

April 22, 2005

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Re: Request for Review of Decision of Universal Service Administrator,
CC Docket No. 02-6
Applicant Name: Colonial School District
Billed Entity Number: 126234
Form 471 Application No.: 411237
Funding Request Number: 11128060
Original FCDL Letter Date: July 28, 2004
SLD Appeal Decision Date: February 23, 2005

REQUEST FOR REVIEW

Introduction and Procedural History

The Colonial School District ("District") posted a Form 470 (#510340000473719) and issued a Request for Proposal for high bandwidth wide area network service.¹ In response to this procurement request, the District selected Sunesys (SPIN #143019764) as the most cost effective bidder and entered into a contract dated January 30, 2004 for high speed bandwidth wide area network service.² The District then filed a Form 471 application (#411237) requesting discounts on the wide area network service (FRN 1128060) on a prediscount annual amount of \$66,000.³ The District received a denial of funding of this FRN because the SLD found that "30% or more of this FRN includes a request for Dark Fiber which is an ineligible service based on program rules."⁴ This determination apparently was based on an incorrect invoice mistakenly issued by Sunesys which stated that the service for which Sunesys billed the District was dark fiber service.

On August 25, 2004, the District submitted a timely appeal to the SLD in which the District explained that the invoice issued by Sunesys and which the District had provided to SLD during PIA review mistakenly described the service as dark fiber service which in fact Sunesys was contractually obliged to provide wide area network service to the District.⁵ In support of its appeal, the District supplied a letter from Sunesys in which Sunesys explained the

¹ Please refer to Exhibit A.

² Please refer to Exhibit B.

³ Please refer to Exhibit C.

⁴ Please refer to Exhibit D.

⁵ Please refer to Exhibit E.

invoice mistake it had committed, and further explained that Sunesys indeed was obliged to provide leased wide area network service – and not dark fiber service – to the District.⁶

Nevertheless, the SLD denied the District's appeal by letter dated February 23, 2005, again stating that the District's FRN was for dark fiber service rather than for eligible wide area network service.⁷ The SLD claims that "Appeal guidelines state that the SLD will not accept new information on appeal that contradicts that which was submitted during initial review. The applicant is responsible for ensuring that the information provided to SLD is accurate and timely." The SLD also claimed that the RFP pages that the District provided during PIA review did not state that the request was for Gigabit Ethernet Circuits.

The Corrected Invoice that the District Submitted to the SLD on Appeal Clarified an Ambiguity And Should Be Accepted.

The SLD's appeal guidelines state that appeals will be granted by USAC (assuming there are no other issues identified during review) when:

1. When the appeal makes clear that the SLD erred in its initial review. If the SLD makes a mistake (for example, denies funding because the request includes 30% or more of ineligible services), and the appeal points out that mistake (demonstrates that all the services were in fact eligible or that the cost of ineligible services was not included in the original request), the SLD will grant the appeal.
2. When the appeal makes clear that the applicant made a mistake in information provided in or with the application leading to funding denial and that the SLD could have identified the mistake from information provided with the application. If the applicant made a mistake in completing the Form 471 (for example, put in the wrong contract award date in Block 5) and had provided information to the SLD either with the application or during PIA review (for example, provided a copy of the contract to PIA during review with the award date indicated) and when the appeal points out the mistake (the wrong contract award date) and how the SLD could have seen the mistake.

The current appeal falls into either or both categories, and should be granted.

The Form 470 that the District posted contained an online link to the District's RFP at www.colonialsd.org/rfp. The link provided on the Form 470 points directly to the Request for Proposal document which solicited proposals for wide area network – and not dark fiber – service. The SLD clearly had access to ***the entire RFP*** by virtue of this online link that the District provided on its Form 470. The SLD's appeal decision letter reflects the SLD's misplaced reliance on the few pages of the RFP that the District submitted in hard copy via fax,

⁶ Please refer to Exhibit F.

