

Burlington City School District
434 Columbus Road
P.O. Box 9
Burlington, NJ 08016

May 14, 2009

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

CC Docket No 02-6

Request for Review of Universal Service Administrative Company (USAC) Administrator's Decision on Appeal, letter dated May 1, 2009, re "Your appeal of the denial of your invoice deadline extension request, 471 Application Number 447054, Funding Request Numbers 1232801, 1232803, 1232805"

Authorized person who can best discuss this Appeal with you

Richard Larson
eRate 360 Solutions, LLC
11 N. Beverwyck Road
Lake Hiawatha, NJ 07034

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(preferred mode of contact)

Application Information

<u>Entity</u>	Burlington City School District			
<u>Billed Entity Number</u>	123173			
<u>Funding Year</u>	FY8 (2005-2006)			
<u>Form 471 Application Number</u>	447054 ¹			
<u>Funding Request Numbers</u>	1232801	1232803	1232805	TOTAL
<u>Total Funding Commitment Request</u>	\$44,411.34	\$4,032.00	\$25,536.00	\$73,979.34
<u>SPIN / Service Provider (all 3 FRNs)</u>	143001362 / Verizon New Jersey Inc.			
<u>Document Being Appealed</u>	Administrator's Decision on Appeal, letter dated May 1, 2009, for 471 # 447054			

ADL Items Being Appealed (for FRN 1251988):²

<u>Decision on Appeal</u>	"Denied in Full"
<u>Explanation (per ADL)</u>	"Current deadline guidelines and procedures do not allow approval for the reason submitted. Invoice Deadline Extension requests should 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). You did not demonstrate in your appeal that

¹ FCC Form 471 # 447054, funding year 7/1/2005 – 6/30/2006, posted and certified on 1/24/2005 by Burlington City School District.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard Larson, eRate 360 Solutions, LLC, (dated May 1, 2009) (Administrator's Decision on Invoice Deadline Extension Request Letter). This is USAC's ADL of 5/1/2009 re the Appeal of 4/20/2009.

you filed an extension request in a timely manner. Therefore, the appeal is denied.”

Appeal

Burlington City School District (Burlington City) respectfully requests the Commission to reverse SLD’s decision denying the invoice deadline extension request for FRNs 1232801, 1232803, and 1232805, and to require SLD to approve the requested extension of these three FRNs. Reversal of this SLD decision will enable Burlington City to submit a Form 472 to receive reimbursement of its eligible telecommunications expenditures to Verizon New Jersey for funding year 2005-06.

Background:

On October 16, 2006, Robert Metz, Technology Coordinator for Burlington City was assigned the duties of e-rate coordinator for the district. Mr. Metz replaced the previous coordinator, Joanne Tice, who left the school district in late August, 2006. Because Ms. Tice was no longer employed at Burlington City, there was no opportunity for any transition to Mr. Metz. Mr. Metz, who was new to the E-rate process, was unaware that he less than two weeks either to prepare and submit Form 472s for FRNs 1232801, 1232803, and 1232805 or to request deadline extensions for them, and did not realize that the \$73,979.34 of funding for these three FRNs was now in jeopardy.

It is important to note that Mr. Metz, as Technology Coordinator for Burlington City, is responsible for the instructional and administrative computer systems and tele-connectivity for all five schools and administrative offices in the district. His responsibilities are extraordinarily demanding, and as is the case in so many districts, the additional time requirements and the complex details of the E-rate process too often exceed the resources of a staff person already burdened with full-time responsibilities.

In December of 2007, Mr. Metz contracted Erate Consulting Services, LLC (ERC) to manage the e-rate process for Burlington City. As part of that contract, on February 25, 2008, Carlos Alvarez of ERC submitted a request for a deadline extension for FRNs 1232801, 1232803, and 1232805.³

On April 11, 2008, before SLD could respond to the deadline extension request, Mr. Alvarez, along with most of the staff of ERC, resigned amidst allegations of fraud and theft of BEAR funds by the owner and CEO of ERC, Jonathan Slaughter.

On April 18, 2008, the FRN extension request was denied by the Schools and Libraries Division (SLD).⁴ The Administrator’s letter announcing the denial was mailed to ERC’s home office in Montgomery, AL. The letter was never forwarded by ERC to Mr. Alvarez (who was no longer employed by ERC) or to Burlington City, so Burlington City was unaware of the denial of their FRN extension request. Although Burlington City honored its contractual

³ Email from Schools and Libraries Division (sldcaseattachments@sl.universalservice.org) to “Compliance” (at Erate Consulting Service, LLC, consultant for Burlington City School District), dated February 25, 2008, 8:50 AM, subject: SLD Inquiry #: 21-706493. This email is SLD’s acknowledgement of the FRN extension request for FRNs 1232801, 1232803, 1232805 submitted by Carlos Alvarez through the “*Submit A Question*” section of SLD’s web site.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carlos Alvarez, consultant on behalf of Burlington City School District, dated April 18, 2008 (Administrator’s Decision on Invoice Deadline Extension Request Letter). This is USAC’s ADL of 4/18/2008 re the FRN Extension Request of 2/25/2008.

relationship with ERC for the next seven months, ERC inexplicably never notified Burlington City of the April 18th denial letters.

On November 24, 2008, Burlington City contracted eRate 360 Solutions, LLC, (eRate 360) to manage its e-rate process. Shortly thereafter, on January 13, 2009, Mr. Alvarez, now an employee of eRate 360, submitted a second extension request for FRNs 1232801, 1232803, and 1232805.⁵ This request was denied by SLD in its letter of February 19, 2009.⁶

Burlington City appealed this decision on April 20, 2009;⁷ SLD's ADL of May 1, 2009, denied this appeal.⁸

Request for Review

Burlington City respectfully requests that the Commission reverse SLD's rejection of Burlington City's request for extension of the invoicing deadline for FRNs 1232801, 1232803, and 1232805. SLD's decision denies Burlington City's use of \$73,979.34 of approved funding for these three FRNs by denying reimbursement of expenditures to Burlington City. We respectfully point out to the Commission that we violated no Commission rules; rather, we missed a procedural deadline due to the turnover of personnel and in the crush of day-to-day duties. We also respectfully point out to the Commission that, in its denial, SLD attempts to enforce non-existent or poorly defined procedures and deadlines.

