

# **& K Kellogg & Sovereign®**

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

August 4, 2008

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

CC Docket No. 02-6

RE: Petition for Waiver of USAC/SLD's Invoice Deadline Extension Request 120 day guideline  
Poteau Independent School District 29

This Petition for Waiver is filed on behalf of Poteau Independent School District 29. Our letter of agency is attached.

**Filing Contact Information is as follows:**

Debi Sovereign, Consultant  
Kellogg & Sovereign Consulting  
P.O. Box 130  
Allen, OK 74825-0130  
Office: (580) 332-1444  
Fax: (580) 332-2532  
Email: [dsovereign@kelloggllc.com](mailto:dsovereign@kelloggllc.com)

**Applicant Contact:**

Mr. Hank Harris, Assistant Superintendent  
Poteau Independent School District 29  
100 Mockingbird Lane  
Poteau, OK 74953-2602  
Phone: (918) 647-7700  
Fax: (918) 647-9357  
Email: [harrish@admin.poteau.k12.ok.us](mailto:harrish@admin.poteau.k12.ok.us)

This Petition for Waiver requests that the FCC waive the administrator's guideline that Invoice extensions can only be granted within 120 days of the last date to file an invoice for the associated funding year.

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

Date of Letter: July 11, 2008  
471 Application Number: 445940  
Funding Request Numbers: 1282920, 1282921  
Applicant: Poteau Independent School District 29  
Billed Entity Number: 140411

The Administrator's Decision in response to the invoice extension request: Denied

Administrator's Explanation:

"Current guidelines and procedures require Invoice Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the end of the service delivery date). The extension request was not filed in a timely manner, so it is denied."

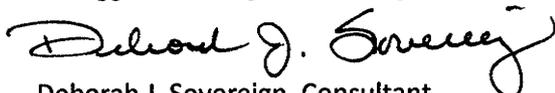
In this particular case, the FRNs were included in an IPIA (Improper Payments Information Act) audit completed in May, 2008. During the audit, it was discovered that the service provider had under discounted the two funding request numbers (FRNs) listed above: 1282920 and 1282921 in the amount of \$2740.62 and \$312.47 respectively along with FRN 1368689 in the amount of \$887.10. The service provider had also over discounted FRN 1368686 in the amount of \$1294.15.

The applicant is in the process of returning the over discounted amount of \$1294.15 for FRN 1368686.

The applicant's service provider filed an invoice extension request so they could properly apply the discounts for FRN 1282920 (\$2740.62), FRN 1282921 (\$312.47) and FRN 1368689 (\$887.10). However, the invoice extension request for FRNs 1282920 and 1282921 was denied for the reason listed above. We have not yet received a decision on the extension request for FRN 1368689.

Since the applicant incurred the charges that were for eligible services provided during the funding year, we would greatly appreciate it if a waiver is granted of the current USAC/SLD guideline to deny invoice extensions if they are not filed within 120 days of the end of the service delivery date.

Respectfully submitted,  
Kellogg & Sovereign Consulting, LLC

  
Deborah J. Sovereign, Consultant

Attachments:

- A. Administrator's Decision on Invoice Deadline Extension Request
- B. Letter of Agency
- C. Analysis of under- and over-payments related to Alltel FRNs under IPIA review

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## Administrator's Decision on Invoice Deadline Extension Request

July 11, 2008

Cindy Brenning  
AllTel Communications  
12110 Port Grace Blvd, Suite 100  
LaVista, NE 68128

RE: Poteau Independent School District 29

RE: SLD Invoice #: N/A BEAR or SPI: N/A  
Invoice Date: N/A

SLD Line(s) #: N/A  
Vendor invoice #: N/A  
471 Application Number: 445940  
Funding Request Number(s): 1282920, 1282921  
Your Correspondence Dated: May 16, 2008

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 invoice deadline extension request for the invoice number indicated above. This letter explains the basis of SLD'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 request included more than one invoice number, please note that for each invoice for which an invoice deadline extension request was submitted, a separate letter is being sent.

