

# FACSIMILE COVER SHEET

LEE COUNTY BOARD OF EDUCATION  
TECHNOLOGY CENTER

Phone : (334) 705-8667

Fax: (334) 705-8669

FILED/ACCEPTED  
FEB 28 2007  
Federal Communications Commission  
Office of the Secretary

CC: 02-6

DATE

2-15-07

TO:

Letter of Appeals

FAX NUMBER:

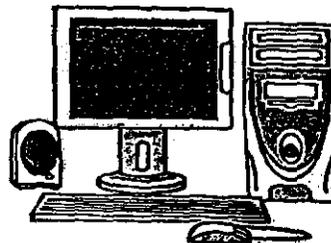
202-418-0817

FROM:

Judy Barber

SUBJECT:

2-13-07 Previous Fax



TOTAL PAGES INCLUDING COVER SHEET

Previous fax on 2-13-07 did not include attachment 1

Please see appeal with attachment.

No. of Copies rec'd 041  
List ABCDE

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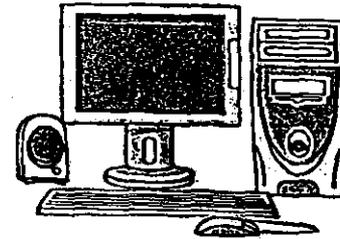
DATE 2-13-07

TO: Letter of Appeals

FAX NUMBER: 202-418-0817

FROM: Judy Barber

SUBJECT: \_\_\_\_\_



TOTAL PAGES INCLUDING COVER SHEET 10

#

Please see attached

This fax was sent to the wrong fax number on 11-28-06.

Judy Barber

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# FACSIMILE COVER SHEET

LEE COUNTY BOARD OF EDUCATION  
TECHNOLOGY CENTER

Phone : (334) 705-8667

Fax: (334) 705-8669

*Correct #*

*202-418-0817*

DATE

11-28-06

TO:

Letter of Appeals USAC

*Sent*

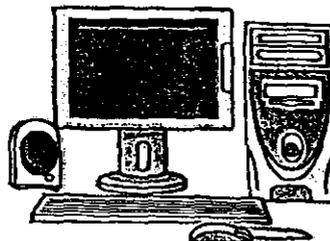
FAX NUMBER:

(913)-599-6542

*Wrong fax #*

FROM:

Judy Barber



SUBJECT:

TOTAL PAGES INCLUDING COVER SHEET

18

*Please see attached*

*Thank you for your consideration*

*Judy Barber*

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John C. Painter  
Superintendent  
Lee County Board of Education  
P. Box 120  
Opelika, AL 36801-0120  
334-745-9770  
(334) 745-9774 FAX



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## LEE COUNTY SCHOOLS

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Rural Advantages... Modern Technology

October 11, 2006

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

CC Docket No. 96-45 and CC Docket No. 02-6

To Whom It May Concern:

**Request for Review** of the decision of Universal Service Administrator on the funding decisions referenced below.

Billed Entity Name: Lee County School District

Billed Entity Number: 128189

FCC Form 471 Application Number: 515258

Funding Request Number: 1418461 & 1418482

Contact Information:

Name: Judy Barber

Address: 100 South 6<sup>th</sup> Street

Opelika, AL 36801

Phone: (334) 705-8667

FAX: (334) 705-8669

E-mail: [barber.judy@lee.k12.al.us](mailto:barber.judy@lee.k12.al.us)

## INTRODUCTION

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company may seek review from the Commission<sup>1</sup>. Lee County School District (hereinafter "LCSD") hereby appeals the current action taken by USAC in the following case.

On September 19, 2006, the SLD denied funding for LCSD FCC Form 471 Application Number 515258, Funding Request Numbers (FRN) 1418482 and 1418461. Both of these FRNs were denied due to a SLD determination that, "30% or more of the FRN includes a request for the TANDBERG Border Controller and associated maintenance & training costs which is an ineligible management/monitoring device based on program rules." For the following reasons, LCSD would ask the Commission to reverse the SLD reviewer(s) determination that the TANDBERG Border Controller is ineligible under program rules.

## DISCUSSION

The TANDBERG Border Controller is primarily a firewall traversal device. The Border Controller allows audio/video content from TANDBERG conferencing systems to be transmitted over secure (firewalled) networks without the need to "open" or "unblock" certain network ports on the networks' firewall.