State of Arkansas Department of Information Systems (Arkansas DIS)

As discussed in the Background section above, Mr. Metz took on the duties as coordinator without knowledge of the E-rate system or of the specific BEAR deadline for FRNs 1232801, 1232803, and 1232805. The lack of transfer of e-rate knowledge from his predecessor led to a failure to meet the original deadline for filing Form 472 and failure to submit an extension request in that general timeframe. As the Commission noted in *Arkansas DIS*:

... the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts or libraries. Thus, even when a school ... official becomes adept at the application process, unforeseen events ... may delay filings in the event there is no other person proficient enough to complete the forms.⁹

⁵ Email exchange between Schools and Libraries Division (sldcaseattachments@sl.universalservice.org) and Carlos Alvarez, eRate 360 Solutions (consultant for Burlington City School District) (calvarez@erate360.com), dated 1/13/2009, subject: SLD Inquiry #: 21-827042. This email is SLD's acknowledgement at 12:24 PM of the FRN extension request for FRNs 1232801, 1232803, 1232805 submitted by Mr. Alvarez through the "Submit A Question" section of SLD's web site, and Mr. Alvarez' case attachment submitted 12:28 PM.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carlos Alvarez, consultant on behalf of Burlington City School District (dated February 19, 2009) (Administrator's Decision on Invoice Deadline Extension Request Letter). This is USAC's ADL of 2/19/2009 re the FRN Extension Request of 1/13/2009.

⁷ Letter of Appeal from Burlington City School District to Schools and Libraries Division – Correspondence Unit, dated April 20, 2009, re: "Appeal of Administrator's Decision on Invoice Deadline Extension Request Issued on February 19, 2009".

⁸ USAC's ADL of 5/1/2009 re the Appeal of 4/20/2009.

⁹ DA 08-1418, June 13, 2008, "State of Arkansas Department of Information Systems", File Nos. SLD-395179, 414047, 430652, 446008, et al., CC Docket No. 02-6; p.5.

Mr. Metz was solely tasked with managing the E-rate program for Burlington City on top of his duties as Technology Coordinator. He used his limited time and e-rate knowledge to focus on the upcoming funding year 2007-08 e-rate process; this, combined with the lack of transition with the previous e-rate coordinator led to him to "miss a USAC procedural deadline"¹⁰ by missing the Form 472 filing deadline or by delaying a request for extension of the filing deadline. However, it is clear that at no time did Mr. Metz "violate a Commission rule."¹¹ Furthermore, "there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements."¹²

Accordingly, we respectfully request the Commission to apply its ruling in *Arkansas DIS* to this case and grant Burlington City the opportunity to file a Form 472 for FRNs 1232801, 1232803, and 1232805 by reversing the denial of the requests for extension of the invoice filing deadline for these FRNs.

Non-existent or Poorly Defined Procedures and Deadlines

Denial of February 25, 2008 Request: In its April 18, 2008 rejection of the initial deadline extension request, SLD stated that "*Current deadline guidelines and procedures do not allow approval for the reason submitted.*"¹³ However, the reason submitted in the extension request was "*due to documentation requirements that necessitate third-party contact or certification*"¹⁴; this reason was given because the service provider had to certify the Form 472 prior to its submission.

Since this reason is applicable to the circumstances and is accurately quoted from the SLD's on-line procedures,¹⁵ it is difficult to understand how the extension could be denied "*for the reason submitted.*" The only reason that this denial and explanation were never challenged is because the April 18th ADL was not delivered to either Burlington City or to Mr. Alvarez.

Denial of January 13, 2009 Request: In its February 19, 2009 rejection of this second deadline extension request, SLD stated that "*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.*"¹⁶ Recently, SLD staff confirmed our scrutiny of SLD's "current guidelines and procedures" which failed to find any such "requirement".¹⁷ In fact, there is no such requirement.¹⁸

In response to Burlington City's appeal of April 20, 2009, SLD's ADL of May 1, 2009, explained this denial by stating that "*Current deadline guidelines and procedures do not allow approval for the reason submitted. Invoice Deadline Extension requests should be*

¹⁰ Ibid., p.5.

¹¹ Ibid., p.5.

¹² Ibid., p.5.

¹³ USAC's ADL of 4/18/2008 re the FRN Extension Request of 2/25/2008.

¹⁴ Email exchange of 2/25/08 between SLD and Carlos Alvarez, subject: SLD Inquiry #: 21-706493.

¹⁵ Web page from SLD web site entitled "*Step 11: Invoice Deadlines and Extension Requests*" (<http://www.usac.org/sl/applicants/step11/invoice-deadlines-extension-requests.aspx>).

¹⁶ USAC's ADL of 2/19/2009 re the FRN Extension Request of 1/13/2009.

¹⁷ Email from Schools and Libraries Division (sldnoreply@sl.universalservice.org) to Steve Tenzer, Consultant on behalf of 134781 (stenzer@erate360.com), dated 11/3/2008 2:45 PM, subject: RE: Initial Contact, case 21-802952.

¹⁸ Web page from SLD web site entitled "*Step 11: Invoice Deadlines and Extension Requests*".

filed by the end of the relevant invoice receipt period for the service category of the FRN requiring an extension.”¹⁹ In its on-line procedures SLD reference to the “the end of the relevant invoice receipt period” is advisory: “Applicants and service providers who need to request an extension are encouraged to do so as soon as possible after the deadline to invoice USAC.”²⁰

While SLD does urge FRN extension filings to be done on a “timely” basis, it establishes no useful guidelines defining “timeliness”. Such lack of definition can lead to inconsistent and arbitrary administration of the invoicing process, and more importantly, can expose cash-strapped applicants to loss of much-needed expense reimbursements. Well-defined standards, on the other hand, could be used by SLD to assist over-burdened applicants by the use of reminder notices, much as are now employed for certification of Form 471 or submission of Form 486.

Conclusion

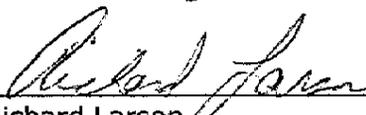
In keeping with the Commission’s decision regarding missed filing deadlines for Forms 472 in *Arkansas DIS*, and in light of SLD’s use of non-existent or poorly defined procedures and deadlines to justify its denials, Burlington City respectfully requests the Commission to reverse SLD’s decision to deny the invoice deadline extension request for FRNs 1232801, 1232803, and 1232805 and to require SLD to approve the requested extension of these three FRNs. Reversal of this SLD decision will enable Burlington City to submit a Form 472 to receive reimbursement of its eligible telecommunications expenditures to Verizon New Jersey for funding year 2005-06.

We also respectfully urge the Commission to request SLD:

- to define and publish reasonable timeliness standards for the invoice extension process, and
- to issue reminder notices to applicants and service providers, similar to the notice to applicants re submission of Form 486, advising them of the need to submit an invoice or to file an extension.

Burlington City School District appreciates the Commission’s review and consideration of this appeal. We are available to respond to questions or to provide any further information requested by the Commission.

Authorized signature for this Appeal²¹


Richard Larson
eRate 360 Solutions, LLC
11 N. Beverwyck Road
Lake Hiawatha, NJ 07034

Date: 5/14/09
Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

¹⁹ USAC’s ADL of 5/1/2009 re the Appeal of 4/20/2009.

²⁰ Web page from SLD web site entitled “Schools & Libraries Deadlines - Extension Requests for Invoicing USAC” (<http://usac.org/sl/tools/deadlines/default.aspx>).