⁷ Please refer to Exhibit G.

as a matter of convenience, to SLD during PIA review.⁸ The few pages submitted, moreover, made clear that the District's RFP was for wide area network service and not dark fiber service. First, the cover page of the RFP states that the procurement is for wide area network service and not dark fiber service. Second, there is absolutely no mention of dark fiber service throughout the entire RFP. Third, the cover memo that the District submitted in response to PIA's questions prepared by the District's technology director stated:

The original RFP was for WAN network services and requested costs for four network options for the District to determine which was the best and most cost effective. I have attached several pages of the RFP for your information. Before the e-rate 471 was filed, it was determined that we would move forward with the leased fiber solution as identified.

The attached pages included the four different network configuration options, none of which mentioned dark fiber.

Notably and most importantly, the contract in which the parties entered was for leased *lit fiber wide area network service*. The parties' contract signed on January 30, 2004 makes clear that the service being provided is E-rate eligible wide area network service – not ineligible dark fiber service. The RFP information that the District submitted during PIA review and which was posted online and available for PIA to access fully supports and validates the parties' agreement. The contract specifically describes the agreement as a wide area network license which includes not only the dark fiber links but also the electronics which light the fiber. Specifically, section 1.4 of the agreement states that Sunesys equipment is defined to include, *inter alia*, the electronics that are necessary and essential for Sunesys to be able to provide end to end transmission of telecommunications services over the wide area network, "as to all of which Licensee [District] shall have no title or other interest except pursuant to the terms thereof."

When the District submitted an invoice which mistakenly identified the wide area network service as dark fiber service, a comparison of the invoice to the RFP established an ambiguity (dark fiber versus wide area network service) that the SLD itself could have clarified by asking the District to reconcile the information. Even if the SLD was not required to seek this clarification during the initial review of the application, certainly when the District explained on appeal that the invoice mistakenly listed the service as dark fiber service when in fact the parties' contract obliged Sunesys to provide wide area network service to the District, the SLD should have considered this information on appeal rather than rejecting it outright because the new information "contradicted" the original information provided by the District.

Indeed, Sunesys's letter of August 25, 2004 makes clear that Sunesys issued the invoice which characterized the District's service as "dark fiber" in error. Moreover, Sunesys has since corrected this error and reissued a corrected invoice – which the District provided to the SLD in support of its appeal.⁹

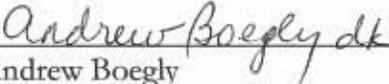
⁸ Please refer to Exhibit H.

⁹ Please refer to Exhibit I.

The FCC has stated that the SLD's appeal procedures should consider new documentation provided with an applicant's appeal to demonstrate that an ambiguous issue should be resolved in the applicant's favor if the new information is consistent with the information originally provided." *Request for Review of the Decision of the Universal Service Administrator by Pope Blanche Elementary School*, File No. SLD-200168, CC Docket Nos. 96-45, 97-21 (November 21, 2001).

The same situation governs this appeal. The applicant's original documentation included its Form 470 application – which contained the online link to the full Request for Proposal. In addition, the District submitted several pages of its Request for Proposal to PIA which referred to its wide area network service request – and not to dark fiber service. The service provider mistakenly issued an invoice for dark fiber service – which created an ambiguity – and which the SLD initially resolved against the District by denying funding for this FRN. On appeal, the District submitted the corrected invoice along with a letter of explanation from Sunesys, in which Sunesys accepted full responsibility and explained that the original invoice was issued in error. This additional documentation supplied by the District on appeal clarifies the ambiguity which arose during the initial review of the application and makes clear that the underlying service – wide area network service – is in fact eligible for E-rate discounts, and funding for this FRN should be approved.

