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CONSULTING, LLC *Providing Innovative Technological Solutions for the World of Education*

October 4, 2007

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

Dear Federal Communications Commission:

Please find the enclosed Request for Waiver filed on behalf of Cleora Public Schools.

Respectfully submitted,



Debi Sovereign, Consultant

Enclosures

P.O. Box 130, 10501 CR 3665
Allen, Oklahoma 74825
office: 580.332.1444
fax: 580.332.2532
email: info@kelloggllc.com

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Request for Waiver by Cleora Public) CC Docket No. 02-6
Schools of Administrator's Decision on)
Appeal dated September 12, 2007.)

To The Commission

REQUEST FOR WAIVER

CLEORA PUBLIC SCHOOLS

October 4, 2007

Debi Sovereign
Jane Kellogg

Kellogg & Sovereign Consulting, LLC
10501 CR 3665
Allen, OK 74825
(580) 332-1444
(580) 332-2532 (facsimile)
Email: dsovereign@kelloggllc.com

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I. SUMMARY

Cleora Public Schools (“Cleora”) hereby requests that the Commission grant a waiver to the Schools & Libraries Division (“SLD”) of the Universal Service Administrative Company’s (“USAC”) procedural requirement that the certification be filed with Cleora Public School’s FCC Form 471 Application Number 573977.

The Administrator’s decision on appeal: Denied

We are requesting that the Commission waive the procedural deadline for submitting signed certification pages for this application. In this particular case, the Form 471 Application was filed online and submitted on February 5, 2007. According to USAC the certifications were received late on 3/22/2007. The applicant, however, had no reason to believe the certifications were not timely received and thought they had complied with the USAC requirements. In reference to FCC’s decision in the *Bishop Perry Order*¹ we believe that denying 100% of the funding requested due to a procedural deadline is not warranted. The applicant can demonstrate rigid compliance with USAC’s application procedures and denial of the funding requested in this application totaling \$51,942.43 will inflict an undue hardship on this small, rural district.

II. DISCUSSION

According to the Administrator’s Decision on Appeal dated September 12, 2007 (Attachment 5) :

“The record shows that Cleora Public Schools (Cleora) postmarked their Form 471 Certification on March 22, 2007. In Funding Year 2007 to be considered for funding, Forms 471 Certifications were to be postmarked no later than 11:59 pm (EST) on March 12, 2007. Since Cleora did not comply with this requirement, USAC considered Cleora’s Form 471 as out-of-window. Our records show that on February 20, 2007, USAC issued a Notification of Form 471 with No Certification Letter informing Cleora that USAC had not received the signed Form 471 Block

¹ Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, CC Docket No. 02-6, Order, FCC 06-54 (2006) (Bishop Perry Order).

6 Certifications. This Letter also informed Cleora that the due date to postmark their Form 471 Certification was March 12, 2007. It is the responsibility of the applicant to ensure that all forms are completed in a correct and timely manner. “

According to the Administrator’s Decision Letter, the certification pages were 10 days late.

Cleora Public Schools had delegated the duties of filing the Form 471 application to Darrell Hatfield who works part time as technology coordinator for three schools in the area: Cleora Public Schools (BEN 140129 – Form 471 App # 573977), Colcord Indep School Dist 4 (BEN 140132 – Form 471 App # 572812), and Moseley School District (BEN 140133 – Form 471 App # 560725). According to Mr. Hatfield, all three applications were filed on February 5, 2007 and certifications were submitted for all three applications in the same manner. (See Attachment 2) . According to Cleora’s Superintendent, Mr. Tim Carson, Cleora had no reason to believe that there was a problem with the filing of their 2007-08 Form 471.

On June 18, 2007, Mr. Carson asked Kellogg & Sovereign Consulting, LLC (“KSLLC”) to review Cleora’s prior E-Rate applications and make recommendations for future filings. When KSLLC reviewed the application for 2007-08 they noticed that the application display tool on the SLD web site (www.usac.org/sl) showed that the Application Form Status was “ CERTIFIED-Out of Window” (See Attachment 2a) but that there had been no out of window letter issued. We informed Mr. Carson that according to the new *Bishop Perry* guidelines, “For applications completed within the filing window, applicants can file the certifications within 15 days of notification from USAC.” (See Attachment 4). Since the status of the out of window letter was still blank, it appeared that the school district had not yet been notified.

