projects, proper management and planning is always necessary. Since the decision from SLD could come very quickly, we (Datasorsconsulting) would like to give you a snapshot of what typically occurs after your decision from SLD. By giving you this information now, you can be more proactive in your approach to your school schedule during the summer months.

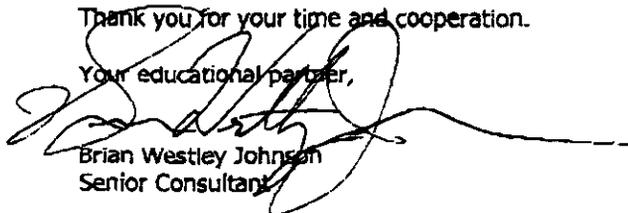
The schedule will typical be as follows:

- After your initial funding decision comes from SLD, we will first start by ordering any new services from your telecommunications carrier(s); this will include internet access and any wireless services (cell phones). We will handle the arrangement to insure the 90% discount is deducted from your telephone bill; and, we will work with Schools & Libraries to insure your 90% discount for internal connections is paid up front to prevent you from having the go through the reimbursement process.
- Next, we will order and start install any cabling that may be needed for your network infrastructure; this will include switches and other backbone equipment.
- Following the completion of the structured cabling installation, we will begin the installation of your core infrastructure equipment (server farm, video conferencing, routers, firewall, etc.); during this phase if your school has ordered a new phone system, it will be installed during this time, as well.
- Once the core infrastructure has been completed including testing of the new network, a meeting will be set to discuss applications your school may want to utilize across the network; then, training of designed school personnel will commence.
- During the rest of the school year, we will continue services to your school with ongoing proactive management and maintenance of your network with 24/7 support.

Please note that the above of schedule is just an brief summary of what is to occur after your funding decision is received. We will be meeting with you long before to give you a more detailed project plan. We are definitely looking forward to assisting your school in its technological goals and aspirations. If you have any questions about this exciting project, please feel free to contact me at anytime.

Thank you for your time and cooperation.

Your educational partner,



Brian Westley Johnson  
Senior Consultant

FROM :

FAX NO. :

Jun. 16 2003 01:49AM P31



6500 West Loop South Belfaire TX 77401-3520

1/6/2003

Edward Watson  
Gems Academy  
600 Charles  
Humble, Texas 77338

Dear Mr. Watson,

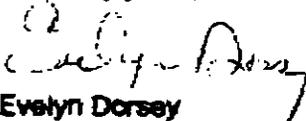
We would like to thank you for the opportunity for SBC Communications to serve your school. SBC is committed to serving the needs of educational institutions across the great State of Texas and beyond.

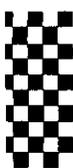
Please find attached a proposal/bid for your school's telecommunications and internet access services in accordance with the Schools and Libraries Division (SLD) eRate Funding Program.

Being a certified eRate Service Provider, we pride ourselves in giving our schools quality products as well as excellent customer service. With SBC, you can count on us to be there to satisfy your needs, wants, and desires.

Thank you again for this opportunity and we look forward to serving your school.

Sincerely yours,

  
Evelyn Dorsey  
Manager-Alternate Channels  
Select Accounts



o: LIPSCOMB GREG x4188200  
rom: UNKNOWN  
Time/Date Received: 6/16/03 16:03  
Attributes:  
Subject:

This Message contains the following components:  
[Fax: 31 pages]

FROM :

FAX NO. :

Jun. 16 2003 01:34AM P1



FAX NUMBER: 202-418-6957

TO: Greg Lipscomb

FROM: Ed Watson

MESSAGE: Mr. Lipscomb,

I am submitting the information I feel you will need for GEM's Academy's appeal.

The pages are numbered in the lower right hand corner.

If additional information is needed, please contact me as soon as possible.

Thank you for your time and effort in this matter.

NO. OF PAGES 24 (including this page)

SIGNATURE Edward Watson

Phone No. 281-540-5391 or 281-540-3112

Fax No. 281-540-3112