

RECEIVED

OCT 15 2006

Federal Communications Commission
Office of the Secretary

FEDERAL COMMUNICATIONS COMMISSION

In Re: Form 471 Application Number: 515425
Billed Entity Number (BEN): 131392
Billed Entity FCC RN: 0011785367
Applicant's Form Identifier: yr9471con

CC Docket No. 02-6

APPEAL

NOW COMES Berrien County Intermediate School District (Appellant) and files this appeal of a Funding Commitment Decision Letter (FCDL) dated August 15, 2006 (Attachment A).

The Funding Commitment Report, found at pages 5, 6 and 7 of the FCDL, states the following: "Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not specify the timeframe during which the LOA was in effect."

Appellant requests that the decision of the Schools and Libraries Division be set aside and that full funding in the amount of \$295,426.88 be approved for Funding Year 2006.

A short history of this instant matter will follow.

On April 12, 2006, appellant received a fax transmission from Harold W. Kestenbaum, consortium reviewer for the School and Libraries Division of the Universal Service Administrative Company (USAC). (Attachment B) Appellant was asked to document the fact that all of the members of the consortium were aware of the filing of applications on their behalf.

On April 19, 2006, appellant faxed a twelve (12) page response to the USAC (Attachment C).

On August 15, 2006, appellant received the FCDL referenced above.

Appellant disputes the denial of its funding request and would argue that it is entitled to receive full funding, as requested.

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OH

A. Appellant is an Intermediate School District under Michigan law and as such is a consortium for its member individual school districts.

Appellant is an "intermediate school district" (ISD) in the state of Michigan. An ISD is an agency that is defined in section 604 of the Michigan Revised School Code (Code), Act 451 of 1976, being MCL 380.1 et seq. This section sets an ISD's boundaries as one or more counties in size. In appellant's case, the ISD encompasses a single county, the County of Berrien. MCL 380.604

The state of Michigan has a total of eighty three (83) counties. The state of Michigan has a total of fifty-seven (57) ISDs. The discrepancy lies in the fact that some of the ISD's encompass more than a single county as permitted by section 604 referenced above. Every local school district, by law, is a member of one of these intermediate school districts.

An ISD, under the Code, has certain powers and responsibilities as it relates to its constituent school districts.

Section 601a of the Code, being MCL 380.601a, enumerates an ISD's powers and responsibilities to serve its constituent members.

According to section 601a(1)(a), the ISD "may exercise a power incidental or appropriate to the performance of any function related to the operation of the intermediate school district in the interest of public elementary and secondary education in the intermediate school district, including, but not limited to, all of the following: (a) Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment and recreation programs for other persons." MCL 380.601a(1)(a)

The above section clearly directs an ISD to educate pupils in the interest of public elementary and secondary education in the intermediate school district. Part of educating pupils is providing opportunities to secure technology for constituent districts at discounted rates, if possible.

Further, section 627 of the Code enumerates the powers of the Board of an ISD. Specifically, subsection 2 gives the Board the authority to enter into cooperative programs for information technology systems. "(2) An intermediate school board may conduct or participate in cooperative programs for information technology systems which may include, but are not limited to, equipment for storage, retrieval, processing, and transmission of voice, data, or video communications; contract with public schools or other educational institutions, government agencies, public broadcasting stations or systems, or information technology service providers in conducting the programs; and acquire and install the equipment, software, and training necessary for the programs in the manner and

at the places the intermediate school board considers appropriate.” MCL 380.627(2)

The Code grants appellant broad power to provide educational services to K –12 students in the entire county of Berrien, Michigan. All public school districts in Berrien County, Michigan are, by Michigan state law, the constituents of appellant.

Appellant, under the above cited statutory authority, conducts cooperative programs for information technology for its member districts. The legislature understood that the ISD, acting as a consortium for its member districts, could more efficiently provide technology services than if each individual district contracted for such services on its own. This provision is in direct line with the E-rate’s goals of providing enhanced technology to schools in the most efficient, and cost effective manner possible.