Respectfully submitted,


Andrew Boegly
Chief Information Officer
Colonial School District
2260 Butler Pike
Plymouth Meeting, PA 19462
610 834 1670 voice
610 834 7535 fax


Debra M. Kriete, Esquire
Attorney for Sunesys, Inc.
1421 Round Hill Road
Harrisburg, PA 17110
717 232 0222 voice
717 232 3705 fax

Dated: April 22, 2005

Exhibits to Request for Review
Colonial School District and Sunesys, Inc.
Form 471 Application # 411237
FRN: 11128060

Exhibit	Description
A	Form 470 # 510340000473719 and WAN RFP
B	WAN Contract
C	Form 471 #411237
D	SLD Original FCDL dated July 23, 2004
E	Colonial SD Appeal Letter to SLD dated August 25, 2004
F	Sunesys letter of explanation dated August 25, 2004
G	SLD Decision on Appeal dated February 23, 2005
H	District Memo to PIA dated June 30, 2004 and WAN RFP Pages
I	Sunesys Corrected Invoice

470

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

Estimated Average Burden Hours Per Response: 4.0 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 beginning this application.

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

Block 1: Applicant Address and Identifications

Form 470 Application Number: 510340000473719
Applicant's Form Identifier: 2004 WAN
Application Status: CERTIFIED
Posting Date: 11/26/2003
Allowable Contract Date: 12/24/2003
Certification Received Date: 11/26/2003

1. Name of Applicant: COLONIAL SCHOOL DISTRICT		
2. Funding Year: 07/01/2004 - 06/30/2005	3. Your Entity Number 126234	
4a. Applicant's Street Address, P.O.Box, or Route Number 230 FLOURTOWN RD		
City PLYMOUTH MTNG	State PA	Zip Code 19462-1252
b. Telephone number (610) 834- 1670	c. Fax number (610) 834- 7535	
d. E-mail Address		
5. Type Of Applicant		
<input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library branch, or library consortium applying as a library) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia)		
6a. Contact Person's Name: Charles Graham		
First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)		
6b. Street Address, P.O.Box, or Route Number		
<input checked="" type="radio"/> 230 FLOURTOWN RD		
City PLYMOUTH MTNG	State PA	Zip Code 19462-1252
<input checked="" type="radio"/> 6c. Telephone Number (610) 834- 1670		
<input checked="" type="radio"/> 6d. Fax Number (610) 834- 7535		
<input checked="" type="radio"/> 6e. E-mail Address cgraham@colonialsd.org		

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 signed, written contract executed pursuant to posting of 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 do NOT require filing of a Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.

8 Telecommunications Services

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

a **YES**, I have an RFP. It is available on the Web at www.colonialsd.org/rfp or via (check one):
 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 for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

9 Internet Access

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

a **YES**, I have an RFP. It is available on the Web at or via (check one):
 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 for examples of eligible Internet Access services. Add additional lines if needed.

10 Internal Connections

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

a **YES**, I have an RFP. It is available on the Web at or via (check one):
 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.

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
() - _____

Fax number
() - _____

E-mail Address _____

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 provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

13. If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. 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 timeframes).

The RFP requests a 3 year contract.

Block 3: Technology Assessment

14. **Basic telephone service only:** If your application is for basic local and 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.

a. Desktop software: Software required has been purchased; and/or is being sought.

b. Electrical systems: adequate electrical capacity is in place or has already been arranged; and/or upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers has been purchased; and/or is being sought.

d. Computer hardware maintenance: adequate arrangements have been made; and/or are being sought.

e. Staff development: all staff have had an appropriate level of training /additional training has already been scheduled; and/or 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 Services:

Check the ONE choice (a,b or c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. Individual school or single-site library.

b. Statewide application for (enter 2-letter state code) representing (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 sites	6
<i>For these eligible sites, 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
610	275, 825, 828
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number
COLONIAL SCHOOL DISTRICT	126234

18. Ineligible Participating Entities

Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):

Ineligible Participating Entity	Area Code	Prefix

Block 5: Certification and Signature

19. The applicant includes:(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 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, and/or

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

25. Signature of authorized person:

26. Date (mm/dd/yyyy): 11/26/2003

27. Printed name of authorized person: **Vincent Cotter**

28. Title or position of authorized person: **Superintendent**

29a. Address of authorized person: **230 Flourtown Road**
City: **Plymouth Meeting** State: **PA** Zip: **19462**

29b. Telephone number of authorized person: **(610) 834 - 1670** ext. **2138**

29c. Fax number of authorized person: **(610) 8347535**

29d. E-mail address number of authorized person: **vcotter@colonialsd.org**

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 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. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

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 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, DC 20554.