Additionally, since the Cert. Postmark Date for the certifications was showing as 3/22/2007 (See Attachment 2b), one could reason that since USAC had received the certification pages before the out of window letter was issued, then the application status would change to CERTIFIED-In Window when the notification was processed.

The out of window letter was sent by USAC on June 29, 2007 (See Attachment 7). The district did not receive this letter either, but when the date appeared on the SLD web site display application tool, Cleora requested a copy of the letter from USAC.

At that time, KSLLC noticed that the address on file with USAC was the old address before the post office had reassigned a new E-911 address to the district. The old address was RR 1 Box 131, Afton, OK 74331-9801 (See Attachment 2a). Mr. Carson stated that mail to the old address was no longer being delivered to the district. To ensure that any future notices would be properly delivered to the district, KSLLC submitted a change of address to correct the address to 451358 E 295 Road, Afton, OK 74331-8113 (See Attachment 3).

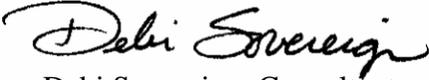
We have attached (See Attachment 1) a letter from Mr. Tim Carson, Superintendent dated September 27, 2007. Mr. Carson's letter is included as an integral part of this correspondence to the FCC. Mr. Carson repeats the issue about the incorrect address. He also states, "we were never aware of that fact that any documents had not been filed in a timely manner." Since Mr. Hatfield had successfully filed the other applications within the filing window, Mr. Carson had no reason to believe there were any problems with Cleora's application.

We believe that since the address was wrong, most likely Cleora Public Schools never did receive the "Notification of Form 471 with No certification Letter" that was mailed by USAC on February 20, 2007. We understand this was the first year that these notifications were sent and we understand that USAC continually refines their procedures. Please note that it would be extremely helpful if USAC had a process to confirm that these types of notifications were actually received by the applicant. This could be accomplished by utilizing a return receipt delivery method. Since Cleora did not actually receive the February 20 notification due to the incorrect address, their first actual notification was the "Out of Window" Letter that was issued by USAC on June 29, 2007.

III. CONCLUSION

Since Cleora Public Schools signed the required certifications and submitted them to USAC, and since the applicant thought they had complied with the requirements, we are respectfully requesting a waiver of the USAC procedural requirement related to certification for Cleora Public School's FCC Form 471 Application Number 573977.

Respectfully Submitted,


Debi Sovereign, Consultant

ATTACHMENTS

1. Letter to FCC from Tim Carson, Superintendent, Cleora Public Schools
2. Application Status:
 - A. Form 471 Application # 573977 Cleora Public Schools
 - B. Form 471 Application # 572812 Colcord Indep School Dist 4
 - C. Form 471 Application # 560725 Moseley School District
3. Billed Entity Correction – Address Change. Dated 07/12/07
4. USAC Bishop Perry Guidelines for FCC Form 471 Certifications
5. Administrator's Decision on Appeal – Form 471 App # 573977
6. Letter of Appeal – Form 471 App # 573977
7. Form 471 Certification Postmarked Out of Window Letter 6/29/07
8. Letter of Agency

ATTACHMENT 1

Letter to FCC from Tim Carson, Superintendent, Cleora Public Schools

BOARD OF EDUCATION
TOMMY HOOVER, President
BILLY JARVIS, Vice-President
DLAE FROST, CLERK

PHONE (918-256-6401)
FAX (918-256-2128)

Cleora Public School

TIM CARSON, SUPERINTENDENT
451358 E 295 ROAD
AFTON, OK 74331



"WHERE LEARNING IS #1"

September 27, 2007

Federal Communications Commission

Re: 2007 Funding Appeal

Appellant name: Cleora Public School

Billed Entity #: 140129

Form 471 Application #: 573977

Funding Request Number(s): 1585942, 1585996, 1586112, 1586166, 1586232, 1586318

My name is Tim Carson, Superintendent of Cleora Public Schools in Afton, Oklahoma. On Wednesday, September 26, 2007 I received a letter from Kellogg & Sovereign Consulting, LLC regarding E-Rate funding for 2007-2008 had been denied. SLD states that after review and investigation of all relevant facts, SLD of the Universal Service Administration Company has made its decision in regard to our appeal of USAC's funding year 2007-2008 Form 471 Certification postmarked outside of window for Letter of Application number indicated above.