²¹ “Letter of Agency” from Robert S. Metz, Technology Coordinator at Burlington City School District, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of Burlington.

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 1 - Burlington_FY8_471_447054_application-
current

FCC Form 471	Do not write in this area.	Approval by OMB 3060-0806
<p>Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471 Estimated Average Burden Hours per Response: 4 hours</p> <p>This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.</p> <p>Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.) The instructions include information on the deadlines for filing this application.</p>		
Applicant's Form Identifier (Create your own code to identify THIS form 471)		Form 471 Application#
BCS47105		447054
<p>Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)</p>		
1 a	Name of Billed Entity	BURLINGTON CITY SCHOOL DIST
2 a	Funding Year: July 1,	2005 Through June 30: 2006
		Billed Entity Number: 123173
4 a	Street Address, P.O. Box, or Routing Number	518 LOCUST AVE
	City	BURLINGTON
	State	NJ
		Zip Code 08016 4512
5 a	Type of Application	<input type="checkbox"/> Individual School (individual public or non-public school) <input checked="" type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities)
6	Contact Person's Name	Joanne Tice
<p>First, if the Contact Person's Street Address is the same as in Item 4, check this box. <input type="checkbox"/> If not, please complete the entries for the Street Address below.</p>		
b	Street Address, P.O. Box, or Routing Number	100 Blue Devil
	City	BURLINGTON
	State	NJ
		Zip Code 08016 4512

Page 1 of 7



FCC Form 471 - November 2004

Entity Number	<u>123173</u>	Applicant's Form Identifier	<u>BCS47105</u>
Contact Person	<u>Joanne Tice</u>	Phone Number	<u>609-387-5804</u>
<p>This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.</p> <p>Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.</p>			
Block 2: Impact of Services Ordered on Schools			
IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER AFTER ORDER	

7a	Number of students to be served		2170
b	Telephone service: Number of classrooms with phone service	0	0
d	Direct broadband services: Number of buildings served at the following speeds: Less than 10 mbps	5	5
e	Direct connections to the Internet: Number of drops	1016	1066
f	Number of classrooms with Internet access	144	154
g	Number of computers or other devices with Internet access	823	823

Block 3: Impact of Services Ordered on Libraries**NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT****Worksheet A No:** 634808**Student Count:** 2170**Weighted Product (Sum. Column 8):** 1205.5**Shared Discount:** 56%**1. School Name:** BURLINGTON CITY HIGH SCHOOL**2. Entity Number:** 8456**NCES:** 34 02430 966**3. Rural/Urban:** Urban**4. Student Count:** 972**5. NSLP Students:** 294**6. NSLP Students/Students:** 30.246%**7. Discount:** 50%**8. Weighted Product:** 486**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** CAPT JAMES LAWRENCE ELEM SCH**2. Entity Number:** 8454**NCES:** 34 02430 968**3. Rural/Urban:** Urban**4. Student Count:** 236**5. NSLP Students:** 148**6. NSLP Students/Students:** 62.711%**7. Discount:** 80%**8. Weighted Product:** 188.8**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** ELIAS BOUDINOT ELEM SCHOOL**2. Entity Number:** 8448**NCES:** 34 02430 970**3. Rural/Urban:** Urban**4. Student Count:** 136**5. NSLP Students:** 60**6. NSLP Students/Students:** 44.117%**7. Discount:** 60%**8. Weighted Product:** 81.6**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** SAMUEL SMITH ELEM SCHOOL**2. Entity Number:** 8455**NCES:** 34 02430 974**3. Rural/Urban:** Urban**4. Student Count:** 465**5. NSLP Students:** 141**6. NSLP Students/Students:** 30.322%**7. Discount:** 50%**8. Weighted Product:** 232.5**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** WILBUR WATTS INTERMEDIATE SCH**2. Entity Number:** 8461**NCES:** 34 02430 976**3. Rural/Urban:** Urban**4. Student Count:** 361**5. NSLP Students:** 172**6. NSLP Students/Students:** 47.645%**7. Discount:** 60%**8. Weighted Product:** 216.6**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**Block 5: Discount Funding Request(s)**

FRN: 1232801 FCDL Date: 03/29/2006	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 212180000522163
13. SPIN: 143001362	14. Service Provider Name: Verizon New Jersey Inc
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 6093875800	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/14/2005	18. Contract Award Date:
19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #: BCS1	22. Block 4 Worksheet No.: 634808
23a. Monthly Charges: \$6,608.83	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$6,608.83	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$79,305.96	
23f. Annual non-recurring (one-time) charges: 0 23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$79,305.96	
23j. % discount (from Block 4): 56	
23k. Funding Commitment Request (23i x 23j): \$44,411.34	

FRN: 1232803 FCDL Date: 03/29/2006	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 212180000522163
13. SPIN: 143001362	14. Service Provider Name: Verizon - New Jersey, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 6093875800	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/14/2005	18. Contract Award Date:
19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #: BCS2	22. Block 4 Worksheet No.: 634808
23a. Monthly Charges: \$600.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$600.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$7,200.00	
23f. Annual non-recurring (one-time) charges: 0 23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$7,200.00	
23j. % discount (from Block 4): 56	
23k. Funding Commitment Request (23i x 23j): \$4,032.00	

FRN: 1232805 FCDL Date: 03/29/2006	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 212180000522163
13. SPIN: 143001362	14. Service Provider Name: Verizon - New Jersey, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 6093875800	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/14/2005	18. Contract Award Date:

19a. Service Start Date: 07/01/2005	19b. Service End Date: 06/30/2006
20. Contract Expiration Date:	
21. Attachment #: BCS3	22. Block 4 Worksheet No.: 634808
23a. Monthly Charges: \$3,800.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$3,800.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$45,600.00	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$45,600.00	
23j. % discount (from Block 4): 56	
23k. Funding Commitment Request (23i x 23j): \$25,536.00	

FRN: 1232815	FCDL Date: 03/29/2006
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 212180000522163
13. SPIN: 143006553	14. Service Provider Name: ePlus Technology, Inc.
15a. Non-Contracted tarified/Month to Month Service:	15b. Contract Number: A81185
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 6093875800	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/14/2005	18. Contract Award Date: 01/17/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: BCS4	22. Block 4 Entity Number: 8456
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 241335	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$241,335.00	
23i. Total program year pre-discount amount (23e + 23h): \$241,335.00	
23j. % discount (from Block 4): 50	
23k. Funding Commitment Request (23i x 23j): \$120,667.50	

Block 6: Certifications and Signature

Do not write in this area.