Please submit this form to:

**SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 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, Kansas 66046
1-888-203-8100**

FCC Form 470
May 2003

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**Schools and Libraries Universal Service Program
 Services Ordered and Certification Form 471
 Application Display**

Exhibit C

Block 1: Billed Entity Information

Applicant's Form Identifier: COL-04-05

471 Application Number: 411237

Cert. Postmark Date: 02/02/2004

Out of Window Letter Date: Not applicable

Funding Year: 07/01/2004 - 06/30/2005

Form Status: CERTIFIED - In Window

Billed Entity Number: 126234

RAL Date: 02/10/2004

Name: COLONIAL SCHOOL DISTRICT
Address: 230 FLOURTOWN RD
City: PLYMOUTH MTNG **State:** PA **Zip:** 19462 1252

Contact Name: Charles Graham
Address: 230 FLOURTOWN RD
City: PLYMOUTH MTNG **State:** PA **Zip:** 19462 1252

Type of Application: SCHOOL DISTRICT

Ineligible Orgs: N

Block 3: Impact of Services Ordered in THIS Application

Number of students to be served: 4714

Number of library patrons to be served:

SERVICE DESCRIPTION	BEFORE ORDER	AFTER ORDER
b. High-bandwidth voice/data/video service: How many buildings served before and after your order?	5	7
c. High-bandwidth voice/data/video service: Highest speed to a building before and after your order?	6.0 Mb	1 Gb
f. Direct connections to the Internet: How many before and after your order?	1624	1624
g. Direct connections to the Internet: Highest speed before and after your order?	6 MB	1 GB
h. Internet access(for schools): How many rooms have Internet access before and after your order?	305	305
j. Internet Access: How many computers (or other devices) with Internet access before and after your order?	1624	1624
k. Other technology outcomes: (please specify):	yes	no