My office was totally in the dark regarding these dates. Darrell Hatfield of Colcord Public Schools, an outside consultant, has been employed by Cleora Public School for the past 5 years to administer all correspondence with SLD, including application and any and all information required by E-Rate, therefore, we were never aware of the fact that any documents had not been filed in a timely manner. In review of all communication from USAC it has come to our attention that the mailing address used by USAC was Route 1 Box 131, Afton, OK 74331, instead of our 911 address of 451358 E 295 Rd., Afton, OK., (see attached). It is the practice of our local mail carrier that in some instances that any mail not addressed to the 911 address is deemed undeliverable. We feel that this is probably the reason we did not receive the communication regarding the out of window letter.

Please understand we never received USAC's notification Form 471 notifying us that the due date to postmark our Form 471 Certification was March 12, 2007 as Darrell Hatfield was in charge of our correspondence with SLD. In a conversation with Darrell Hatfield on Wednesday, September 26th he told me that he had not received a notification letter for out window either. However, he also told me that the application was sent on March 12, 2007 and in years past he had always sent the signed certification form after the application and it had always been approved. He was not aware that there was a problem either.

We have contracted with Kellogg & Sovereign Consulting LLC to administer our E-Rate funding and feel this action will take care of any future need Cleora School has regarding E-Rate funding.

Please consider our situation of really not being aware there was a problem and we are now addressing the problem and taking care of it.

Please consider approving our funding for 2007-2008 and I personally give you my word this will not happen again.

Sincerely,

Tim Carson, Supt.

ATTACHMENT # 1

ATTACHMENT 2

Application Status:

- A. Form 471 Application # 573977 Cleora Public Schools**
- B. Form 471 Application # 572812 Colcord Indep School Dist 4**
- C. Form 471 Application # 560725 Moseley School District**

ATTACHMENT # 2a

THIS WAS PRINTED 6/18/2007.
OUT OF WINDOW LETTER
DATE WAS BLANK.

Printed 6/18/07

**Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display**

Block 1	Block 2 & 3	Block 4	Block 5	Block 6	Misc
---------	-------------	---------	---------	---------	------

471 Application No: 573977
Form Status: CERTIFIED - Out of Window
Out of Window Letter Date: ←

Funding Year: 07/01/2007 - 06/30/2008
RAL Date:

Cert. Postmark Date: 03/22/2007
↑

Applicant's Form Identifier: 2007 471

Block 1: Billed Entity Information

Billed Entity Number: 140129
Applicant Name: CLEORA PUBLIC SCHOOLS
Address: RR 1 BOX 131
City: AFTON **State:** OK **Zip:** 74331 9801
Contact Name: Darrell Hatfield
Address: RR 1 BOX 131
City: AFTON **State:** OK **Zip:** 74331 9801
Type of Application: SCHOOL DISTRICT

Ineligible Orgs: N

Previous

Display Entire Application

Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display

[Redacted]

Block 2 & 3

Block 4

Block 5

Block 6

Misc

→ 471 Application No: 573977
→ Form Status: CERTIFIED - Out of Window
→ Out of Window Letter Date: 06/29/2007

Funding Year: 07/01/2007 - 06/30/2008
RAL Date: Not applicable

Cert. Postmark Date: 03/22/2007 ←

Applicant's Form Identifier: 2007 471

Block 1: Billed Entity Information	
Billed Entity Number: 140129	
Applicant Name: CLEORA PUBLIC SCHOOLS	
Address: RR 1 BOX 131	
City: AFTON State: OK Zip: 74331 9801	
Contact Name: Darrell Hatfield	
Address: RR 1 BOX 131 ← WRONG ADDRESS	
City: AFTON State: OK Zip: 74331 9801	
Type of Application: SCHOOL DISTRICT	Ineligible Orgs: N

Previous

Display Entire Application

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ATTACHMENT # 2b.

Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display

[Redacted]

Block 2 & 3

Block 4

Block 5

Block 6

Misc



471 Application No: 572812
Form Status: CERTIFIED - In Window
Out of Window Letter Date: Not applicable

Funding Year: 07/01/2007 - 06/30/2008
RAL Date: 02/21/2007

Cert. Postmark Date: 02/05/2007

Applicant's Form Identifier: 2007 471

Block 1: Billed Entity Information	
Billed Entity Number: 140132	
Applicant Name: COLCORD INDEP SCHOOL DIST 4	
Address: BURBAGE & LIRMON STS	
City: COLCORD State: OK Zip: 74338	
Contact Name: Darrell Hatfield	
Address: BURBAGE & LIRMON STS	
City: COLCORD State: OK Zip: 74338	
Type of Application: SCHOOL DISTRICT	Ineligible Orgs: N

Previous

Display Entire Application

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ATTACHMENT # 2c

INCLUDED TO SHOW THIS WAS
CERTIFIED IN WINDOW + WAS
FILED SAME METHOD AS CEDRA

Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display

[Redacted]

Block 2 & 3

Block 4

Block 5

Block 6

Misc

→ 471 Application No: 560725
Form Status: CERTIFIED - In Window
Out of Window Letter Date: Not applicable

Funding Year: 07/01/2007 - 06/30/2008
RAL Date: 02/22/2007

Cert. Postmark Date: 02/05/2007

Applicant's Form Identifier: 2007 471

Block 1: Billed Entity Information

Billed Entity Number: 140133
Applicant Name: MOSELEY SCHOOL DISTRICT
Address: HIGHWAY 412
City: COLCORD State: OK Zip: 74338
Contact Name: Darrell Hatfield
Address: HIGHWAY 412
City: COLCORD State: OK Zip: 74338
Type of Application: SCHOOL DISTRICT

Ineligible Orgs: N

Previous

Display Entire Application

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ATTACHMENT # 22

INCLUDED TO SHOW THAT
THIS WAS CERTIFIED IN WINDOW
& WAS FILED SAME METHOD
AS CLEARA

ATTACHMENT 3

**Billed Entity Correction – Address Change.
Dated 07/12/07**

TRANSMISSION VERIFICATION REPORT

TIME : 07/08/2007 17:50
NAME : KELLOGG & SOVEREIGN
FAX : 5803322532
TEL : 5803321444
SER.# : BROF4J685973

DATE, TIME	07/08 17:50
FAX NO./NAME	18882768736
DURATION	00:00:19
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM



P O Box 130, OK 74825 · office: 580.332.1444 · fax: 580.332.2532 · email: dsovereign@kelloggllc.com

Billed Entity Correction

Send to: Billed Entity Number	SLD
Fax: (888) 276-8736	Phone: (888) 203-8100
From: Debi Sovereign	Kellogg & Sovereign Consulting LLC
Date: 7/12/07	No. Pages (incl. cover): 1
RE: Cleora Public Schools, BEN 140129	

Please make the following change:

Billed Entity Number: 140129, Cleora Public Schools
Old Address: RR 1 Box 131, Afton, OK 74331

CORRECTED ADDRESS: 451358 East 295 Road, Afton, OK 74331

Contact Information:

Debi Sovereign
Kellogg & Sovereign Consulting, LLC

ATTACHMENT # 3

ATTACHMENT 4

USAC Bishop Perry Guidelines for FCC Form 471 Certifications

FCC Form 471

Applicants who discover any error on their FCC Form 471 always have the option of filing a new FCC Form 471 as long as they can do so within the filing window. The following two categories of errors, however, can be corrected without refiling the FCC Form 471.

C. Minimum Processing Standards Errors

Some items previously listed in the FCC Form 471 Instructions as Minimum Processing Standards will no longer be cause for automatic rejection. However, USAC must receive the missing information within 15 days of notification from USAC before the Form 471 can be data entered and reviewed for funding. If you do not provide the information within 15 days, your form or FRN will be rejected for failing Minimum Process Standards. You can avoid these errors by using the Apply Online system.

ERROR LOCATION	CORRECTIVE ACTION ALLOWED
FCC Form 471 – Funding Year Specific	Applicants who use the wrong version of the form from a prior funding year can make corrections to the current version of the form within 15 days of notification from USAC to correct this error. This item is required before the form can be data entered and reviewed.
FCC Form 471 Block 1 Items 1 and 3 Applicant Name and Contact Information	As long as there is sufficient contact information on the form to be able to make contact with someone, applicants can provide the missing contact information within 15 days of notification from USAC to correct this error. This information is required before the form can be data entered and reviewed.
FCC Form 471 Block 5 Item 13 and 14 Service Provider Identification Number (SPIN) and Name	If this information is missing completely, applicants will be able to submit the missing information within 15 days of notification from USAC. This information is required before the form can be data entered and reviewed.
FCC Form 471 Block 6 certification submission deadline	For applications completed within the filing window, applicants can file the certifications within 15 days of notification from USAC.
FCC Form 471 Block 6 Item 38 Signature of authorized person	Applicants who forget to sign their certification page can correct this error within 15 days of notification by USAC. To avoid this error, USAC encourages applicants to use their PIN to e-certify.