As an example, suppose a school district wishes to use TANDBERG videoconferencing systems to provide distance learning functionality between eligible school locations over the Internet. Since both school locations employ firewalls for data security, those firewalls (normally by default) block the network ports and protocols necessary for the system to connect between sites over the Internet. Enabling the connection, then, is accomplished in one of two

ways: first, the network administrator can unblock the necessary ports on the firewall(s) so that the link can be established, thereby reducing security provided by the firewall; or, they may use Border Controllers to establish the communication link between sites without exposing the networks to a higher security risk due to open ports.

The functionality of the Border Controller is congruent with the description of (eligible) Virtual Private Network components in the 2006 Eligible Services List:

A Virtual Private Network (VPN) uses encryption and/or *tunneling services* in order to provide highly secure communication over the public Internet or in some cases over point-to-point links. (emphasis added)

Tunneling services are exactly what the Border Controller provides. By utilizing this tunneling functionality, the Border Controller enables an applicant to establish a secure communications link between eligible locations for videoconferencing (distance learning) purposes. Although the Border Controller does not accomplish tunneling through the use of "standard" VPN protocols,

the Eligible Services List contains no restrictions or specifications on the particular technology employed to accomplish this functionality.

In addition, the Eligible Services List states the following with respect to (eligible) firewalls:

A firewall is a hardware and software combination that sits at the boundary between an organization's network and the outside world, and protects the network against unauthorized access or intrusions.

Although not expressly marketed as a traditional firewall, the Border Controller does provide the protection described above by allowing the organization's firewall to continue to block ports necessary for content distribution. Without the use of the Border Controller, a firewall's security

functionality must be reduced to accommodate the transmission of TANDBERG

videoconferencing content. Because the Border Controller enables an applicant's firewall(s) to be fully utilized while still allowing videoconferencing content to be distributed, the combination of the applicant's firewall device and the Border Controller provide eligible data protection functionality more effectively than a configuration utilizing only a standard firewall device when TANDBERG videoconferencing systems are used by the applicant.

SUMMARY

For the above listed reasons, LCSD would request that the Commission determine the TANDBERG Border Controller to be an eligible piece of equipment and remand this case back to USAC in order that the FRN at issue should be funded.

Thank you for the opportunity to address this issue. We look forward to receiving your decision.

Sincerely Submitted,



Judy Barber

Technology Coordinator

Lee County School District

Phone: (334) 705-8667

FAX: (334) 705-8669

Attachments:

1. USAC Funding Commitment Decision Letter,

Dated September 19, 2006

INSTRUCTIONS: (1) Place on Letterhead, (2) Delete this Line, (3) Sign, (4) Make a copy of the referenced FCDL and annotate the top right corner with "Attachment 1", (5) FEDEX or Other Express Mail (**return receipt**) to below address (both letter and attachment), (6) PLEASE MAKE SURE YOU KEEP A COPY OF LETTER, ATTACHMENT AND MAIL RECEIPT FOR YOUR RECORDS.

October 11, 2006

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

CC Docket No. 96-45 and CC Docket No. 02-6

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Billed Entity Name: Lee County School District

Billed Entity Number: 128189

FCC Form 471 Application Number: 515258

Funding Request Number: 1418461 & 1418482

Contact Information:

Name: Judy Barber

Address: 100 South 6<sup>th</sup> Street

Opelika, AL 36801

Phone: (334) 705-8667

FAX: (334) 705-8669

E-mail: [barber.judy@lee.k12.al.us](mailto:barber.judy@lee.k12.al.us)

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Sincerely Submitted,

Judy Barber

Technology Coordinator

Lee County School District

Phone: (334) 705-8667

FAX: (334) 705-8669

### Attachments:

1. USAC Funding Commitment Decision Letter,

Dated September 19, 2006

Attachment 1

**USAC**

Universal Service Administrative Company  
Schools & Libraries Division

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

September 19, 2006

Jeff Drury  
LEE COUNTY SCHOOL DISTRICT  
100 South 6th St.  
OPELIKA, AL 36801

Re: Form 471 Application Number: 515258  
Billed Entity Number (BEN): 128189  
Billed Entity FCC RN: 0011877537  
Applicant's Form Identifier: INTCON YR9 -

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, \$21,643.38 is "As Yet Unfunded."
- The amount, \$137,397.96 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 515258 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](mailto: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 231, 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: LEE COUNTY SCHOOL DISTRICT  
BEN: 128189  
Funding Year: 2006