Block 4: Worksheets

Worksheet A No: 567872

Student Count: 4711

Weighted Product (Sum. Column 8): 1911.4

Shared Discount: 41%

1. School Name: COLONIAL ELEMENTARY SCHOOL

2. Entity Number: 20956 3. Rural/Urban: Urban

4. Student Count: 727 5. NSLP Students: 69 6. NSLP Students/Students: 9.491%

7. Discount: 40% 8. Weighted Product: 290.8

1. School Name: COLONIAL MIDDLE SCHOOL

2. Entity Number: 20844 3. Rural/Urban: Urban

4. Student Count: 1117 5. NSLP Students: 167 6. NSLP Students/Students: 14.950%

7. Discount: 40% 8. Weighted Product: 446.8

1. School Name: CONSHOCKEN ELEMENTARY SCHOOL

2. Entity Number: 20903 3. Rural/Urban: Urban

4. Student Count: 135 5. NSLP Students: 62 6. NSLP Students/Students: 45.925%

7. Discount: 60% 8. Weighted Product: 81

1. School Name: PLYMOUTH ELEMENTARY SCHOOL

2. Entity Number: 20957 3. Rural/Urban: Urban

4. Student Count: 429 5. NSLP Students: 34 6. NSLP Students/Students: 7.925%

7. Discount: 40% 8. Weighted Product: 171.6

1. School Name: PLYMOUTH-WHITEMARSH HIGH SCH

2. Entity Number: 20955 3. Rural/Urban: Urban

4. Student Count: 1587 5. NSLP Students: 216 6. NSLP Students/Students: 13.610%

7. Discount: 40% 8. Weighted Product: 634.8

1. School Name: RIDGE PARK ELEMENTARY SCHOOL

2. Entity Number: 20899 3. Rural/Urban: Urban

4. Student Count: 325 5. NSLP Students: 27 6. NSLP Students/Students: 8.307%

7. Discount: 40% 8. Weighted Product: 130

1. School Name: WHITEMARSH ELEMENTARY SCHOOL

2. Entity Number: 20920 3. Rural/Urban: Urban

4. Student Count: 391 5. NSLP Students: 27 6. NSLP Students/Students: 6.905%

7. Discount: 40% 8. Weighted Product: 156.4

Block 5: Discount Funding Request(s)

FRN: 1128060 FCDL Date: 07/20/2004	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 510340000473719
13. SPIN: 143019764	14. Service Provider Name: Sunesys, Inc.
15. Contract Number: NA	16. Billing Account Number: NA
17. Allowable Contract Date: 12/24/2003	18. Contract Award Date: 01/30/2004
19a. Service Start Date: 07/01/2004	19b. Service End Date:
20. Contract Expiration Date: 06/30/2007	
21. Attachment #: col-04-05-Att_21	22. Block 4 Worksheet No.: 567872
23a. Monthly Charges: \$5,500.00	23b. Ineligible monthly amt.: \$ 00
23c. Eligible monthly amt.: \$5,500.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$66,000.00	

23f. Annual non-recurring (one-time) charges: \$25,000.00	23g. Ineligible non-recurring amt.: \$.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$25,000.00	
23i. Total program year pre-discount amount (23e + 23h): \$91,000.00	
23j. % discount (from Block 4): 41	
23k. Funding Commitment Request (23i x 23j): \$37,310.00	

Block 6: Certifications and Signature

- 24a. Schools: Y
24b. Libraries or Library Consortia: N
- 26a. Individual Technology Plan: Y
26b. Higher-Level Technology Plan(s): N
26c. No Technology Plan Needed:
- 27a. Approved Technology Plan(s): Y
27b. State Approved Technology Plan: N
27c. No Technology Plan Needed:

[<< Previous](#)

SUNESYS

August 25, 2004

Charles Graham
Colonial School District
230 Flourtown Road
Plymouth Meeting, PA 19462-1252

RE: Wide Area Network Billing
and E-rate funding

Dear Charles,

It has come to our attention that a clerical error was made on the billing for Colonial School District. You are aware that we are providing the district with gigabit ethernet connections between district locations. However, one of our accounting clerks mistakenly described the service on the initial invoice number 112069 dated June 15, 2004 as "Dark Fiber". This error continued on two subsequent invoices (#112129 dated July 15, 2004 and #112244 dated August 15, 2004) before it was discovered and corrected. We are enclosing with this letter copies of the corrected invoices for the three months we billed in error. I apologize for this mistake and any inconvenience it has caused and assure you that it will not happen again.

Sincerely,



David M. Channing
Vice President

Sunesys, Inc.
202 Titus Avenue
Warrington, PA 18976
(267) 927-2000



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

February 23, 2005

Vincent F. Cotter
Colonial School District
230 Flourtown Rd
Plymouth Mtng, PA 19462-1252

Re: Applicant Name: COLONIAL SCHOOL DISTRICT
Billed Entity Number: 126234
Form 471 Application Number: 411237
Funding Request Number(s): 1128060
Your Correspondence Dated: August 25, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1128060
Decision on Appeal: Denied
Explanation:

- On appeal, you are seeking reversal of the SLD decision to deny this request for the inclusion of dark fiber. You have stated that the request is for Gigabit Ethernet Circuits as outlined in the RFP and the WAN License Agreement. You further state that the vendor, Sunesys, Inc., made a clerical error when preparing your invoice. Sunesys Inc., mistakenly confused another project they had recently completed for another client and subsequently billed the other client's services to Colonial School District. You have included copies of your RFP, the WAN License Agreement, a diagram of the network, and a written explanation from the vendor which includes copies of the corrected invoices.
- Review of the information submitted during the initial review and on appeal reveals that you requested telecom services with a one-time cost of \$25,000 and

monthly service costs of \$5,500. You were contacted by Program Integrity Assurance (PIA) and asked to provide a bill/invoice to support the requested amount. You responded to PIA's request by providing several pages of the RFP and an invoice showing the non-recurring license fee and the \$5,500 license fee for Dark Fiber. On appeal you have stated that there was a data entry error made by the vendor when providing the invoice and the service was not actually dark fiber. You have provided corrected invoices on appeal. The RFP pages enclosed with the original response to PIA do not indicate that the request is for a Gigabit Ethernet Circuit as your letter states. Appeals guidelines state that SLD will not accept new information on appeal that contradicts that which was submitted during initial review. The applicant is responsible for ensuring that the information provided to SLD is accurate and timely.

- Your Form 471 application included costs for the following ineligible products: Dark Fiber. FCC rules provide that funding may be approved only for eligible products. 47 C.F.R. §§ 54.502, 54.503. The USAC web site contains a list of eligible products. See the web site, www.sl.universalservice.org, Eligible Services List. FCC rules require that if less than 30% of an applicant's funding request includes ineligible products, the funding request must be reduced. 47 C.F.R. § 54.504(c)(1). 100% of your funding request was for ineligible products. Therefore, your funding request has been reduced. It has not been determined through our review of your appeal that the amount of the request that we reduced was for eligible items.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Colonial School District

District Administration Center
230 Flourtown Road, Plymouth Meeting, PA 19462
Phone: 610/834-1670 Fax: 610/834-7535
www.colonialsd.org

Colonial School District - Reaching Above and Beyond

June 30, 2004

Schools and Libraries Division
c/o William Furniss
Program Integrity Assurance
80 South Jefferson Avenue
Whippony, NJ 07981

RE: Form 471 Application No. 411237

The information requested in your Fax of June 25, 2004 dealt with two items:

1. FRN 1128060 Invoice or quote to support the charges of \$5,500 per month and \$25,000 installation charges.
The invoice is attached as part of the Fax.
Also note that the original RFP for WAN network services requested costs for four network options for the District to determine which was the best and most cost effective. I have attached several pages from the RFP for your information. Before the e-rate 471 was filed, it was determined that we would move forward with the leased fiber solution as identified. This replaces the current T-1 lines between buildings.
2. Conshohocken Elementary School's discount percentage was listed incorrectly. There are 135 students in that school and 62 of them are participants in the free and reduced lunch program. Therefore, this percentage is 46%. According to the discount matrix, this places Conshohocken Elementary in the 60% (urban) discount bracket. I have attached copies of the monthly claim form for school lunch reimbursement for the PA Department of Education; it has been signed by the Director of Food Service, Evan Haines. Also, enclosed is the official school enrollment report from the Colonial School District School Board Agenda.

Sincerely,

Charles D. Graham
Director of Technology and Special Programs

CDG/lis

Attachments

1.k OSHA Requirements

In submitting a RFP, the supplier agrees to abide by all applicable State and Federal regulations and guarantees that all items subject to OSHA requirements will not violate those requirements.

1.l Contact Persons

In the event supplier has questions regarding this RFP, such questions should be referred to Charles Graham, Colonial School District, 230 Flouertown Road, Plymouth Meeting, PA 19462, (610) 834-1670, "cgraham@colonialsd.org".

2. Proposal Information

It is intended that Vendors submit specific designs and suggest options that the District may not have specified herein. Evaluation will be made on the completeness of design, closeness to the requirements and desired options. Final technical specifications will be negotiated with the selected vendor and may affect the final prices. All costs of developing proposals and any subsequent expenses relating to negotiation are entirely the responsibility of the vendor and may NOT be charged to the District.