Invoice Number: N/A Line(s): N/A  
Decision on Request: **Denied**

**Explanation:** Current guidelines and procedures require Invoice Deadline Extension requests to be filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension (120 days after the end of the service delivery date). The extension request was not filed in a timely manner, so it is denied.

**TO APPEAL THIS DECISION:**

If you wish to appeal a decision in this letter, your appeal must be received by the SLD 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 e-mail 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 or service provider name,
  - BEN and/or SPIN,
  - Form 471 and FRN
  - invoice number as assigned by the SLD,
  - "Administrator's Decision on Invoice Deadline Extension Request" dated 07/11/2008 **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 the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site at [www.usac.org/sl/](http://www.usac.org/sl/). Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

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

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division  
100 South Jefferson Road  
P.O. Box 902

ATTACHMENT # A.2

Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD 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 web site. 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

cc: Debi Sovereign, Poteau Indep. School Dist 29

ATTACHMENT # A-3

**KELLOGG & SOVEREIGN CONSULTING, LLC**  
**LETTER OF AGENCY**  
**E-Rate Funding Year 2005**

I authorize Jane Kellogg, Don Kellogg, Debi Sovereign, and/or Tacy Olivo, representatives of Kellogg & Sovereign Consulting, LLC (formerly Kellogg 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.

**School District: POTEAU INDEP SCHOOL DIST 29**

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 SLD to resolve any questions or problems with 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 district. 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 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 bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals.
3. 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. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
4. 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 FY 2005-06 Form 471 request for services.

# KELLOGG & SOVEREIGN CONSULTING, LLC

Letter of Agency-E-Rate FY 2005

Page 2

5. I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing 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 with E-Rate discounts effectively. I recognize that some of the aforementioned resources are not eligible for support.
6. 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 2005-06 funding year. 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). I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services requested on our Form 471 application will be net of any rebates or discounts offered by the service provider. I acknowledge that the provision 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.
7. I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I will comply with them. I acknowledge that persons willfully making false statements on E-Rate 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.
8. 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.
9. I certify that all of the individual school(s) I represent are covered by written technology plans that cover all 12 months of the funding year 2005-06 and the technology plan(s) has (have) been or will be approved by an SLD-certified technology plan approver prior to the commencement of service.
10. I understand 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.
11. 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) .
12. I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to sign this Letter of Agency and to the best of my knowledge, information, and belief, all information provided to Kellogg & Sovereign Consulting, LLC for the E-Rate submission are true.

## POTEAU INDEPENDENT SCHOOL DISTRICT

Signature of Authorized Person:



Date: 09/18/2004

Printed Name of Authorized Person: Dr. Dan Foreman

Title: Superintendent

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

ATTACHMENT # B-2

FRN	Actual Eligible Services	E-Rate Discount	(C) = (A) * (B)	SP Pre-Discount Submitted to USAC	E-Rate Discount	(F) = (D) * (E)	Erate committed amount	Difference	Net by Acct
	(A)	(B)		(D)	(E)				
1282920	50,320.43	80%	40,256.34	46,413.10	80%	37,130.48	39,871.10	(2,740.62)	USAC underpaid*
1282921	3,447.28	80%	2,757.82	3,056.69	80%	2,445.35	3,355.01	(312.47)	USAC underpaid (3,053.09)
1368691	16,476.60	80%	13,181.28	14,124.00	80%	11,299.20	11,299.20	-	USAC underpaid*
1368686	50,314.83	80%	40,251.86	51,932.52	80%	41,546.02	41,546.02	1,294.15	USAC overpaid
1368689	2,947.03	80%	2,357.62	1,838.16	80%	1,470.53	3,734.02	(887.10)	USAC underpaid 407.06

\*funding cap

ATTACHMENT #