Form 471 Application Number: 515258  
Funding Request Number: 1417602  
Funding Status: As Yet Unfunded  
Category of Service: Basic Maintenance of Internal Connection  
Form 470 Application Number: 116130000496838  
SPIN: 143008119  
Service Provider Name: Information Transport Solutions, Inc.  
Contract Number: ALJP2004  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 03/14/2007  
Site Identifier: 40684  
Number of Months Recurring Service Provided in Funding Year: 9  
Annual Pre-discount Amount for Eligible Recurring Charges:  
Annual Pre-discount Amount for Eligible Non-recurring Charges:  
Pre-discount Amount:  
Discount Percentage Approved by the USAC:  
Funding Commitment Decision:

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1417648  
Funding Status: As Yet Unfunded  
Category of Service: Basic Maintenance of Internal Connection  
Form 470 Application Number: 116130000496838  
SPIN: 143999999  
Service Provider Name: State Replacement Contract  
Contract Number: SRCALJP2004  
Billing Account Number: N/A  
Service Start Date: 03/15/2007  
Contract Expiration Date: 06/30/2007  
Site Identifier: 40684  
Number of Months Recurring Service Provided in Funding Year: 4  
Annual Pre-discount Amount for Eligible Recurring Charges:  
Annual Pre-discount Amount for Eligible Non-recurring Charges:  
Pre-discount Amount:  
Discount Percentage Approved by the USAC:  
Funding Commitment Decision:

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT  
Billed Entity Name: LEE COUNTY SCHOOL DISTRICT  
BEN: 128189  
Funding Year: 2006

Form 471 Application Number: 515258  
Funding Request Number: 1418417  
Funding Status: As Yet Unfunded  
Category of Service: Internal Connections  
Form 470 Application Number: 116130000496838  
SPIN: 143008119  
Service Provider Name: Information Transport Solutions, Inc.  
Contract Number: ALJP2004  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 03/14/2007  
Site Identifier: 16020371  
Number of Months Recurring Service Provided in Funding Year: 9  
Annual Pre-discount Amount for Eligible Recurring Charges:  
Annual Pre-discount Amount for Eligible Non-recurring Charges:  
Pre-discount Amount:  
Discount Percentage Approved by the USAC:  
Funding Commitment Decision:

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1418439  
Funding Status: As Yet Unfunded  
Category of Service: Internal Connections  
Form 470 Application Number: 116130000496838  
SPIN: 143999999  
Service Provider Name: State Replacement Contract  
Contract Number: SRCALJP2004  
Billing Account Number: N/A  
Service Start Date: 03/15/2007  
Contract Expiration Date: 06/30/2007  
Site Identifier: 16020371  
Number of Months Recurring Service Provided in Funding Year: 4  
Annual Pre-discount Amount for Eligible Recurring Charges:  
Annual Pre-discount Amount for Eligible Non-recurring Charges:  
Pre-discount Amount:  
Discount Percentage Approved by the USAC:  
Funding Commitment Decision:

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT  
Billed Entity Name: LEE COUNTY SCHOOL DISTRICT  
BEN: 128189  
Funding Year: 2006

Form 471 Application Number: 515258  
Funding Request Number: 1418461  
Funding Status: Not Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 116130000496838  
SPIN: 143008119  
Service Provider Name: Information Transport Solutions, Inc.  
Contract Number: ALJP2004  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 03/14/2007  
Site Identifier: 40684  
Number of Months Recurring Service Provided in Funding Year: 9  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$34,679.10  
Pre-discount Amount: \$34,679.10  
Discount Percentage Approved by the USAC: N/A  
Funding Commitment Decision: \$0.00 - Incl. svcs./ or product(s)  
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for The TANDBERG Border Controller and associated maintenance & training costs which is ineligible management/monitoring device based on program rules.

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1418482  
Funding Status: Not Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 116130000496838  
SPIN: 143999999  
Service Provider Name: State Replacement Contract  
Contract Number: SRCALJP2004  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 03/14/2007  
Site Identifier: 40684  
Number of Months Recurring Service Provided in Funding Year: 9  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$34,679.10  
Pre-discount Amount: \$34,679.10  
Discount Percentage Approved by the USAC: N/A  
Funding Commitment Decision: \$0.00 - Incl. svcs./ or product(s)  
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for The TANDBERG Border Controller and associated maintenance & training costs which is ineligible management/monitoring device based on program rules .