Therefore, Michigan ISD’s are consortiums. A “consortium” is defined as: “A combination of organizations within a community (i.e. schools, school districts, libraries, library systems, government, and healthcare providers) with identified common communication needs and a plan for community infrastructure. It may include both eligible and ineligible organizations, but E-rate discounts can only be applied to the portion of the services received by eligible entities.”

Appellant has filed as a consortium since Year 1 of the E-rate program and has filed as such every year since that time. Until the current funding year, appellant has never been denied funding nor has its funding requests been reduced from the amount requested. The current funding request at issue provides for internet services from MERIT, Inc. The contract for these services began on July 1, 2005, and will end on June 30, 2007. The current funding request also provides for telecommunication services from Michigan Bell Telephone Company arises from a contract with the provider which began on July 1, 2003, and ends on June 30, 2008. Finally, a third provider, Verizon North Inc., is also part of the funding request and operates on a month to month basis with appellant.

The member districts of the consortium have come to rely on these services and have enjoyed the opportunity to utilize the services provided through the consortium since it saves the individual districts money.

Appellant’s Technology Plan recognizes the appellant’s responsibility to its member districts by speaking of the E-rate program and the savings realized by filing as a consortium. (Page 12 of Attachment D)

B. Appellant’s consortium, since it is a statutory entity, does not require Letters of Agency from its constituent members

The Funding Commitment Decision Letter, as noted above, stated that "Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not specify the timeframe during which the LOA was in effect." Since appellant is a statutory entity where constituent districts must be part of the ISD, under USAC guidelines, no Letter of Agency is required.

Further, appellant has filed its funding requests since the inception of the E-rate program on a yearly basis in the same manner as the current year. Funding has never been denied or reduced in any of the prior years. Due to the structure of the ISD in the state of Michigan, every individual school district is part of an ISD. Every ISD provides services for its member districts.

The E-rate program was instituted in order to provide school and libraries with an opportunity to receive internet and other technology related services at a discounted rate to assist in the education of its students. Appellant has, in good faith, done what it has done since the beginning of the program – filed, as a consortium, for funding the technology needs of its members. Member districts anticipate receiving the discounted services, as they have in the past. It is unfair to deny funding for the current year when the same procedures have been followed as in the past. Appellant understands that the integrity of the E-rate program must be protected. Appellant understands that fraud cannot be tolerated. Appellant has submitted its application for funding with these objectives in mind.

In a recent decision of the Federal Communications Commission, the Wireline Competition Bureau reversed a decision of the Universal Service Administrative Company (USAC) denying E-rate funding to South Carolina for failure to provide evidence of authority to represent its consortium members. (*Order on Request for Waiver of the Decision of the Universal Service Administrator by South Carolina Division of the Chief Information Officer, Columbia, south Carolina, DA 06-1106, File No. SLD-441106, released May 26, 2006*). Much as in the South Carolina case, appellant has provided evidence demonstrating that it has statutory authority to apply on behalf of the consortium members. Michigan law is clear that individual school districts must be part of an ISD. Further, the ISD has the statutory authority to file funding requests on behalf of its members in order to be more efficient and cost effective.

No member districts, as part of the consortium, have ever complained about appellant's filing E-rate funding requests on their behalf. In fact, all member districts have paid their pro rata share of the non discounted services since Year One of the E-rate program.

Granting this appeal will also serve the public interest. Appellant's application for E-rate support for its constituent members, if denied, will severely impact the connectivity of its member districts. Denying the application would create undue

hardship on the consortium. Further, no issue has been made of prior funding requests and it is too late to rectify the situation for this year which will adversely impact all students in the consortium. Appellant has responded to requests from the USAC on a timely basis and has attempted to demonstrate its compliance.

In the alternative, if the FCC determines that there is not statutory authority to treat appellant as a consortium, appellant would argue that the previous information submitted to the USAC, along with the explanation of the ISD's role in filing on behalf of its constituent member districts, should establish that the districts have approved such filings.