Application ID:447054

Entity Number	123173	Applicant's Form Identifier	BCS47105
Contact Person	Joanne Tice	Phone Number	609-387-5804

Block 6: Certifications and Signature

24. I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary

schools, colleges, or universities

25. I certify that the entity I represent or the entities listed on this application have secured 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 or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current 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).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23l on all Block 5 Discount Funding Requests.)	\$373,440.96
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$194,646.84
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$178,794.12
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$219,000.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$397,794.12
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. an individual technology plan for using the services requested in this application; and/or
- b. higher-level technology plan(s) for using the services requested in this application; or
- c. no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. 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 Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. I certify that I and the entity(ies) I represent have complied 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 are signed contracts covering all of the services listed on this 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.
31. 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.
32. 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.

33. I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. 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 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.
35. I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. I certify that this funding request does 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).
37. I certify 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 features on this Form 471 are 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.

38. Signature of authorized person

39. Signature Date **1/24/2005**

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

Print

<< Previous

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Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 2,8,19 - Burlington_Appeal_FY8_471_447054_ADL-5-1-09

Administrator's Decision on Invoice Deadline Extension Request

May 1, 2009

Richard Larson
eRate 360 Solutions, LLC
11 N. Beverwyck Road
Lake Hiawatha, NJ 07034

Re: Burlington City School District
Re: Your appeal of the denial of your invoice deadline extension request

471 Application Number: 447054
Funding Request Number(s) 1232801, 1232803, 1232805
Correspondence Dated: April 20, 2009

After thorough review and investigation of all relevant facts, the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal.

Funding Request Number(s): 1232801, 1232803, 1232805
Decision on Appeal: **Denied in Full**
Explanation:

Current deadline guidelines and procedures do not allow approval for the reason submitted. Invoice Deadline Extension requests should 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). You did not demonstrate in your appeal that you filed an extension request in a timely manner. Therefore, the appeal is denied.

If you believe there is a basis for further examination of your application, 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 above 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 USAC/Schools and

Libraries web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division
Universal Service Administrative Company

cc:

Robert Kannegieser
Verizon New Jersey, Inc.
1717 Arch Street, 19th Floor
Philadelphia, PA 19103

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 3,14 - Email_2-25-08_SLD-Inquiry-21-706493_FRN-
ext-request

From: sldcaseattachments@sl.universalservice.org
Sent: Monday, February 25, 2008 8:50 AM
To: Compliance
Subject: SLD Inquiry #: 21-706493 Received

Thank you for sending an email inquiry to the SLD. This message serves as a receipt confirmation.

You indicated in your request that you wish to send an attachment. To do this please reply to this message and add your attachment to the reply.

Please note that you may also refer to the SLD website (www.sl.universalservice.org) for program information and view WebEx sessions regarding key E-rate topics, listed below.

Your case number is 21-706493.

Please refer to this number in subsequent contacts with the Client Service Bureau regarding this specific issue. Please do not resubmit this case number if your inquiry pertains to a different issue with respect to the same FRN.

We may need to request additional information from you in order to completely answer your question or fulfill your request.

Here is the information you submitted:

*[FirstName]=Carlos [LastName]=Alvarez [JobTitle]=Consultant on Behalf of BEN
[EmailAddress]=compliance@erateconsulting.com [WorkPhone]=8882491661321 [FaxPhone]=8665341584
[PreviousCaseNumber]=0 [FormType]=Invoice Extension [Owner]=DEADLINEEXTENSIONS
[DateSubmitted]=2/25/2008 8:49:20 AM [AttachmentFlag]=Y[Question2]=Carlos Alvarez, Consultant on
behalf of Burlington City School District; Phone: 888-249-1661 ext 321; email -
compliance@erateconsulting.com We Request an Invoice Extension Date until May 30, 2008 for Billed Entity
Number: 123173, Burlington City School District for Funding Year 8 due to documentation requirements that
necessitate third-party contact or certification for the following FRNs: 1. FRN 123801, 471# 447054,
Telecomm Service, service provider Verizon New Jersey Inc., SPIN 143001362 , committed amount \$44,411.34.
2. FRN 123803, 471# 447054, Telecomm Service, service provider Verizon New Jersey Inc., SPIN 143001362 ,
committed amount \$4032.00 3. FRN 1232805, 471# 447054, Telecomm Service, service provider Verizon New
Jersey Inc., SPIN 143001362 , committed amount \$25,536.00.*

YOUR REPLY IS ONLY FOR TRANSMITTING YOUR ATTACHMENT.

ANY INFORMATION IN THE BODY OF YOUR REPLY MESSAGE WILL BE DISREGARDED.

IF YOU WISH TO SUBMIT ADDITIONAL INFORMATION, PLEASE DO SO USING THE ASK A QUESTION FORM AVAILABLE ON THE SLD WEBSITE.

SLD TRAINING PRESENTATIONS

SLD Training Presentations are available on the topics listed below at <http://www.sl.universalservice.org/reference/Presentations2004.asp>.

WEBEX RECORDINGS/LIVE SLD TRAINING SESSIONS

Recorded sessions on key SLD topics are now available on the SLD's WebEx site at universalservice.webex.com. Click on the Recorded Sessions tab under the Attend a Session link to view the available recordings. To view a session, you must register by providing certain information. This information will assist the SLD to better understand how the site is being accessed and to design new training sessions that will be helpful to users.

In addition, you may also register for live WebEx recordings by going to universalservice.webex.com and clicking on Live Sessions under the Attend a Session Tab and then clicking on the Upcoming tab. Please see instructions below for registering for a live session.

The following topics are currently available:

- General Updates/New Initiatives
- Technology Planning
- Form 470 Changes
- Competitive Bidding
- Program Compliance
- Service Provider Perspective
- Form 471 Changes
- Eligible Services
- Miscellaneous PIA Updates
- Audits
- Invoicing
- Appeals
- Commitment Adjustments

[Follow this link to learn how to register to view a recording.](#) [PDF, 714kb]

[Follow this link to learn how to register to log into a live Training Session.](#) [PDF, 312kb]

[Follow this link to the SLD's WebEx site](#)

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

**NOTE 4,13 - Burlington_FY8_471_447054_FRN-
ext_ADL_4-18-08**



Administrator's Decision on Invoice Deadline Extension Request

April 18, 2008

Carlos Alvarez
P.O. Box 242157
Montgomery, AL 36124

Burlington City School District

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

SLD Line(s) #:
Vendor invoice #:
471 Application Number: 447054
Funding Request Number(s): 1232801, 1232803, 1232805
Your Correspondence Dated: 2/25/08

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 deadline guidelines and procedures do not allow approval for the reason submitted.

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 **4/18/2008 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/. 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
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: Robert Kannegieser, Verizon New Jersey Inc.

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

**NOTE 5 - Email_1-13-09_SLD-Inquiry-21-827042_FRN-
ext-request**

From: Carlos Alvarez [calvarez@erate360.com]
Sent: Tuesday, January 13, 2009 12:28 PM
To: sldcaseattachments@sl.universalservice.org
Subject: RE: SLD Inquiry #: 21-827042 Received
Attachments: BURLINGTON CITY - EXTENSION REQUEST FY 8.docx

From: sldcaseattachments@sl.universalservice.org [mailto:sldcaseattachments@sl.universalservice.org]
Sent: Tuesday, January 13, 2009 12:24 PM
To: calvarez@erate360.com
Subject: SLD Inquiry #: 21-827042 Received

Thank you for sending an email inquiry to the SLD. This message serves as a receipt confirmation.