ATTACHMENT # 4

ATTACHMENT 5

Administrator's Decision on Appeal – Form 471 App # 573977



Administrator's Decision on Appeal – Funding Year 2007-2008

September 12, 2007

Debi Sovereign
Kellogg & Sovereign Consulting, LLC
P. O. Box 130
Allen, OK 74825

Re: Applicant Name: CLEORA PUBLIC SCHOOLS
Billed Entity Number: 140129
Form 471 Application Number: 573977
Funding Request Number(s): 1585942, 1585996, 1586112, 1586166, 1586232,
1586318
Your Correspondence Dated: August 07, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2007 Form 471 Certification Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1585942, 1585996, 1586112, 1586166, 1586232,
1586318

Decision on Appeal: **Denied**

Explanation:

- During the appeal review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and USAC Procedures before making its determination on your appeal. The record shows that Cleora Public Schools (Cleora) postmarked their Form 471 Certification on March 22, 2007. In Funding Year 2007 to be considered for funding, Forms 471 Certifications were to be postmarked no later than 11:59 pm (EST) on March 12, 2007. Since Cleora did not comply with this requirement, USAC considered Cleora's Form 471 as out-of-window. Our records shows that on February 20, 2007, USAC issued a Notification of Form 471 with No certification Letter informing Cleora that USAC had not received the signed Form 471 Block 6

Certifications. This Letter also informed Cleora that the due date to postmark their Form 471 Certification was March 12, 2007. It is the responsibility of the applicant to ensure that all forms are completed in a correct and timely manner. Since Cleora has not provided any evidence on appeal demonstrating that USAC erred in its decision, the appeal is denied.

The FCC requires completed FCC Form 471 applications and certifications to be postmarked by the final date of the filing window for the relevant funding year for the application in order to be considered timely filed. See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File no. NEC.471.01-24-00.5400004, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 paras. 2 and 4. (rel. Jan. 14, 2002). The FCC's Bishop Perry Order directed USAC to provide all E-rate applicants with an additional opportunity to file the required certifications without posting new FCC Forms 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et. al, Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54, para. 23 (May 19, 2006)(Bishop Perry Order). As a result, applicants that failed to submit their certification in-window or submitted their certification without a signature and/or were given an opportunity to submit a certification that would have been considered in-window as long as: (a) The form was completed and submitted within the window; and (b) The certification was submitted within 15 days of USAC's notification that your form was not certified. See SLD section of the USAC's web site, Reference Area, "Bishop Perry Order, Help and FAQs" at www.usac.org/sl. The record indicates that you did not submit your FCC Form 471 certification within the allotted time period after USAC notified you that it was missing.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the 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 or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. 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. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

ATTACHMENT # 5b

ATTACHMENT 6

**Letter of Appeal –
Form 471 App # 573977**

KELLOGG & SOVEREIGN®

CONSULTING, LLC Providing Innovative Technological Solutions for the World of Education

August 7, 2007

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

Contact Name:

Debi Sovereign, Consultant
P.O. Box 130
Allen, OK 74825
Phone: 580.332.1444, Fax: 580.332.2532
Email: dsovereign@kelloggllc.com

Applicant

Cleora Public Schools
Form 471 Application Number: 573977
Funding Year 2007: 07/01/2007 - 06/30/2008
Billed Entity Number: 140129
Funding Request Numbers: 1585942, 1585996,
1586112, 1586166, 1586232, 1586318

Dear Appeals Processor:

We are appealing the following:

Form 471 postmarked outside of window.

Reason for Appeal:

The Form 471 application # 573977 listed above was submitted online on February 5, 2007. According to USAC records, the certification pages were received on 3/22/07 which was after the filing window deadline. However, according to the Bishop Perry¹ rules, the district should have been notified of the missing certification pages and granted 15 days in which to submit the signed certification pages.