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Feb 15 07 08:32a

LCBOE

334-705-8669

P.18

**FUNDING COMMITMENT REPORT**  
 Billed Entity Name: LEE COUNTY SCHOOL DISTRICT  
 BEN: 128189  
 Funding Year: 2006

Form 471 Application Number: 515258  
 Funding Request Number: 1418506  
 Funding Status: Not Funded  
 Category of Service: Internal Connections  
 Form 470 Application Number: 116130000496838  
 SPIN: 143008119  
 Service Provider Name: Information Transport Solutions, Inc.  
 Contract Number: ALJP2004  
 Billing Account Number: N/A  
 Service Start Date: 07/01/2006  
 Contract Expiration Date: 03/14/2007  
 Site Identifier: 40684  
 Number of Months Recurring Service Provided in Funding Year: 9  
 Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$22,479.50  
 Pre-discount Amount: \$22,479.50  
 Discount Percentage Approved by the USAC: N/A  
 Funding Commitment Decision: \$0.00 - Incl. svcs./ or product(s)  
 Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for Lightning Arrestor & Wireless LAN Controller WLC 4402 which are ineligible products based on program rules.

FCDL Date: 09/19/2006

Wave Number: 022

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

Funding Request Number: 1418527  
 Funding Status: Not Funded  
 Category of Service: Internal Connections  
 Form 470 Application Number: 116130000496838  
 SPIN: 143999999  
 Service Provider Name: State Replacement Contract  
 Contract Number: SRCALJP2004  
 Billing Account Number: N/A  
 Service Start Date: 03/15/2007  
 Contract Expiration Date: 06/30/2007  
 Site Identifier: 40684  
 Number of Months Recurring Service Provided in Funding Year: 4  
 Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$22,479.50  
 Pre-discount Amount: \$22,479.50  
 Discount Percentage Approved by the USAC: N/A  
 Funding Commitment Decision: \$0.00 - Incl. svcs./ or product(s)  
 Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for Lightning Arrestor & Wireless LAN Controller WLC 4402 which are ineligible products based on program rules.

FCDL Date: 09/19/2006

Wave Number: 022

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

Feb 15 07 08:33a

LCBOE

334-705-8669

p. 19

FUNDING COMMITMENT REPORT  
 Billed Entity Name: LEE COUNTY SCHOOL DISTRICT  
 BEN: 128189  
 Funding Year: 2006

Form 471 Application Number: 515258  
 Funding Request Number: 1418539  
 Funding Status: Not Funded  
 Category of Service: Internal Connections  
 Form 470 Application Number: 116130000496838  
 SPIN: 143008119  
 Service Provider Name: Information Transport Solutions, Inc.  
 Contract Number: ALJP2004  
 Billing Account Number: N/A  
 Service Start Date: 07/01/2006  
 Contract Expiration Date: 03/14/2007  
 Site Identifier: 16020371  
 Number of Months Recurring Service Provided in Funding Year: 9  
 Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$19,173.60  
 Pre-discount Amount: \$19,173.60  
 Discount Percentage Approved by the USAC: N/A  
 Funding Commitment Decision: \$0.00 - Incl. svcs./ or product(s)  
 Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for Lightning Arrestor & Wireless LAN Controller WLC 4402 which are ineligible products based on program rules.

FCDL Date: 09/19/2006

Wave Number: 022

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

Funding Request Number: 1418553  
 Funding Status: Not Funded  
 Category of Service: Internal Connections  
 Form 470 Application Number: 116130000496838  
 SPIN: 143999999  
 Service Provider Name: State Replacement Contract  
 Contract Number: SRCALJP2004  
 Billing Account Number: N/A  
 Service Start Date: 03/15/2007  
 Contract Expiration Date: 06/30/2007  
 Site Identifier: 16020371  
 Number of Months Recurring Service Provided in Funding Year: 4  
 Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$19,173.60  
 Pre-discount Amount: \$19,173.60  
 Discount Percentage Approved by the USAC: N/A  
 Funding Commitment Decision: \$0.00 - Incl. svcs./ or product(s)  
 Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for Lightning Arrestor & Wireless LAN Controller WLC 4402 which are ineligible products based on program rules.