You indicated in your request that you wish to send an attachment. To do this please reply to this message and add your attachment to the reply.

Please note that you may also refer to the SLD website (www.sl.universalservice.org) for program information and view WebEx sessions regarding key E-rate topics, listed below.

Your case number is 21-827042.

Please refer to this number in subsequent contacts with the Client Service Bureau regarding this specific issue. Please do not resubmit this case number if your inquiry pertains to a different issue with respect to the same FRN.

We may need to request additional information from you in order to completely answer your question or fulfill your request.

Here is the information you submitted:

*[FirstName]=Carlos [LastName]=Alvarez [JobTitle]=Consultant on Behalf of BEN
[EmailAddress]=calvarez@erate360.com [WorkPhone]=8885357771103 [FaxPhone]=8665693019
[PreviousCaseNumber]=0 [FormType]=Invoice Extension [Owner]=DEADLINEEXTENSIONS
[DateSubmitted]=1/13/2009 12:23:08 PM [AttachmentFlag]=Y[Question2]=Carlos Alvarez, Consultant on behalf of Burlington City SD; Phone: 888-535-7771 ext 103; email - calvarez@erate360.com We Request an Invoice Extension Date for Billed Entity Number: 123173, Burlington City SD for Funding Year 8 due to documentation requirements that necessitate third-party contact or certification for the following FRNs: FRN 1232801, 471# 447054, Telcomm Service, service provider Verizon New Jersey Inc., SPIN 143001362, committed amount \$44,411.34, telcomm services. FRN 1232803, 471# 447054, Telcomm Service, service provider Verizon New Jersey Inc., SPIN 143001362, committed amount \$4,032.00, telcomm services. FRN 1232805, 471#447054, Internet Access Service, service provider Verizon New Jersey Inc., SPIN 143001362, committed amount \$25,536.00, telcomm services.*

YOUR REPLY IS ONLY FOR TRANSMITTING YOUR ATTACHMENT.

ANY INFORMATION IN THE BODY OF YOUR REPLY MESSAGE WILL BE DISREGARDED.

IF YOU WISH TO SUBMIT ADDITIONAL INFORMATION, PLEASE DO SO USING THE **ASK A QUESTION** FORM AVAILABLE ON THE SLD WEBSITE.

SLD TRAINING PRESENTATIONS

SLD Training Presentations are available on the topics listed below at <http://www.sl.universalservice.org/reference/Presentations2004.asp>.

WEBEX RECORDINGS/LIVE SLD TRAINING SESSIONS

Recorded sessions on key SLD topics are now available on the SLD's WebEx site at universalservice.webex.com. Click on the Recorded Sessions tab under the Attend a Session link to view the available recordings. To view a session, you must register by providing certain information. This information will assist the SLD to better understand how the site is being accessed and to design new training sessions that will be helpful to users.

In addition, you may also register for live WebEx recordings by going to universalservice.webex.com and clicking on Live Sessions under the Attend a Session Tab and then clicking on the Upcoming tab. Please see instructions below for registering for a live session.

The following topics are currently available:

- General Updates/New Initiatives
- Technology Planning
- Form 470 Changes
- Competitive Bidding
- Program Compliance
- Service Provider Perspective
- Form 471 Changes
- Eligible Services
- Miscellaneous PIA Updates
- Audits
- Invoicing
- Appeals
- Commitment Adjustments

[Follow this link to learn how to register to view a recording.](#) [PDF, 714kb]

[Follow this link to learn how to register to log into a live Training Session.](#) [PDF, 312kb]

[Follow this link to the SLD's WebEx site](#)

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.176 / Virus Database: 270.10.6/1888 - Release Date: 1/13/2009 8:17 AM

BURLINGTON CITY - EXTENSION REQUEST FY 8.docx

Carlos Alvarez, Consultant on behalf of Burlington City SD; Phone: 888-535-7771 ext 103; email - calvarez@erate360.com

We Request an Invoice Extension Date for Billed Entity Number: 123173, Burlington City SD for Funding Year 8 due to documentation requirements that necessitate third-party contact or certification for the following FRNs:

FRN 1232801, 471# 447054, Telcomm Service, service provider Verizon New Jersey Inc., SPIN 143001362, committed amount \$44,411.34, telcomm services.

FRN 1232803, 471# 447054, Telcomm Service, service provider Verizon New Jersey Inc., SPIN 143001362, committed amount \$4,032.00, telcomm services.

FRN 1232805, 471#447054, Internet Access Service, service provider Verizon New Jersey Inc., SPIN 143001362, committed amount \$25,536.00, telcomm services.

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 6,16 - Burlington_FY8_471_447054_FRN-
ext_ADL_2-19-09



Administrator's Decision on Invoice Deadline Extension Request

February 19, 2009

Carlos Alvarez
Burlington City School District
434 Columbus Road
Burlington, NJ 08016

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: 447054
Funding Request Number(s): 1232801, 1232803, 1232805
Your Correspondence Dated: January 13, 2009

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 **02/19/2009 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/. 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
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: Robert Kannegieser, Verizon New Jersey Inc.

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

**NOTE 7 - Burlington_Appeal_FY8_471_447054_FRN-
Extension**

Burlington City School District
434 Columbus Road
P.O. Box 9
Burlington, NJ 08016

April 20, 2009

Letter of Appeal

Schools and Libraries Division – Correspondence Unit
P.O. Box 902
100 South Jefferson Road
Whippany, NJ 07981

Re: Appeal of Administrator's Decision on Invoice Deadline Extension Request Issued on February 19, 2009

Authorized person who can best discuss this Appeal with you

Richard Larson
eRate 360 Solutions, LLC
11 N. Beverwyck Road
Lake Hiawatha, NJ 07034

Phone: (888) 535-7771 ext 102
Fax: (866) 569-3019
Email: rlarson@erate360.com
(preferred mode of contact)

Information

<u>Entity</u>	Burlington City School District			
<u>Billed Entity Number</u>	123173			
<u>Funding Year</u>	FY8 (2005-06)			
<u>Form 471 Application Number</u>	447054 ¹			
<u>Funding Request Numbers</u>	1232801	1232803	1232805	TOTAL
<u>Total Funding Commitment Request</u>	\$44,411.34	\$4,032.00	\$25,536.00	\$73,979.34
<u>SPIN / Service Provider (all 3 FRNs)</u>	143001362 / Verizon New Jersey Inc.			
<u>Document Being Appealed</u>	Administrator's Decision on Invoice Deadline Extension Request Letter (ADL) dated February 19, 2009, for 471 # 447054 ²			

ADL Items Being Appealed:

Administrator's Decision on Request "Denied"

ADL 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."