Discussion:

According to the Bishop Perry guidance on the USAC web site (<http://www.usac.org/sl/tools/reference/help-and-faqs.aspx>):

"Missing or Late Certifications

Applicants that failed to submit their certification in-window or submitted their certification without a signature and/or date may submit a certification as long as the form was completed and submitted within the window; and the certification is submitted within 15 days of USAC's notification that your form was not certified. Do not certify

¹ Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, CC Docket No. 02-6, Order, FCC 06-54 (2006) (Bishop Perry Order).

Cleora Public Schools, Form 471 App # 573977

P.O. Box 130, 10501 CR 3665
Allen, Oklahoma 74825
office: 580.332.1444
fax: 580.332.2532
email: info@kelloggllc.com

ATTACHMENT # 60a

KELLOGG & SOVEREIGN® CONSULTING, LLC

August 7, 2007

your form online once you have been notified by USAC that your form was not certified. Instead, send USAC a paper certification in response to USAC's notification that your certification was not received."

In this particular case, the district DID submit the Form 471 online on February 5, 2007 which was within the filing window.

However, the applicant never received written notification from USAC that the form was not certified, so they did not have a form to respond to for submission of the certification pages within the 15 day period as designated by Bishop Perry. We request that USAC consider the facts that the applicant expected to receive notification but did not and to "be safe" sent the certification pages in along with the Item 21 attachment pages which were received by USAC on 3/22/07. Since the applicant never received written notification per the Bishop Perry guidelines, the applicant should not suffer undue hardship. The applicant, in good faith, did submit the certification pages since they anticipated that the 15 day letter should arrive at some time and the certification pages should be submitted as soon as possible.

Since the school district has already submitted the original certification pages that were signed on 2/5/07, we cannot forward a copy of the original. However, the superintendent has re-signed the certification and we are including original, signed certification pages for Form 471 Application # 573977 as Attachment A.

Conclusion:

Since the applicant did submit the Form 471 online prior to the filing window deadline, and since they did submit certification pages to USAC, we request that the funding request be considered for discount as originally filed within the Form 471 filing window.

Please call me at 580-332-1444 or email:dsovereign@kelloggllc.com if you need any further information.

Respectfully submitted,



Debi Sovereign
Consultant

Attachments:

- A. Signed Form 471 certification pages. 471 submitted online 2/5/07.
- B. Out of Window Letter dated 6/29/07.
- C. Letter of Agency

ATTACHMENT # 6b

ATTACHMENT 7

**Form 471 Certification
Postmarked Out of Window Letter 6/29/07**



Universal Service Administrative Company
Schools & Libraries Division

FUNDING YEAR 2007 FORM 471 CERTIFICATION
POSTMARKED OUTSIDE OF WINDOW

June 29, 2007

Darrell Hatfield
CLEORA PUBLIC SCHOOLS
RR 1 BOX 131
AFTON, OK 74331-9801

← WRONG ADDRESS

ORIGINAL LETTER
WAS NEVER RECEIVED
BY APPLICANT.
THIS IS A DUPLICATE
LETTER.

Re: Applicant's Form Identifier: 2007 471
Form 471 Application Number: 573977

Dear Darrell Hatfield:

We're sending this letter to thank you for your recent Form 471 application. Your Form 471 certification was postmarked on 03/22/2007, which is AFTER the 2007-2008 filing window closed at 11:59 p.m. EST on Thursday, February 8, 2007.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of pending applications, about funding for applications filed after the close of the filing window or about plans for future Funding Years, please visit our website or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal a decision indicated 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 decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant name,
 - BEN,
 - Application number 573977 as assigned by USAC,
 - "Funding Year 2007 Form 471 Certification Postmarked Outside of Window Letter,"

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 an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please

ATTACHMENT # 7a

→ DUPLICATE LETTER ←

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 to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

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

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

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

You have the option of filing an appeal with USAC or 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 above date on 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 on 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.

Schools and Libraries Division
Universal Service Administrative Company

ATTACHMENT # 7b

ATTACHMENT 8

Letter of Agency

KELLOGG & SOVEREIGN® CONSULTING, LLC

LETTER OF AGENCY

E-Rate Funding Years 2006, 2007, 2008

NOON

I authorize Jane Kellogg, Don Kellogg, Debi Sovereign, and/or Tacy Olivo, representatives of Kellogg & Sovereign® Consulting, LLC to submit the E-rate Forms 470, 471, 486, 500, 472 (BEAR form), and other forms requested by the Schools and Libraries Division of the USAC on behalf of our school system. We also authorize the aforementioned representatives to act as our agents in soliciting, receiving, and preparing comparisons of proposals from service providers.