Finally, if the above arguments are dismissed, appellant would respectfully request a waiver of the deadline for filing Letters of Agency for the current funding year. Further, appellant would request the opportunity to file Letters of Agency from its constituent districts as directed by the FCC.

Thank you for your kind attention to this matter.

Sincerely,

Ronald M. Basso
Basso & Basso Legal Services LLC
PO Box 63
Iron River, MI 49935
Telephone: 906.265.4410
Email: ron@bassoandbasso.us



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2006: 07/01/2006 - 06/30/2007)

August 15, 2006

Dennis Lundgren
BERRIEN CO INTER SCHOOL DIST
711 SAINT JOSEPH AVE
BERRIEN SPGS, MI 49103-1583

Re: Form 471 Application Number: 515425
Billed Entity Number (BEN): 131392
Billed Entity FCC RN: 0011785367
Applicant's Form Identifier: yr9471con

Thank you for your Funding Year 2006 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$295,426.88 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file Form 486 (Receipt of Service Confirmation Form). A guide that provides a definition for each line of the Report precedes the Report.

A list of Important Reminders and Deadlines is included with this letter to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 515425 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2006," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (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 by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. 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.

NOTICE ON RULES AND FUNDS AVAILABILITY

An applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each funding request in your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by USAC.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by USAC to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted.

FUNDING STATUS: Each FRN will have one of the following statuses:

1. "Funded" - the FRN is approved for support. The funding level will generally be the level requested unless USAC determined during the application review process that some adjustment is appropriate.
2. "Not Funded" - the FRN is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for the Funding Year was insufficient to fund all requests.
3. "As Yet Unfunded" - a temporary status assigned to an FRN when USAC is uncertain at the time the letter is sent about whether sufficient funds exist to make commitments for requests for Internal Connections Other than Basic Maintenance or Basic Maintenance of Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and with an "As Yet Unfunded" status on your Internal Connections requests. You would receive one or more subsequent letters regarding the funding decisions on your Internal Connections requests.

CATEGORY OF SERVICE: The type of service ordered from the service provider, as shown on your Form 471.

FORM 470 APPLICATION NUMBER: The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by USAC to service providers seeking payment from the Universal Service Fund Programs. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider, if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes, if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

CONTRACT EXPIRATION DATE: The Contract Expiration Date for this FRN from Block 5, Item 20b of your Form 471, if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a for "site specific" FRNs only.

NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR: The number of months of service that has been approved for the funding year, for recurring services.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY USAC: The discount rate that USAC approved for this service.

FUNDING COMMITMENT DECISION: The total amount of funding that USAC has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that both you and your service provider recognize that USAC should be invoiced and that disbursement of funds will be made only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FCDL DATE: The date of this Funding Commitment Decision Letter (FCDL).

WAVE NUMBER: The wave number assigned to FCDLs issued on this date.

LAST ALLOWABLE DATE FOR DELIVERY AND INSTALLATION FOR NON-RECURRING SERVICES: The last date approved by the FCC for delivery and installation of eligible non-recurring services (e.g., equipment). (The last allowable date for delivery and installation of recurring services is always the last day of the fund year, that is, June 30, 2007 for Funding Year 2006.)

FUNDING COMMITMENT REPORT
Billed Entity Name: BERRIEN CO INTER SCHOOL DIST
BEN: 131392
Funding Year: 2006

Form 471 Application Number: 515425
Funding Request Number: 1456440
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 173520000510109
SPIN: 143004331
Service Provider Name: Merit Network, Inc.
Contract Number: 20041220-498-TLR-A
Billing Account Number: 20041220-498-TLR-A
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$68,060.00
Pre-discount Amount: \$68,060.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Unauth. Consortium Members
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not specify the timeframe during which the LOA was in effect.

FCDL Date: 08/15/2006
Wave Number: 017
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1456454
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 108600000568452
SPIN: 143004791
Service Provider Name: Verizon North Inc.
Contract Number: MTM
Billing Account Number: 215060230930751304
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$46,680.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$46,680.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Unauth. Consortium Members
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not specify the timeframe during which the LOA was in effect.