Background:

On October 16, 2006, Robert Metz, Technology Coordinator for Burlington City School District (Burlington City) was assigned the duties of e-rate coordinator for the district. Mr.

¹ FCC Form 471 # 447054, funding year 7/1/2005 – 6/30/2006, posted and certified on 1/24/2005 by Burlington City School District.

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carlos Alvarez, consultant on behalf of Burlington City School District (dated February 19, 2009) (Administrator's Decision on Invoice Deadline Extension Request Letter).

Metz replaced the previous coordinator, Joanne Tice, who left the school district in late August, 2006. Because Ms. Tice was no longer employed at Burlington City, there was no opportunity for any transition to Mr. Metz. Mr. Metz was unaware that he less than two weeks to prepare and submit Form 472s for FRNs 1232801, 1232803, and 1232805 or to request deadline extensions for them, and did not realize that this funding was now in jeopardy.

It is important to note that Mr. Metz, as Technology Coordinator for Burlington City, is responsible for the instructional and administrative computer systems and tele-connectivity for all five schools and administrative offices in the district. His responsibilities are extraordinarily demanding, and as is the case in so many districts, the additional time requirements and the complex details of the E-rate process too often exceed the resources of a staff person burdened with full-time responsibilities.

In December of 2007, Mr. Metz contracted Erate Consulting Services, LLC, (ERC) to manage the e-rate process for Burlington City. As part of that contract, on February 25, 2008, Carlos Alvarez of ERC submitted a request for a deadline extension for FRNs 1232801, 1232803, and 1232805.³

On April 11, 2008, before SLD could respond to the request, Mr. Alvarez, along with most of the staff of ERC, resigned amidst allegations of fraud and theft of BEAR funds by the owner and CEO of ERC, Jonathan Slaughter.

On April 18, 2008, the FRN extension request was denied by the Schools and Libraries Division (SLD).⁴ The Administrator's letter announcing the denial was mailed to ERC's home office in Montgomery, AL. The letter was never forwarded to Mr. Alvarez (who was no longer employed by ERC) or to Burlington City, so Burlington City was unaware of the denial of their FRN extension request. Although Burlington City honored its contractual relationship with ERC for the next seven months, ERC inexplicably never notified Burlington City of the April 18th denial letters.

On November 24, 2008, Burlington City contracted eRate 360 Solutions, LLC, (eRate 360) to manage its e-rate process. Shortly thereafter, on January 13, 2009, Mr. Alvarez, now an employee of eRate 360, submitted a second extension request for FRNs 1232801, 1232803, and 1232805.⁵ This request was denied by SLD in its letter of February 19, 2009.

Appeal:

Burlington City School District (Burlington City) respectfully requests the Schools and Libraries Division (SLD) reverse its decision to deny the invoice deadline extension request for FRNs 1232801, 1232803, and 1232805 and approve the requested deadline extension. Burlington City respectfully contends that its

- failure to file the Form 472 on by the October 28, 2006, deadline and

³ Email from Schools and Libraries Division (sldcaseattachments@sl.universalservice.org) to "Compliance" (at Erate Consulting Service, LLC (consultant for Burlington City School District), dated February 25, 2008, 8:50 AM, subject: SLD Inquiry #: 21-706493. This email is SLD's acknowledgement of the FRN extension request for FRNs 1232801, 1232803, 1232805 submitted by Carlos Alvarez through the "Submit A Question" section of SLD's web site.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carlos Alvarez, consultant on behalf of Burlington City School District (dated April 18, 2008) (Administrator's Decision on Invoice Deadline Extension Request Letter).

⁵ Email exchange between Schools and Libraries Division (sldcaseattachments@sl.universalservice.org) and Carlos Alvarez, eRate 360 Solutions (consultant for Burlington City School District) (calvarez@erate360.com), dated 1/13/2009, subject: SLD Inquiry #: 21-827042. This email is SLD's acknowledgement at 12:24 PM of the FRN extension request for FRNs 1232801, 1232803, 1232805 submitted by Mr. Alvarez through the "Submit A Question" section of SLD's web site, and Mr. Alvarez' case attachment submitted 12:28 PM.

- delay in requesting an extension to the deadline for submitting Form 472 were both due to a procedural oversight by an employee inexperienced in the E-rate process and was not the result of failure to adhere to core program requirements. Burlington City respectfully refers SLD to the FCC's decision in *State of Arkansas Department of Information Systems (Arkansas DIS)*⁶.

State of Arkansas Department of Information Systems (Arkansas DIS)

As discussed in the Background section above, Mr. Metz took on the duties as coordinator without knowledge of the E-rate system or of the specific BEAR deadline for FRNs 1232801, 1232803, and 1232805. These administrative errors at Burlington City led to a failure to meet the original deadline for filing Form 472 and failure to submit an extension request in that general timeframe. As the Commission noted in *Arkansas DIS*:

... the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts or libraries. Thus, even when a school ... official becomes adept at the application process, unforeseen events ... may delay filings in the event there is no other person proficient enough to complete the forms.

Mr. Metz was solely tasked with managing the E-rate program for Burlington City on top of his duties as Technology Coordinator. He used his limited time and e-rate knowledge to focus on the upcoming funding year 2007-08 e-rate process; this, combined with the lack of transition with the previous e-rate coordinator led to him to "miss a USAC procedural deadline"⁷ in missing the Form 472 filing deadline or in delaying a request for extension of the filing deadline. However, it is clear that at no time did Mr. Metz "violate a Commission rule."⁸ Furthermore, "there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements."⁹

Accordingly, we respectfully request the Schools and Libraries Division to apply the FCC's ruling in *Arkansas DIS* to this case and grant Burlington City the opportunity to file a Form 472 for FRNs 1232801, 1232803, and 1232805 by reversing the denial of the requests for extension of the invoice filing deadline for these FRNs.

Thank you for your time and consideration.

Authorized signature for this Appeal



Richard Larson
eRate 360 Solutions, LLC
11 N. Beverwyck Road
Lake Hiawatha, NJ 07034

Date: 4/20/09

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(preferred mode of contact)

⁶ DA 08-1418, June 13, 2008, "State of Arkansas Department of Information Systems", File Nos. SLD-395179, 414047, 430652, 446008, et al., CC Docket No. 02-6.

⁷ Ibid., p.5.

⁸ Ibid., p.5.

⁹ Ibid., p.5.

