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THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Vijay Sonty, Chief Information Officer

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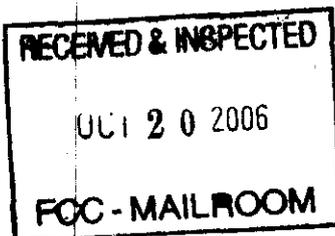
SCHOOL BOARD

October 19, 2006

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Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743



CC Docket No. 02-6
CC Docket No. 96-45
Request for Review

DR. FRANK TILL
Superintendent of Schools

To Whom It May Concern:

Broward County Public Schools, Billed Entity Number 127743, requests a review of the decision of the Universal Services Administrative Company, Schools and Libraries Division (USAC / SLD) to deny the district's funding request for telecommunication services for Application Number 463080, and the related FRN 1278004 filed for the 2005 Funding Year. Broward Schools has prepared this appeal with the assistance of the State of Florida's Department of Education, E-rate Office.

The initial funding request referenced above was denied on May 10, 2006 with the reason given: "The category of service was changed from Telecommunications to Internal Connections. Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded." On May 30, 2006 the district appealed the denial to USAC / SLD. The appeal was denied on September 6, 2006. The appeal denial was accompanied by two bulleted explanations that aligned to the original denial. In summary the USAC / SLD included a reference to the correct action previously taken by their organization in moving Broward Schools' filing from the Telecommunications to Internal Connections category in their original funding denial, and the fact that once the filing had been shifted by USAC / SLD to the Internal Connections category it was a request that would not be funded due to Broward Schools' low (61%) priority level.

Broward County Public Schools is the nation's sixth largest school district, and serves a diverse, urban student population of about 262,000. The district has approximately 33,000 full time employees of which 17,000 are full time teachers. Broward Schools has 264 school locations spread across the county's 1220 square miles. Students enrolled in Broward Schools come from a broad spectrum of socio-economic, ethnic, and cultural backgrounds, and possess a wide variety of education aptitudes and exceptionalities. Broward Schools endured particular hardships in FY2005 due to the inordinate frequency and severity of hurricane activity. The financial impact of the funding denial for Broward Schools is \$2,020,515.17 in lost reimbursement. A favorable ruling in this case will contribute to Broward Schools' overall recovery and the continued delivery of vital telecommunications services to its schools and departments.

In FY 2005, Broward Schools asked for funding support for the services needed to deliver filtered Internet and other telecommunication services to our schools and administrative locations. The district requested funding for a service that is eligible for locations that meet USAC / SLD eligibility criteria. The denial of the funding request is rooted in misunderstandings.

Broward Schools followed E-rate procurement guidelines in 2003 by correctly following the timelines and competitive bid requirements for the procurement of telecommunication services. The result of this effort was the award of an E-rate compliant RFP (25-005N) for telecommunication services to BellSouth Telecommunications, Inc. This contract was in the district's filings for E-rate Funding Years 2004, 2005, and 2006.

- In FY 2004, the district request for telecommunication services underwent PIA review and was subsequently approved for \$1,935,149.76.
- In FY 2005 the district request for telecommunication services citing the same contract and Form 470 was initially denied subsequent to the PIA review process. It was also denied by the SLD on appeal of the initial denial.
- In FY 2006, the district request for telecommunication services citing the same contract and Form 470 has been approved as submitted without PIA review in an amount of \$2,542,694.23.

The funding awards in the years preceding and following the year in which funding was denied, for the exact same service, substantiates that the denial of the request made for FY 2005 is based on a misunderstanding about the application and related service for that year.

Broward Schools' RFP 25-005N specifically requests and supports the purchase of telecommunication services. Broward Schools sought, and continues to seek, this service to deliver data, voice, and video communications between all sites, and to deliver filtered Internet service to all schools and administrative support facilities. The contract calls for the delivery of telecommunication services, but does not call for the procurement of any equipment or a private wide area network.

RFP 25-005N supports the procurement of bandwidth, but does not specify the equipment or any method of delivery required of the service provider. All equipment used to deliver services (including Internet connectivity) to each site are part of the lease-managed service, as are all other provider-supplied core network technologies required to deliver the service. This equipment is not owned or operationally governed or restricted by the school district or the terms and conditions of RFP 25-005N. Broward Schools' Local Area Networks provide the internal connections that ultimately deliver the services noted above to the school system's computer workstations. However, these Local Area Networks are technically separate from the telecommunication services in question. They are fully functional as stand-alone networks.

The fact that under the initial USAC / SLD review the application was converted by the SLD from a telecommunications service to an internal connection substantiates that the SLD believed erroneously that Broward Schools had ownership or management control of the network service and/or equipment in question. Broward Schools has never sought to establish a private network within its Telecommunications E-rate filings.

Broward schools hopes that this appeal serves to clarify the misunderstanding that it believes is the source of the denial of the telecommunication services Funding Request for FY 2005 funding and appeal denial. Throughout Broward's history of E-rate participation, the school district has consistently sought funding for, and been awarded funding for, a complete leased-managed telecommunications service. Nothing changed in FY 2005, including the service provided, the architecture of its delivery model, or the way Broward schools replied to PIA questions in comparison to the approved funding years surrounding it. Broward Schools sought E-rate funding using an E-rate eligible contract, to procure an E-rate eligible service, for delivery to E-rate eligible locations.

Broward County Public Schools requests that application Number 463080, FRN 1278004 for telecommunication services be fully funded.

Sincerely,



Vijay Sonty
Chief Information Officer

VS:sk

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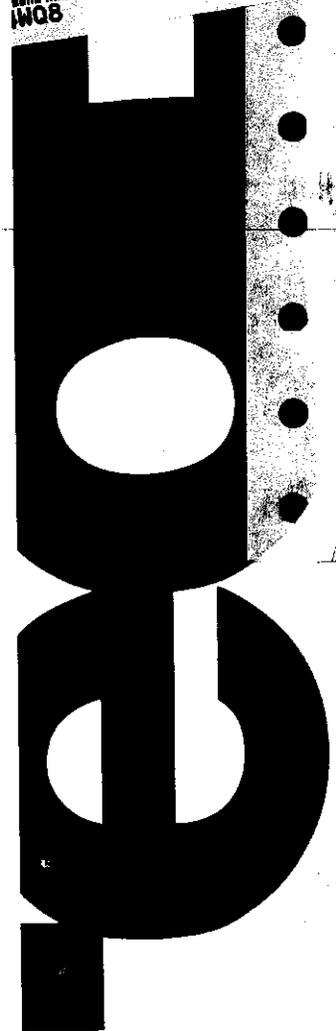
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