FCDL Date: 08/15/2006
Wave Number: 017
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT
Billed Entity Name: BERRIEN CO INTER SCHOOL DIST
BEN: 131392
Funding Year: 2006

Form 471 Application Number: 515425
Funding Request Number: 1460846
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 44000000419476
SPIN: 143001727
Service Provider Name: Michigan Bell Telephone Company
Contract Number: 02-MI-65721
Billing Account Number: ROI-7492
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$205,104.96
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$205,104.96
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Unauth. Consortium Members
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not specify the timeframe during which the LOA was in effect.

FCDL Date: 08/15/2006

Wave Number: 017

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1461064
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 44000000419476
SPIN: 143001727
Service Provider Name: Michigan Bell Telephone Company
Contract Number: 02-MI-65721
Billing Account Number: ROI-7492
Service Start Date: 07/01/2006
Contract Expiration Date: 10/31/2006
Number of Months Recurring Service Provided in Funding Year: 4
Annual Pre-discount Amount for Eligible Recurring Charges: \$15,040.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$15,040.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Unauth. Consortium Members
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not specify the timeframe during which the LOA was in effect.

FCDL Date: 08/15/2006

Wave Number: 017

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT
Billed Entity Name: BERRIEN CO INTER SCHOOL DIST
BEN: 131392
Funding Year: 2006

Form 471 Application Number: 515425
Funding Request Number: 1475428
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 108600000568452
SPIN: 143001727
Service Provider Name: Michigan Bell Telephone Company
Contract Number: 20060216-0315
Billing Account Number: ROI-7492
Service Start Date: 11/01/2006
Contract Expiration Date: 06/30/2011
Number of Months Recurring Service Provided in Funding Year: 8
Annual Pre-discount Amount for Eligible Recurring Charges: \$141,610.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$141,610.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Unauth. Consortium Members
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not specify the timeframe during which the LOA was in effect.

FCDL Date: 08/15/2006

Wave Number: 017

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

ATTACHMENT B



80 South Jefferson Road
Whippany, New Jersey 07981
Fax: 973-599-6576

Universal Service Administrative Company
Schools & Libraries

FAX TRANSMISSION COVER SHEET

To: Dennis Lundgren
Fax: 12694711221
Subject: LOA Request - BEN 131392- BERRIEN CO INTER SCHOOL DIST
From: SelectiveTeam
Date: April 12, 2006
Time: 12:29:03 PM

YOU SHOULD RECEIVE 5 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL THE CONTACT SPECIFIED BELOW.

Please see the attached letter from Universal Service Administrative Company (USAC), Schools & Libraries Division.

Please fax all documentation within 7 calendar days.

PLEASE CONFIRM RECEIPT OF THIS REQUEST TO:

Harold W. Kestenbaum

Schools and Libraries Division - Consortium Review

Phone: 973-581-6752 FAX: 973-599-6576

Privilege and Confidentiality Notice

The information in this telecopy is intended for the named recipients only. It may contain information that is privileged, confidential or otherwise protected from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied material is strictly prohibited. If you have received the telecopy in error, please notify us by telephone immediately and mail the original to us at the above address. Thank you.

Received: 4/12/06 12:50PM; Solix Fax -> BERRIEN COUNTY ISD; Page 2
4/12/2006 12:29 PM EST To: Dennis Lundgren @ 12694711221 Solix Fax Page: 2-

E-mail: HKESTEN@sl.universalservice.org

General Web Site: <http://www.sl.universalservice.org>



Universal Service Administrative Company
Schools & Libraries Division

April 12, 2006

TO: Dennis Lundgren
PHONE: (269) 4717725
FAX: (269) 4711221
E-MAIL: dlundgre@remc11.k12.mi.us
RE: FY 2006 (FY9) Consortium Review - BEN 131392
RESPONSE DUE: April 19, 2006

It is important that we receive all of the information requested within seven (7) calendar days from the date of this document so that USAC may complete the review of your funding request(s). USAC encourages you to provide full and complete responses. A non-response to any of the specific requests made here will be taken to mean that you had no information to provide on the question. A partial answer, such as submitting some LOAs but not others, will be viewed as being all of the information that you have. When your response is received, USAC will complete the review based on the information on hand. USAC urges you to carefully review your response before returning it to ensure that you have provided complete responses to all questions. Finally, note that USAC is unable to grant multiple or lengthy extensions to respond to this request for information or seek information not previously provided.