FCDL Date: 09/19/2006

Wave Number: 022

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

FUNDING COMMITMENT REPORT  
Billed Entity Name: LEE COUNTY SCHOOL DISTRICT  
BEN: 128189  
Funding Year: 2006

Form 471 Application Number: 515258  
Funding Request Number: 1434414  
Funding Status: As Yet Unfunded  
Category of Service: Basic Maintenance of Internal Connection  
Form 470 Application Number: 116130000496838  
SPIN: 143008119  
Service Provider Name: Information Transport Solutions, Inc.  
Contract Number: ALJP2004  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 03/14/2007  
Site Identifier: 16020371  
Number of Months Recurring Service Provided in Funding Year: 9  
Annual Pre-discount Amount for Eligible Recurring Charges:  
Annual Pre-discount Amount for Eligible Non-recurring Charges:  
Pre-discount Amount:  
Discount Percentage Approved by the USAC:  
Funding Commitment Decision:

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1434421  
Funding Status: As Yet Unfunded  
Category of Service: Basic Maintenance of Internal Connection  
Form 470 Application Number: 116130000496838  
SPIN: 143999999  
Service Provider Name: State Replacement Contract  
Contract Number: SRCALJP2004  
Billing Account Number: N/A  
Service Start Date: 03/15/2007  
Contract Expiration Date: 06/30/2007  
Site Identifier: 16020371  
Number of Months Recurring Service Provided in Funding Year: 4  
Annual Pre-discount Amount for Eligible Recurring Charges:  
Annual Pre-discount Amount for Eligible Non-recurring Charges:  
Pre-discount Amount:  
Discount Percentage Approved by the USAC:  
Funding Commitment Decision:

FCDL Date: 09/19/2006  
Wave Number: 022  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

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LCBOE  
334-705-8669  
Nov-28-06 3:45pm

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<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 28	3:38pm	Sent	919735996542	6:59	18	OK

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Tue Feb 20 16:31:45 2007  
Feb 15 07 08:34a

LCBOE

stephens,mark

334-705-8669

Page: 23  
p. 22

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Fax History Report for  
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334-705-8669  
Feb-13-07 4:10pm

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Feb 13	4:05pm	Sent	912024180817	5:54	10	OK

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To: stephens,mark x4180817  
From: UNKNOWN  
Time/Date Received: 2/13/07 17:15  
Attributes:  
Subject:

This Message contains the following components:  
[Fax: 10 pages]

# FACSIMILE COVER SHEET

LEE COUNTY BOARD OF EDUCATION  
TECHNOLOGY CENTER

Phone : (334) 705-8667  
Fax: (334) 705-8669

DATE: 2/13/07  
TO: Letter of Appeals  
FAX NUMBER: 202-418-0817  
FROM: Judy Barber  
SUBJECT: \_\_\_\_\_



TOTAL PAGES INCLUDING COVER SHEET \_\_\_\_\_

Please see attached  
This fax was sent to the wrong fax number  
on 11-28-06.

Judy Barber

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LEE COUNTY BOARD OF EDUCATION  
TECHNOLOGY CENTER

Phone : (334) 705-8667  
Fax: (334) 705-8669

*Correct #*  
*202-418-0817*

DATE 11-28-06

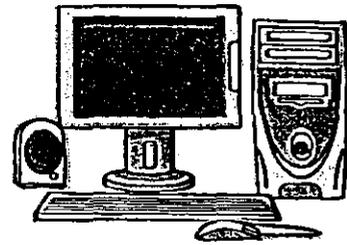
TO: Letter of Appeals USAC *Sent*

FAX NUMBER: (813)-599-6542 *Wrong fax #*

FROM: Judy Barber

SUBJECT: \_\_\_\_\_

TOTAL PAGES INCLUDING COVER SHEET 18



*Please see attached*  
*Thank you for your consideration*

*Judy Barber*

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John C. Painter  
Superintendent  
Lee County Board of Education  
P. O. Box 120  
Opelika, AL 36803-0120  
334-745-9770  
(334) 745-9774 FAX



LEE COUNTY SCHOOLS

Rural Advantages... Modern Technology

October 11, 2006

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

CC Docket No. 96-45 and CC Docket No. 02-6

To Whom It May Concern:

**Request for Review** of the decision of Universal Service Administrator on the funding decisions referenced below.

Billed Entity Name: Lee County School District

Billed Entity Number: 128189

FCC Form 471 Application Number: 515258

Funding Request Number: 1418461 & 1418482

Contact Information:

Name: Judy Barber

Address: 100 South 6<sup>th</sup> Street

Opelika, AL 36801

Phone: (334) 705-8667

FAX: (334) 705-8669

E-mail: [barber.judy@lee.k12.al.us](mailto:barber.judy@lee.k12.al.us)

## INTRODUCTION

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company may seek review from the Commission<sup>1</sup>. Lee County School District (hereinafter "LCSD") hereby appeals the current action taken by USAC in the following case.