Name of Applicant (School/Library): CLEORA PUBLIC SCHOOLS (BEN 140129)

As such, they are authorized to conduct the following on our behalf to:

- ♦ Prepare and submit all paperwork requested by the Schools and Libraries Division of the USAC (SLD)
- ♦ Act as our agent in working with representatives of the FCC, USAC, and or/SLD to provide information as requested during application review, selective reviews, site visits, audits and any other activity associated with review of our applications
- ♦ Prepare Requests for Proposal (RFPs) to be posted to the Kellogg & Sovereign® Consulting, LLC website and distributed to appropriate vendors
- ♦ Provide information to vendors as needed to clarify information in RFPs
- ♦ Receive bids for requested services from vendors
- ♦ Notify vendors of their selection to provide services once the authorized school contact has analyzed comparisons of bids submitted to us through Kellogg & Sovereign® Consulting, LLC and we have notified Kellogg & Sovereign® Consulting, LLC of our selections.
- ♦ Complete contracts as specifically directed by the authorized school contact person for eligible E-Rate services

I also understand that in submitting these forms on our behalf, representatives of Kellogg & Sovereign® Consulting are making certifications for our school and/or library system. By signing this letter of agency, I make the following certifications as required by the Schools and Libraries Division:

1. I certify that the school(s) I represent are eligible for support because they are 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.
2. I certify that the entities I represent will secure access separately or through this program, to all of the resources including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent will secure access to all of the resources to pay the discounted charges for eligible services from funds to which access will be secured in the applicable funding year(s). I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).
3. I certify that all of the individual school(s) I represent are covered by technology plans that are written, that cover all 12 months of the applicable funding year(s), and that have been or will be approved by an SLD-certified technology plan approver prior to the commencement of service.

KELLOGG & SOVEREIGN® CONSULTING, LLC

Letter of Agency-E-Rate FY 2006, 2007, & 2008 - Page 2

NOON

4. I authorize Kellogg & Sovereign® Consulting, LLC to post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the most cost-effective service offering will be selected, with price being the primary factor considered, and will be the most cost-effective means of meeting educational needs and technology plan goals.
5. I certify that I will review all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities I represent will comply with them.
6. 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, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed will not receive anything of value or a promise of anything of value, other than services and equipment sought by means of applications submitted with the Schools & Libraries Division, from the service provider, or any representative or agent thereof or any consultant in connection with the request for services.
7. I certify that I and the entity(ies) I represent will comply with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There will be signed contracts covering all of the services listed on the Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
8. I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
9. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
10. I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) I represent. I certify that I am authorized to sign this Letter of Agency and all information to be provided to Kellogg & Sovereign® Consulting, LLC for the E-Rate submission will be true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to the associated applications have complied with the terms, conditions, and purposes of this program, that no kickbacks were or will be paid to anyone and that false statements on universal service applications 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 and civil violations of the False Claims Act.

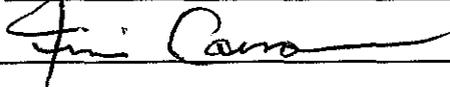
KELLOGG & SOVEREIGN® CONSULTING, LLC

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NOON

11. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
12. I certify that if any of the Funding Requests listed on Form 471 applications are for discounts for products or services that contain both eligible and ineligible components that Kellogg & Sovereign® Consulting, LLC on our behalf will allocate the cost of the contract to eligible and ineligible components as required by the Commission's rules at 47 C.F. R. Sec. 54.504(g)(1),(2).
13. I certify that funding requests included on the related application(s) will not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F. R. Sec. 54.506(c).
14. I acknowledge that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on the applicable Form 471 applications will not be net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision by the provider of a supported service of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
15. I certify that prior to the commencement of service, the school(s) I represent will be in compliance with the requirements of the Children's Internet Protection Act, as codified at 47 U.S. C. Sec. 254(h) and (l).

Applicant Name (School/Library): Cleora Public Schools

Signature of Authorized Person:  Date: 6-18-07

Printed Name of Authorized Person: Tim Carson Title: Superintendent

This authorization shall remain in effect until notified of cancellation in writing.

PLEASE SIGN AND RETURN TO:
Kellogg & Sovereign® Consulting, LLC P.O. Box 130, Allen, OK 74825