Dear Dennis Lundgren,

This is to confirm our conversation and request for documentation for BERRIEN CO INTER SCHOOL DIST, BEN 131392 on April 12, 2006. As discussed, we are looking for documentation to show that all of the members of your consortium were aware of the filing of applications on their behalf. You can document this knowingness in several ways:

1. Submit documentation of knowingness such as Letters of Agency (LOAs) for all entities listed in Block(s) 4 of your Form 471 applications. Other vehicles to establish this authorization could be a project agreement, a contract, a letter agreement, or other similar document.
2. For multi-year LOAs that have been previously submitted to USAC for review, provide us with information to locate those in our files as well as any updated information; or
3. For consortia that are created by statute or regulation with mandatory participation, provide a copy of the applicable statute or regulation along with an explanation.

Specific instructions:

1. Applicants submitting new Letters of Agency

Please provide documentation/Letters of Agency (LOAs) for all entities listed in Block(s) 4 on your Form 471 certified application(s): 513725. If you have filed additional applications, and they are not listed here, please provide the application numbers and any additional documentation/LOAs associated with these applications.

These documents/Letters of Agency should describe that the entity is: 1) a member of the Consortium and, 2) has authorized participation in the filing of the 471 application(s). The document (LOA) must contain the following information:

- Name and Consortium Leader
- Name of Consortium Member and Dated Signature
- Timeframe the Consortium will be in effect (must cover current fund year)
- Type of service(s) consortium is authorized to apply for.

In addition, if your documentation/LOAs do not match the Block 4 Entities exactly, please provide a cross reference to explain/eliminate any discrepancies. For Example:

- Schools A & B are listed on Block 4 and are related to School District Z for which you are submitting an LOA.
- Block 4 lists the Main Street Library and your LOA is for the George Washington Library.

2. Multi-year Letters of Agency guidelines

If you have multi-year LOAs that have been submitted in a previous Funding Year, you do not have to resubmit them. In lieu of sending us the actual LOAs please provide the following:

- Please tell us for which Funding Year you provided them.
- Please provide a list of those entities, whose LOA(s) was/were previously submitted, that have dropped out of the consortium. The list must contain the Entity Name and Number.
- Please provide us with any new LOAs that were not previously submitted and whose entities are now a member of your consortium

3. Consortia created by statute or regulation, with mandatory participation

If your consortium does not require Documentation/LOAs as a result of laws governing the mandatory participation of all schools and/or libraries in your consortium:

Please provide a copy of the state statute or regulation in regards to the mandatory participation of the consortium member entities.

- Please provide a statement of interpretation of the statute or regulation

4. Consultants or Other Representatives

Consultants or others, who are not employees of the Billed Entity, must also submit a Letter of Agency from the applicant affirming that they are authorized to represent the

applicant. For more information, please refer to "Letters of Agency" on the SLD section of the USAC web site <http://www.universalservice.org/sl/tools/reference/letters-of-agency.aspx>

Please fax or email all documentation to my attention within 7 calendar days.