On September 19, 2006, the SLD denied funding for LCSD FCC Form 471 Application Number 515258, Funding Request Numbers (FRN) 1418482 and 1418461. Both of these FRNs were denied due to a SLD determination that, "30% or more of the FRN includes a request for the TANDBERG Border Controller and associated maintenance & training costs which is an ineligible management/monitoring device based on program rules." For the following reasons, LCSD would ask the Commission to reverse the SLD reviewer(s) determination that the TANDBERG Border Controller is ineligible under program rules.

## DISCUSSION

The TANDBERG Border Controller is primarily a firewall traversal device. The Border Controller allows audio/video content from TANDBERG conferencing systems to be transmitted over secure (firewalled) networks without the need to "open" or "unblock" certain network ports on the networks' firewall.

As an example, suppose a school district wishes to use TANDBERG videoconferencing systems to provide distance learning functionality between eligible school locations over the Internet. Since both school locations employ firewalls for data security, those firewalls (normally by default) block the network ports and protocols necessary for the system to connect between sites over the Internet. Enabling the connection, then, is accomplished in one of two

ways: first, the network administrator can unblock the necessary ports on the firewall(s) so that the link can be established, thereby reducing security provided by the firewall; or, they may use Border Controllers to establish the communication link between sites without exposing the networks to a higher security risk due to open ports.

The functionality of the Border Controller is congruent with the description of (eligible) Virtual Private Network components in the 2006 Eligible Services List:

A Virtual Private Network (VPN) uses encryption and/or *tunneling services* in order to provide highly secure communication over the public Internet or in some cases over point-to-point links. (emphasis added)

Tunneling services are exactly what the Border Controller provides. By utilizing this tunneling functionality, the Border Controller enables an applicant to establish a secure communications link between eligible locations for videoconferencing (distance learning) purposes. Although the Border Controller does not accomplish tunneling through the use of "standard" VPN protocols,

the Eligible Services List contains no restrictions or specifications on the particular technology employed to accomplish this functionality.

In addition, the Eligible Services List states the following with respect to (eligible) firewalls:

A firewall is a hardware and software combination that sits at the boundary between an organization's network and the outside world, and protects the network against unauthorized access or intrusions.

Although not expressly marketed as a traditional firewall, the Border Controller does provide the protection described above by allowing the organization's firewall to continue to block ports necessary for content distribution. Without the use of the Border Controller, a firewall's security

functionality must be reduced to accommodate the transmission of TANDBERG

videoconferencing content. Because the Border Controller enables an applicant's firewall(s) to be fully utilized while still allowing videoconferencing content to be distributed, the combination of the applicant's firewall device and the Border Controller provide eligible data protection functionality more effectively than a configuration utilizing only a standard firewall device when TANDBERG videoconferencing systems are used by the applicant.

SUMMARY

For the above listed reasons, LCSD would request that the Commission determine the TANDBERG Border Controller to be an eligible piece of equipment and remand this case back to USAC in order that the FRN at issue should be funded.

Thank you for the opportunity to address this issue. We look forward to receiving your decision.

Sincerely Submitted,



Judy Barber

Technology Coordinator

Lee County School District

Phone: (334) 705-8667

FAX: (334) 705-8669

Attachments:

1. USAC Funding Commitment Decision Letter,

Dated September 19, 2006

INSTRUCTIONS: (1) Place on Letterhead, (2) Delete this Line, (3) Sign, (4) Make a copy of the referenced FCDL and annotate the top right corner with "Attachment 1", (5) FEDEX or Other Express Mail (**return receipt**) to below address (both letter and attachment), (6) PLEASE MAKE SURE YOU KEEP A COPY OF LETTER, ATTACHMENT AND MAIL RECEIPT FOR YOUR RECORDS.

October 11, 2006

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

CC Docket No. 96-45 and CC Docket No. 02-6

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Opelika, AL 36801

Phone: (334) 705-8667

FAX: (334) 705-8669

E-mail: [barber.judy@lee.k12.al.us](mailto:barber.judy@lee.k12.al.us)

#### **INTRODUCTION**

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken



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Judy Barber

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1. USAC Funding Commitment Decision Letter,

Dated September 19, 2006

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Nov 28	3:38pm	Sent	919735996542	6:59	18	OK

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