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Eminence R-1 School District
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May 16, 2007

Federal Communication Commission
445 12th Street, SW
Washington, D.C. 20554

To Whom It May Concern:

Please accept the attached letter concerning our appeal. We have exhausted all other options.

Respectfully,

Donna Depee
Superintendent
Eminence R-1 Schools
Eminence, MO 65466
573-226-3251

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10/23/2007

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

IN THE MATTER OF:)
)
EMINENCE SCHOOL DISTRICT R-1) **CC Docket No. 02-6**
)

Request for Review

The Eminence School District R-1 respectfully requests the Federal Communications Commission review and overturn the funding denial decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). Eminence specifically appeals the February 20, 2007 funding denial of Year 2006 Form 471 Application 513691, Funding Request Number 1417954 in the amount of \$3,000.00.

Eminence R-1 is small, rural school district of 282 students in south central Missouri. During her first year on the job, the superintendent of schools had very little experience with E-rate and relied primarily on the previously successfully funded applications and records left by the former superintendent. Unbeknownst to the current superintendent, the previous superintendent actually had an error in her application. She failed to mark that she was seeking a multi-year contract on her Form 470. In fact, she ended up accepting a 36-month contract from Sho-Me Technologies for Internet Access.

Completely unfamiliar with E-rate procedures, the current superintendent copied the Form 470 from the previous year, posted it, and left it out for competitive bid for 28 days. The superintendent was unaware that the 470 for the Internet Access service was not required because the district was in the midst of a multi-year contract.

After learning of the multi-year contract, the superintendent placed the Form 470 number from the previous year on her Form 471 for the 2006-2007 application year. The funding request was denied because the previous superintendent had not marked the contract box.

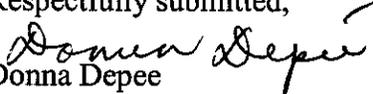
While the district agrees that the contract box on the original Form 470 should have been marked, the district also argues that denying funding on a mere technicality is pointless and against the spirit of the E-rate program – to bring connectivity to schools and public libraries.

Clearly, the purpose of the Form 470 is to ensure competitive bidding. There is no issue of a violation of competitive bidding. Also, even though the previous superintendent marked only the month-to-month box on the Form 470, the district still received bids from providers which entertained a multi-year option. Ultimately the district chose a multi-year contract because it was the most cost effective service.

The *Bishop Perry* Order released last year by the FCC makes it clear that E-rate applicants should not be penalized for ministerial or clerical errors as long as evidence of waste, fraud, and/or abuse is not present. The inadvertent marking of only one box on the Form 470 is clearly an error. However, there is absolutely no evidence of waste, fraud, or abuse. The service was properly bid out and the district chose the most cost effective service to meet E-rate program rules.

SLD's funding denial decision should be reversed and the application remanded to SLD for full consideration of funding.

Respectfully submitted,


Donna Depee

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