If you have any questions, please call me at 973-581-6752

Thank you,

Harold W. Kestenbaum

Schools and Libraries Division - Consortium Review
Phone: 973-581-6752 FAX: 973-599-6576
E-mail: HKESTEN@sl.universalservice.org
General Web Site: <http://www.sl.universalservice.org>

Dennis D. Lundgren, Director
Instructional Technology and Media Services
711 St. Joseph Avenue
Berrien Springs, MI 49103-1602
Phone: 269.471.7725 ext. 107
Fax: 269.471.2941
dlundgre@remc11.k12.mi.us



Fax

COPY

To: Harold W. Kestenbaum	From: Dennis Lundgren
Fax: 973-599-6576	Pages: 12 including cover
Phone: 973-581-6752	Date: April 19, 2006
Re: LOA Request BEN 131392	Application 513725

The Berrien County ISD and our local districts form consortia through procedures of our Superintendents Advisory Council. This Council consists of all local districts and meets once a month. The normal procedure is that a sub-committee will be directed to create a consortium. This is the case for our consortium related to Erate with our Technology Action Committee (TAC) creating a consortium at the direction of the Superintendents Advisory Committee (SAC).

All the districts have been paying their pro rated share of the expense since the beginning of the consortium. This, along with the attached minutes, supports the fact that the districts that are part of the consortium had knowledge of its existence and approved being part of it.

This fax includes:

SAC minutes of March 13, 1998, Item III, D, 1 – showing that SAC directs the TAC to consider creating the consortium.

TAC minutes of Wednesday, March 25, 1998, Item VI – showing a discussion and a motion to create the consortium. This is the action that formed the consortium.

SAC minutes of April 24, 1998, Item II – showing approval of the March 13, 1998, minutes.

TAC minutes of July 13, 1998, Item II – showing approval of the March TAC meeting. The minutes contain a clerical error of March 11 when the meeting was indeed March 25.

If new Letters of Agency are necessary, we can secure those from our districts.

If you have any questions, please let me know. Please note I will out of the office until April 24.

Dennis Lundgren

**PROPOSED
MINUTES**

SUPERINTENDENTS ADVISORY COMMITTEE (SAC)
Berrien County Intermediate School District

Minutes of April 24, 1998
Berrien County Intermediate School District
Berrien Springs, MI

NOTE: Prior to the SAC meeting, members were invited to attend a meeting involved with the Career/Tech Study. Kevin Hollenbech, of the Upjohn Institute, met with representatives of each of our school districts to explain the goals of the study. He also requested their help in supplying him with one or two staff members who would be directly involved with the study. This could include a high school principal, a counselor or perhaps career/tech director. Updated information will continue to be given to the Superintendents Advisory Committee regarding the study.

I. Call to Order and Roll Call

The April 24, 1998 meeting of the Berrien County Intermediate School District Superintendents Advisory Committee (SAC) was called to order at 11:00 a.m. by John Huffman, Chairperson.

Present for the meeting were:

Benton Harbor:	Absent	New Buffalo:	Absent
Berrien Springs:	Howard Napp	Niles:	John Huffman
Brandywine:	David Porrell	River:	Absent
Bridgman:	Carl Hilling	River Valley:	Donald Larson
Buchanan:	David Casey	Riverside:	Absent
Coloma:	David DeFields	St. Joseph:	Jack Mansfield
Eau Claire:	David Gray	Watervliet:	Ken Bannen
Galien:	Jerry Skarbek	LMC:	Absent
Lakeshore:	Gary Campbell		

Representing the ISD were:

Jerry Reimann, Jim Palm, Gerry Blasko, Jeanne Morris, David Rhodes

II. Approval of Minutes of SAC Meeting of March 13, 1998

A motion was made by Ken Bannen, and seconded by Dave DeFields, that the proposed minutes be approved as presented. The motion carried unanimously.

III. Reports, Recommendations and Information Items

A. Issues - There were no Issues.

B. Special Education

1. Special Ed Sub-committee

a. Budget - Jim Palm reported that a draft of the budget had been presented to the ISD Board of Education. This would be available for viewing at anytime. A hearing is scheduled in June for the purpose of authorizing the budget.

Intermediate School District who may have questions on the budget. Information will be sent to both these representatives and the superintendent.

IV. Old Business

- A. Durant - Jerry Reimann called for the meeting of the Headlee Underfunding Input Sub-Committee for May 8 at 10:00 a.m. Further notification will be coming on that agenda.

V. New Business

- A. Retreat Flier - Jeanne Morris distributed the retreat flier and asked that members begin getting these in as soon as possible.