Soliciting proposals and granting of exclusive negotiation rights does NOT commit the District to accept any terms of the proposal. Final terms of any agreement will be determined by direct negotiation and all agreements are subject to the approval of the District. We may suspend or terminate negotiation at any time that we determine additional negotiations would be unproductive.

Please note proposals are being solicited to connect all sites listed in the various network cost scenarios. **Sites that are identified in the cost tables and will need to be operational July 01, 2004.**

3. Proposal Requirements

The Colonial School District requires a network for the use of all of the educational sites listed in the "COSTS" section. This backbone is to be a network solution which supports connection speeds at the various options identified. The network must support data, voice, video and INTERNET2 traffic. Although an initial implementation may have limited video distribution capabilities, the preferred design would be scalable to support higher bandwidth requirements on demand. The current District network description is detailed below in the Present Configuration.

Present Configuration

Connection to schools is through a Cisco PIX Firewall (dual 520's), a Cisco 2600 router, Built in Channel Service Units (CSU). From this there are four (4) PTP T-1 connections to district schools and also a connection consisting of 4 bundled T-1's; all of which are connected/distributed through a level 3 switch at Plymouth Whitemarsh High School. There are an estimated 1,650 computers connected through the network with access to the Internet. The Plymouth Whitemarsh High School internal network is comprised of a 1 GB backbone with connections to various servers. Servers provide Domain Name Service, email (SMTP) that supports over 700 users, secondary domain name service, WWW, Intranet access, library database service and content filtering.

3.a Schedule "A" Costs:

Minimum bandwidth to be supplied is unrestricted T-1 (1.544MB) or higher between each elementary school location and Plymouth Whitemarsh High School and four (4) unrestricted T-1's (4.6 MB) between Colonial Middle School and Plymouth Whitemarsh High School with expansion/upgrade capabilities as needed.

3.b Schedule "B" Costs:

Minimum bandwidth supplied between identified school sites and Plymouth Whitemarsh High School is ~~unrestricted 10 MB~~ Ethernet or higher, with expansion/upgrade capabilities as needed. Sites currently have CISCO series 6X routers. Specify any additional equipment needed for handoff.

3.c Schedule "C" Costs:

Minimum bandwidth supplied between identified school sites and Plymouth Whitemarsh High School is unrestricted DS 3 (45 MB) Ethernet or higher, with expansion/upgrade capabilities as needed. Sites currently have CISCO series 6X routers. Specify any additional equipment needed for handoff.

3.d Schedule "D" Costs:

Minimum bandwidth to be supplied is unrestricted 1 GB or higher Point to Point connections between each location and Plymouth Whitemarsh High School with expansion/upgrade capabilities as needed.

3.e Vendors submitting a proposal for equipment other than that specified must also submit complete specifications, along with their proposal and be prepared to demonstrate said equipment, if requested.

3.f Installation of any new systems must be accomplished with a minimum of equipment upgrades and/or new equipment purchases. Installation must be able to be configured for use with previously listed equipment.

3.g Service Level Agreement (SLA) must guaranteed 99.9% service availability at (<2 msec) Average network latency and 0% packet loss. If vendor can not fulfill availability, please state reason.

3.h Installation of any new equipment or wiring must be accomplished with little or no interruption of service.

3.i The maintenance is to be 24 hours a day, seven days per week. The vendor is to be responsible for all vendor supplied equipment, including but limited to; vendor installed fiber, CSU/DSU's, Fiber Distributed Data Interface (FDDI) Bridges, Ethernet bridges, Ethernet transceivers, etc.

3.j Must be willing to work with "traditional" or "non-traditional" circuit providers i.e. utility companies and private fiber network operators.