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 9-12 - Ark-DIS_6-13-08

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Review and Waiver of Decisions of the Universal Service Administrator by)	
)	
State of Arkansas)	
Department of Information Systems)	File Nos. SLD-395179, 414047,
Little Rock, Arkansas, <i>et al.</i>)	430652, 446008, <i>et al.</i>
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6

ORDER

Adopted: June 13, 2008

Released: June 13, 2008

By the Acting Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

I. INTRODUCTION

1. In this order, we grant two appeals of decisions by the Universal Service Administrative Company (USAC) filed by the State of Arkansas Department of Information Systems (Arkansas DIS) on behalf of itself and 15 other school and library applicants within the state of Arkansas.¹ USAC denied 60 requests for funding from these 16 applicants on the grounds that the applicants failed to timely submit an FCC Form 471, FCC Form 486, or FCC Form 472 for Funding Years (FYs) 2004 and 2005 under the schools and libraries universal service support mechanism, also known as the E-rate program.² Upon review of these records, we find that the issue raised in the first appeal relating to 59 of the funding requests was addressed by the Wireline Competition Bureau (Bureau) in the *Alaska Gateway Order*.³ We find that the issue raised in the second appeal relating to one funding request was addressed by the

¹ Letters from Becky Rains, State of Arkansas Department of Information Systems, to Federal Communications Commission, CC Docket No. 02-6 (filed Dec. 13, 2005 and Oct. 5, 2007) (FY 2004 Arkansas DIS Request for Waiver); Letter from Becky Rains, State of Arkansas Department of Information Systems, to Federal Communications Commission, CC Docket No. 02-6 (filed July 21, 2006) (FY 2005 Arkansas DIS Request for Review and Waiver) (collectively, Arkansas DIS Requests for Review). The relevant applicants, application numbers, and funding request numbers (FRNs) are attached at Appendices A and B. In this order, we use the term “appeals” to generally refer to requests for review of decisions by USAC. Section 54.719(c) of the Commission’s rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Funding Years start July 1st and run through June 30th of the following year.

³ See *Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (*Alaska Gateway Order*) (finding good cause to waive USAC’s FCC Form 486 filing deadline for several applicants).

Commission in the *Bishop Perry Order*.⁴ Therefore, we remand the underlying applications to USAC for further action consistent with the *Alaska Gateway Order* and the *Bishop Perry Order*. To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in Appendices A and B and issue an award or a denial based on a complete review and analysis no later than October 31, 2008 for those applications listed in Appendix A and no later than 30 calendar days after the release date of this order for the application listed in Appendix B.⁵

II. BACKGROUND

2. Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.⁶ Once the school or library has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify USAC of the services that have been ordered, the service providers with whom the applicant has entered into an agreement, and an estimate of the funds needed to cover the discounts to be given for eligible services.⁷ After the FCC Form 471 has been processed, USAC then issues a funding commitment decision letter indicating the funding, if any, the applicant is approved to receive.⁸

3. After the funding year begins and the applicant begins receiving services at the discounted rate, the applicant submits an FCC Form 486 to USAC. The FCC Form 486 indicates that the service has begun, specifies the service start date and demonstrates that the applicant has received approval of its technology plans.⁹ The timely submission of an FCC Form 486 ensures that disbursements for discounts on eligible services occur in a prompt and efficient manner. Because the FCC Form 486 indicates the actual service start date, USAC will only issue disbursements to the service provider for discounts on eligible services after receipt of the form.¹⁰ The FCC Form 486 must be

⁴ *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316 (2006) (*Bishop Perry Order*) (waiving the Commission's rules to allow applicants additional time to file their FCC Forms 471).

⁵ In performing a complete review and analysis of each underlying application, USAC shall either grant the underlying application before it, or, if denying the application, provide the applicant with any and all grounds for denial.

⁶ 47 C.F.R. §§ 54.501-54.503.

⁷ 47 C.F.R. § 54.504(c); see, e.g., *Schools and Libraries Universal Service, Services Ordered and Certification Form*, OMB 3060-0806 (November 2004) (FCC Form 471).

⁸ Each funding request listed on an applicant's FCC Form 471 must include a description of the products and services for which discounts are sought. This description is known as an "Item 21 Attachment." USAC website, Item 21 Attachments for Form 471, <http://www.universalservice.org/sl/applicants/step07/form471-attachments.aspx> (retrieved May 26, 2008).

⁹ Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 at 2 (August 2003) (FCC Form 486 Instructions).

¹⁰ See, e.g., FCC Form 486 Instructions at 2; see also *Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12444, para. 4 (2002) (*CIPA II Order*); 47 C.F.R. § 54.520. Under the Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (NCIPA), Congress imposed new conditions on schools with Internet access that request discounted

(continued....)

postmarked no later than 120 days after the date service began, or no later than 120 days after the date of the funding commitment decision letter, whichever is later, to receive discounts retroactively to the service start date.¹¹ If the FCC Form 486 is filed after the later of these deadlines, the start date for discounted services resets to 120 days before the postmark date of the late-filed FCC Form 486.¹² No funding is provided for services rendered prior to the new start date and funding commitments are reduced for the relevant funding request.¹³

4. After the eligible services have been delivered, the applicant determines which payment method to use to secure reimbursement from USAC for the services rendered under the E-rate program.¹⁴ If the applicant pays the full cost of the services, then the applicant must submit an FCC Form 472, Billed Entity Application for Reimbursement (BEAR) invoice form, to secure reimbursement from USAC.¹⁵ If the applicant pays only the reduced cost of the services, then the service provider must file an FCC Form 474, Service Provider Invoice (SPI) form, to receive its reimbursement.¹⁶ Based on information provided on the FCC Form 472 or the FCC Form 474, USAC remits the E-rate support payments to the service provider.¹⁷ Service providers reimbursing applicants (billed entities) via the BEAR process must remit the amount authorized by USAC to the billed entity within 20 business days of receiving the reimbursement payment.¹⁸ The relevant invoice forms must be postmarked no later than 120 days after

(...continued from previous page)

services under the E-rate program. 47 U.S.C. § 254(h)(5), 254(l). Schools seeking E-rate funding for Internet access or internal connections services must certify that they comply with these conditions on the FCC Form 486.

¹¹ *CIPA II Order*, 17 FCC Rcd at 12445, para. 5; FCC Form 486 Instructions at 6. Upon successful data entry of the FCC Form 486 and the FCC Form 486 certifications, USAC will issue an FCC Form 486 Notification Letter (FCC Form 486 NL) to both the applicant and service provider(s). USAC website, Form 486 Filing Information, <http://www.universalservice.org/sl/applicants/step10/form486-filing-information.aspx> (retrieved May 26, 2008).

¹² *CIPA II Order*, 17 FCC Rcd at 12445, para. 5; FCC Form 486 Instructions at 6.

¹³ *CIPA II Order*, 17 FCC Rcd at 12445, para. 5; FCC Form 486 Instructions at 6.

¹⁴ See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9217-19, paras. 44-50 (2003) (*Second Report and Order*); see also USAC website, FCC Form 472 Billed Entity Applicant Reimbursement (BEAR) Filing Guidance, <http://www.sl.universalservice.org/reference/8bear.asp> (retrieved May 26, 2008); USAC website, Invoice Filing Information USAC, <http://www.universalservice.org/sl/applicants/step11/> (retrieved May 26, 2008). Beginning July 1, 2004, the Commission's rules require the service provider to allow the applicant to select the payment method governing the payment for services rendered in accordance with the E-rate program. See 47 C.F.R. § 54.514 (b).

