January 26, 2007

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: CC Docket Nos. 02-6
Request for Review of Decision by Administrator
Notification of Commitment Adjustment Letter, Form 471
Application number 298093
FCC Registration Number: 0011779261

Pursuant to section 54.719 of the Commission's rules and regulations, 47 C.F.R. § 54.719, Networks and More! Inc. (N&M) hereby requests for the review of a determination issued Janurary 16, 2007 by the Schools & Libraries Division (SLD) of the Universal Service Administrative Company (USAC).

N&M is a Service Provider registered with USAC under Service Provider Identification Number 143004355. N&M provides schools & libraries with various Internet services including E-Rate eligible Internet e-mail service.

The funding in question was for **Funding Year 2002** involving **FRN 780674** for the **Freehold Twp School District**. The amount of funding totaled **$ 1,776.00** for E-mail services.

According to SLD's Notification of Commitment Adjustment Letter, USAC has rescinded funding based on a finding that "service provider contact information appeared on the cited Form 470." According to USAC, a Form 470 that contains contact information for a service provider that participates in the competitive bidding process is considered "tainted", and all Funding Requests that relate to such a form must be denied.

SLD's determination is in error. Review of the actual 470 in question (**341430000384740**) as filed on SLD's web site shows that the form contains only contact information for the school district.[1] *No contact information whatsoever for N&M or any other service provider is included on the form.* SLD's determination that the Form 470 is tainted based on inclusion of service provider contact information is, therefore, completely unjustified.

[1] A copy of the relevant Form 470 is attached in .pdf format to assist the Commission in review this matter. Examination of that form shows that the address, telephone and fax numbers found under Item 4 are those of the school district. The Contact Person listed under Item 6 is the school's General Ledger Accountant, and all contact information under that Item relate to the applicant. The Authorized Person listed under Item 27 is the school's Technology Coordinator. None of the other phone numbers or addresses listed on the form are associated with N&M or any of its personnel.

Furthermore, any involvement of N&M in connection with this application was ministerial/clerical in nature and did not in any way "taint" or otherwise affect the competitive bidding process. At that time, and throughout the entire history of the E-rate program, our company has scrupulously complied with both the letter and spirit of all published rules, policies, interpretations, etc of both the SLD and the FCC.

N&M accordingly requests that the Commission reverse the action of the SLD and direct SLD promptly to restore funding for this FRN.

Sincerely,

James M. Punderson, IV
President
Networks & More!, Inc.
PO Box 178
Island Heights, NJ 08732
Phone: 732-929-1485
Fax: 732-506-6797
e-mail: jpunderson@k12usa.com

Funding Commitment Adjustment Report for
Form 471 Application Number: 298093

Funding Request Number:	780674
Services Ordered:	INTERNET ACCESS
SPIN:	143004355
Service Provider Name:	Networks & More, Inc.
Contract Number:	C
Billing Account Number:	
Site Identifier:	122999
Original Funding Commitment:	$1,776.00
Commitment Adjustment Amount:	$1,776.00
Adjusted Funding Commitment:	$0.00
Funds Disbursed to Date:	$1,776.00
Funds to be Recovered from Applicant:	$1,776.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of review it was determined that service provider contact information appeared on the cited Form 470. When the Service Provider, Networks & More, Inc., participated in the preparation of the cited Form 470 (Application Number: 341430000384740), the Form 470 becomes tainted. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process, and to conduct a fair and open process. If the applicant has posted a Form 470 that contains contact information for a service provider that participates in the competitive bidding process, the applicant has violated this requirement, and FCC rules consider this Form 470 to be tainted. All Funding Requests that relate to this Form 470 are required to be denied because the Form 470 is tainted. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds. USAC has determined that both the applicant and the service provider are responsible for this rule violation; if any funds were disbursed, USAC will seek recovery of the improperly disbursed funds from both the applicant and the service provider.

PLEASE SEND A COPY OF THIS PAGE WITH YOUR CHECK TO ENSURE TIMELY PROCESSING

FCC Form

Approval by OMB
3060-0806

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: 341430000384740

Applicant's Form Identifier:

Application Status: CERTIFIED

Posting Date: 12/10/2001

Allowable Contract Date: 01/07/2002

Certification Received Date: 12/13/2001

1. Name of Applicant:
FREEHOLD TWP SCHOOL DISTRICT

2. Funding Year:
07/01/2002 - 06/30/2003

3. Your Entity Number
122999

4a. Applicant's Street Address, P.O.Box, or Route Number
384 WEST MAIN STREET

City	State	Zip Code
FREEHOLD	NJ	07728-3119

b. Telephone number
(732) 866- 6889

c. Fax number
(732) 306- 9694

d. E-mail Address

5. Type Of Applicant

- ○ Individual School (individual public or non-public school)
- ◉ School District (LEA;public or non-public[e.g., diocesan] local district representing multiple schools)
- ○ Library (including library system, library branch, or library consortium applying as a library)
- ○ Consortium (intermediate service agencies, states, state networks, special consortia)

6a. Contact Person's Name: LINDA DISPENZIERE

*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
○ 384 WEST MAIN STREET

City	State	Zip Code
FREEHOLD	NJ	07728-3119

○ **6c.** Telephone Number (732) 866- 6889

○ **6d.** Fax Number (732) 306- 9694

◉ **6e.** E-mail Address LDispenziere@freeholdtwp.k12.nj.us

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 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.

Service or Function:	Quantity and/or Capacity:
Local phone service POTS, Centrex	EXISTING: 159
Full and/or fractional T-1 using SMDS, frame relay and/or PTP and/or ADSL, ISDN BRI custoflex.	8 T-1 LINES, 18 ISDN BRI CUSTOFLEX, ADDTIONAL
CELLULAR PHONE SERVICE	2+
PAGING SERVICES	24
DISTANCE LEARNING SERVICES USING ATM, T-1. ISDN AND/OR IDLS	ADDITIONAL: 1
Inter and intra LATA long distance services	EXISTING: 159

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.

Service or Function:	Quantity and/or Capacity:
MONTHLY INTERNET ACCESS	EXISTING, ADDITIONAL
E-MAIL SERVICE	750+ ACCOUNTS

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.

Service or Function:	Quantity and/or Capacity:
Additional CAT5/6 and/or fiber optic cabling desired along with network infrastructure electronics.	**7 BLDGS, 364 ROOMS**
Desired: Network infrastructure improvements including hubs, switches, routers, servers, network software,network installation and maintenance services .	**7 BLDGS, 364 ROOMS**
Improvements to phone system, phone cabling and phone installation and maintenance services.	**7 BLDGS, 364 ROOMS**

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.

We are subject to NJ State purchasing laws. N.J.S.A. 18A;18A-3 etc. which mean we can only purchase goods and services through open public bids, from vendors having approved, existing NJ state contracts or from vendors or via purchases that qualify for an exception or exemption from these laws and regulations

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).

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) NJ 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 7

For these eligible sites, please provide the following

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
732	431,866

If your application includes INELIGIBLE entities, check here. ☐ **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
FREEHOLD TWP SCHOOL DISTRICT	122999

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): **12/13/2001**

27. Printed name of authorized person: **THOMAS SANDERSON**

28. Title or position of authorized person: **TECHNOLOGY COORDINATOR**

29a. Address of authorized person:
City: State: Zip:

29b. Telephone number of authorized person: **(732) 866 - 6889**

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

29d. E-mail address number of authorized person:

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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