3.k Respondents shall submit a proposed activities schedule (Project Plan) which details all key events and critical dates. Within 30 days of the date of the agreement the Vendor will provide a complete project plan. It shall be the Vendor's responsibility to maintain the project plan with accuracy throughout the project. Such a plan shall be made available to the District



INVOICE

HIGH PERFORMANCE COMMUNICATIONS
 202 TITUS AVE. WARRINGTON, PA 18976
 TELEPHONE 215-343-6300
 FAX 215-343-3160

REMIT TO ADDRESS
SUNESYS, INC.
P.O. BOX 7777-W1040
PHILADELPHIA, PA 19175-1040

Invoice Number
112129
Invoice Date
07-15-2004

COLONIAL SCHOOL DISTRICT
 230 FLOURTOWN ROAD
 PLYMOUTH MEETING, PA 19462

CHARLES GRAHAM

Job Location:
 PLYMOUTH TWP.

Customer PO# PER LICENSE
 Customer WO#

2ND OF 36 LICENSE FEE FOR DARK FIBER	5,50
2ND OF 14 LICENSE FEE FOR DARK FIBER - ADDENDUM #1	2,10

JOB # -

DATE DUE: 07-15-2004

Amount Billed	\$7,60
Total Tax	
Retainage Held	
Amount Due	\$7,60

C
S
D

Colonial School District
230 Flourtown Road
Plymouth Meeting, PA 19462

Telephone: (610) 834-1670

Website: www.colonialsd.org

Fax: (610) 834-7535

Exhibit F

August 25, 2004

Universal Service Administrative Company
Schools & Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

RE: **APPEAL**
Form 471 Application Number: 411237
Funding Year 2004: 07/01/2004 - 6/30/2005
Billed Entity Number 126234
Applicant's Form Identifier: COL-04-05

The purpose of this letter is to put forth the facts that will form our grounds for an appeal as the result of a decision to reject our "E-rate" application for funding by the Schools and Libraries Division. (Attachment A) The facts we will put forth will show that our service complies in every aspect (technically and administratively) with the rules of the e-rate program. And the sole cause of our rejection was due to a clerical error on an invoice given to the school district from the vendor.

At the end of November 2003 Colonial School District (Billed Entity Number 126234) did a Request of Proposal for a Wide-area Network at various speeds (Attachment B) and filed a form 470 (application number 510340000473719). The successful bidder was Sunesys, Inc. (SPIN 143019764) and we awarded a contract for Gigabit Ethernet Circuits to them on January 30, 2004. The Wide-area Network License Agreement is fully consistent with program rules, we have provided it as an attachment. (Attachment C) At no time did the awarded contract include "dark fiber".

The network that was designed and built is fully compliant with e-rate program rules. We have provided an attachment of a logical diagram of the network. (Attachment D) Each remote location is connected to the hub site via a Gigabit Ethernet Circuit. In each site, Sunesys owns termination equipment to deliver to the district a gigabit ethernet cooper handoff to plug into the district's Cisco switches. The Sunesys owned termination equipment fully complies with the Tennessee Decision rules.

Once Sunesys completed the network and while the district was testing the network to confirm acceptance, the Sunesys Vice President of Infrastructure, Alan Katz prepared an invoice authorization form (Attachment E) and submitted it to Sunesys' accounting department. The Sunesys accounting department mistook the Colonial service for a project for dark fiber that was completed for another organization at approximately the same time. Their accounting person edited the invoice authorization to say "dark fiber". This was clearly a clerical error since the RFP, response, design, build, contract and actual service being rendered was not dark fiber but a fully eligible Gigabit Ethernet Circuit as indicated on the letter from Sunesys to the District. (Attachment F) Colonial School District inadvertently overlooked the "dark fiber" statement of the invoice when it was issued. This error was eventually discovered and corrected by the Sunesys accounting personnel resulting in the issuance of corrected invoices accurately depicting the scope of the project and installation. (Attachment G)

Therefore, we believe that the SLD relied on an ancillary and incorrect document to reject our funding request. In light of the corrected documentation, we request that you reconsider our request and award the district all eligible funding.

Sincerely,

Vincent F. Coster, Ed. D
Superintendent