VI. Adjournment

Due to other commitments, the meeting was shortened and was adjourned at 11:40 a.m. The next meeting will be held on May 8 at 11:45 a.m. at the Intermediate School District.

Jerry Reimann, Superintendent
Berrien County Intermediate School District

Handouts included:

- ✓ Retreat flier
- ✓ Professional Development catalog

**PROPOSED
MINUTES**

Technology Action Committee

MINUTES

July 13, 1998

The Technology Action Committee meeting was called to order by Chairman, Bruce Watson at 1:05 p.m.

I. Roll Call (Members, Substitutes, and Guest Members)

Benton Harbor Area Schools	Absent
Berrien County ISD	Jerry Reimann
	David Rhodes
	Jim Bembenek
Berrien Springs Public Schools	Marj Halquist
Brandywine Public Schools	Pat Furner
	Marie Doyle
Bridgman Public Schools	Brian Schwartze
Buchanan Community Schools	Absent
Cassopolis Public Schools	Absent
Coloma Community Schools	Absent
Dowagiac Community Schools	Absent
Eau Claire Public Schools	David Gray
Edwardsburg Public Schools	Pattie Smith
Galien Township Schools	Absent
Lakeshore Public Schools	Absent
New Buffalo Area Schools	Absent
Niles Community Schools	John Huffman
River Valley School District	Gus Damaske
St. Joseph Public Schools	Bruce Watson
Watervliet Public Schools	Jerry Miller

II. Approval of Minutes

Hearing no objections, Chairman Bruce Watson declared the minutes of March 11, 1998 accepted as presented.

III. Headlee Under Funding Settlement Projects

Jerry Reimann provided background information on the Durant Lawsuit Settlement in which the BCISD will receive \$2,200,000 through bonding in a lump sum in November, 1998. The remainder will be received in annual payments over a 10 year period. He stated that he had worked with the Superintendents Advisory Sub-Committee to determine how these funds would be used in providing services to local schools. The plan is to utilize \$1.2 million for BCISD facility projects. The remaining \$1 million will be used for technology enhancements. The BCISD is looking to TAC for help in

IV. Next Meeting

A. Meeting Date

The next TAC meeting will be held September 9, 1998 at 9:00 a.m.

B. Preparation for next meeting

It was requested that Dave Rhodes prepare a survey document describing the criteria needed to qualify a technology project along with possible projects for the Durant Settlement Funding. Survey TAC members to gather a list of possible projects for TAC to consider at the September meeting.

V. Adjournment

The meeting was adjourned at 3:10 p.m.

SUPERINTENDENTS ADVISORY COMMITTEE (SAC)

Berrien County Intermediate School District

**PROPOSED
MINUTES**

Minutes of March 13, 1998

Berrien County Intermediate School District

Berrien Springs, MI

I. Call to Order and Roll Call

The March 13, 1998 meeting of the Berrien County Intermediate School District Superintendents Advisory Committee (SAC) was called to order at 12:15 p.m. by John Huffman, Chairperson.

Present for the meeting were:

Benton Harbor:	Renee Williams	Lakeshore:	Gary Campbell
Berrien Springs:	Howard Napp	New Buffalo:	Michael Lindley
Brandywine:	David Porrell	Niles:	John Huffman
Bridgman:	Carl Hilling	River:	Absent
Buchanan:	David Casey	River Valley:	Donald Larson
Coloma:	David DeFields,	Riverside:	Sharon Hatfield
	Ron Clark	St. Joseph:	Char Wenham
Eau Claire:	David Gray	Watervliet:	Ken Bannen
Gallen:	Jerry Skarbek	LMC:	Absent

Representing the ISD were:

Jerry Reimann, Jim Palm,
Gerry Blasko & Jeanne Morris

Visitors:

Art Vrettas, State Department

II. Approval of Minutes of SAC Meeting of February 13, 1998

Hearing no request for change, the minutes were approved as presented.

III. Reports, Recommendations and Information Items

A. Issues

1. Schools of Choice - Mr. Art Vrettas, who is the Schools of Choice Educational Consultant with the State Department, spoke to the SAC regarding the issue of Schools of Choice. He spent approximately one hour talking of the various options that might be available.

B. Special Education

1. Sub-committee Report - Due to the weather, the sub-committee did not meet and therefore there was no report. They will be meeting at a later date.

C. Instructional Services

1. Career/Tech Study Update - Jeanne Morris reported that due to poor weather, the sub-committee was unable to interview the two agencies who were looking to conduct the survey. This would be done at a later date. Time lines for late April are still being met.

2. **Programs & Services Survey** - Jeanne Morris reported that the ISD administrative staff would be visiting with a number of administrators and teachers in each of our local districts to determine both the satisfaction with the services of the ISD as well as to establish future needs. Jeanne indicated that this was to be done during the first three weeks of April. Comments that were made were favorable, and Jeanne indicated that the District would go ahead with the survey.
3. **Upton Study for the Arts** - The study has been completed, and a discussion will be held with the Intermediate School District Board on Monday, March 16. The document will then be ready for publication and the recommendations that came out of the committee will be presented to the Superintendents Advisory Committee.

D. Business

1. **Regional Consortium for Ameritech Services** - Jerry Reimann reported that a decision needed to be reached on a recommendation that the school districts enter into a consortium for purposes of purchasing and installing telephone lines. It is believed that some money can be saved in addition to the discount of the Universal Services Fund if all the schools operate through one system. The superintendents suggested that this topic be brought before the Technology Action Committee and recommendation be made to the school districts after that discussion.

IV. Old Business

- A. **Headlee Underfunding/Durant Update** - A discussion was held regarding strategic planning for the use of the money that is being distributed to all the schools in Berrien County, including the Berrien County Intermediate School District. It was suggested that a sub-committee of superintendents be formed to give input to the ISD regarding the money that is being distributed to the Intermediate School District. The committee consists of Jerry Reimann-BCISD, Renee Williams-Benton Harbor, Howard Napp-Berrien Springs, David Casey-Buchanan, Jerry Skarbek-Galien, Cary Campbell-Lakeshore, and Jack Mansfield-St. Joseph.

V. New Business

- A. **County-wide Calendar** - Jim Palm distributed a copy of the county-wide calendar as it was finalized last year. The calendar is set for the following five years.

VI. Adjournment

Hearing no further comments or business, the meeting was adjourned at 1:45 p.m. The next meeting is scheduled for Friday, April 24, 1998.

Jerry Reimann, Superintendent
Berrien County Intermediate School District

**PROPOSED
MINUTES**

Technology Action Committee

Minutes

Wednesday March 25, 1998

The Technology Action Committee Meeting was called to order By Chairman, Bruce Watson at 9:35 a.m.

I. Roll Call (Members, Substitutes, and Guest members)

Benton Harbor Area Schools	Absent
Berrien County ISD	Gerry Blasko
	Jerry Reimann
	David Rhodes
	Will Townsley
	Jim Bembenek
	Steve Risenhoover
Berrien Springs Public Schools	Marj Halquist
Brandywine Public Schools	Lisa Pointer
Bridgman Public Schools	Brian Swartz
Buchanan Community Schools	Clarence Grimm
	Rick Bell
Cassopolis Public Schools	Absent
Coloma Community Schools	Ed Irvin
Dowagiac Community Schools	Absent
Eau Claire Public Schools	Absent
Edwardsburg Public Schools	Pattie Smith
Galien Township Schools	Jerry Skarbek
Lakeshore Public Schools	Absent
New Buffalo Area Schools	Absent
Niles Community Schools	Bob Wright
River Valley School District	Gus Damaske
St. Joseph Public Schools	Bruce Watson
	Ren Baldwin
Watervliet Public Schools	Jerry Miller
Lewis Cass ISD	Ron Mousel

II. Approval of Minutes

Hearing no objections, Chairman, Bruce Watson declared the minutes of April 29, 1997 accepted as presented.