¹⁵ USAC website, FCC Form 472, BEAR Form, http://www.universalservice.org/_res/documents/sl/pdf/472.pdf, (retrieved May 26, 2008).

¹⁶ USAC website, FCC Form 474, SPI Form, http://www.universalservice.org/_res/documents/sl/pdf/474.pdf, (retrieved May 26, 2008).

¹⁷ See *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Notice of Proposed Rulemaking, 17 FCC Rcd 1914, 1919, para. 9; see also *Second Report and Order*, 18 FCC Rcd at 9217, para. 42.

¹⁸ See 47 C.F.R. § 54.514(b); see also *Second Report and Order*, 18 FCC Rcd at 9219, para. 51.

the date of the FCC Form 486 NL or 120 days after the last day to receive service, whichever is later.¹⁹ An applicant may request an extension of the filing deadline.²⁰

5. The Arkansas DIS submitted two appeals of decisions by USAC denying 60 requests for funding from 16 applicants on the grounds that they failed to timely submit an FCC Form 471, FCC Form 486, or FCC Form 472 for FYs 2004 and 2005 under the E-rate program. In its requests for review and waiver, the Arkansas DIS argues, on behalf of itself and 15 other applicants, that the untimely or missed filings were the result of either clerical, ministerial, or procedural errors on the part of staff members.²¹

III. DISCUSSION

6. We grant Arkansas DIS' requests for review and waiver.²² We consider these two requests separately below.²³

7. FY 2004 Applications Denied for Untimely Filed or Missing FCC Forms 486 or 472. Arkansas DIS requests a waiver of the FCC Form 486 or FCC Form 472 filing deadlines for itself and 14 other applicants for FY 2004.²⁴ The requests for funding were denied or reduced because USAC found that the FCC Forms 486 or FCC Forms 472 were filed late or not filed at all.²⁵ Arkansas DIS argues that the late or missed filings were a result of E-rate personnel changes and confusion with E-rate program rules.²⁶

¹⁹ See USAC website, Invoice Deadlines and Extension Requests, <http://www.universalservice.org/sl/applicants/step11/invoice-deadlines-extension-requests.aspx> (retrieved May 26, 2008); *supra* n.11 (describing the FCC Form 486 NL).

²⁰ See <http://www.universalservice.org/sl/applicants/step11/invoice-deadlines-extension-requests.aspx> (retrieved May 26, 2008).

²¹ See Arkansas DIS Requests for Review.

²² The Commission may waive any provision of its rules on its own motion and for good cause shown. 47 C.F.R. §1.3. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972). In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule. *Northeast Cellular*, 897 F.2d at 1166.

²³ We estimate that the appeals granted in this order involve applications for approximately \$6.6 million in funding. We note that USAC has already reserved sufficient funds to address the outstanding appeals. Universal Service Administrative Company, Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2008 (May 2, 2008). Thus, we determine that the action we take today should have minimal impact on the universal service fund as a whole.

²⁴ See FY 2004 Arkansas DIS Request for Waiver; Appendix A.

²⁵ See FY 2004 Arkansas DIS Request for Waiver.

²⁶ *Id.*

8. Consistent with precedent,²⁷ and based on the facts and the circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Forms 486 and any subsequent deadlines, such as the deadline for submitting the FCC Forms 472, for the processing of the underlying applications associated with this request.²⁸ Generally, Arkansas DIS claims that staff mistakes or confusion resulted in missing the FCC Form 486 or FCC Form 472 deadlines, or untimely filing the FCC Form 486.²⁹ As the Bureau found in the *Alaska Gateway Order*, given that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted.³⁰ We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts or libraries. Thus, even when a school or library official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms. Furthermore, some of the errors may have been caused by third parties or unforeseen events and therefore were not the fault of these applicants. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Accordingly, we grant Arkansas DIS' request for waiver of the FCC Form 486 and FCC Form 472 filing deadlines and remand the underlying applications to USAC for further processing consistent with this order. We direct USAC to complete its review of each application listed in Appendix A and issue an award or a denial based on a complete review and analysis no later than November 30, 2008.³¹

9. During this period, we direct USAC to contact the applicants at issue to identify those schools and libraries that did not file their FCC Forms 486 within 120 days from the date of their funding commitment decision letter or service start date, whichever is later, or their FCC Form 472 within the relevant timeframe.³² Consistent with the Bureau's direction in the *Alaska Gateway Order*, the purpose of this outreach effort is to provide the applicants with an opportunity to file their FCC Forms 486 or 472.³³ Since many of the schools at issue, however, are not in session during the summer months, applicants will have until October 31, 2008 to submit complete and accurate information to USAC.

10. We emphasize, however, the limited nature of this decision. Because the FCC Form 486 contains the CIPA certification, all applicants must file this form with USAC.³⁴ Furthermore, we recognize that filing deadlines are necessary for the efficient administration of the E-rate program. Thus, while we grant this request as it pertains to these applicants and waive the deadline for filing the FCC Forms 486, we do not waive the requirement of the filing itself. We continue to require E-rate applicants

²⁷ See *Alaska Gateway Order*, 21 FCC Rcd 10182.

²⁸ See Appendix A. Because we waive the FCC Form 486 deadline, applicants should receive funding from their actual service start date.

²⁹ See FY 2004 Arkansas DIS Request for Review.

³⁰ *Alaska Gateway Order*, 21 FCC Rcd at 10185-86, para. 7.

³¹ In performing a complete review and analysis of each underlying application, USAC shall either grant the underlying application before it, or, if denying the application, provide the applicant with any and all grounds for denial.

³² The service start date can be determined from Block 5 of the applicant's FCC Form 471.

³³ See *Alaska Gateway Order*, 21 FCC Rcd 10182.

³⁴ See *supra* n.10.

to submit complete and accurate information to USAC as part of the application and invoice review process. Thus, we remind applicants that it is incumbent upon them, if they seek reimbursement of payments for services rendered, to file complete and accurate FCC Forms 486 and FCC Forms 472 with USAC.³⁵ Further, in remanding these applications to USAC, we make no finding as to the ultimate eligibility of the requested services.³⁶

11. *FY 2005 Application Denied for an Untimely Filed FCC Form 471.* On February 15, 2005, Arkansas DIS filed an FCC Form 471 requesting \$27,614.00 a month for FRN 1342094 for FY 2005.³⁷ On March 8, 2005, USAC sent an FCC Form 471 Receipt Acknowledgment Letter (RAL) to Arkansas DIS.³⁸ Arkansas DIS claims that, instead of \$27,614.00 a month, the FCC Form 471 should have requested \$489,993.86 per month—a post-discount difference of more than \$4.1 million over the course of the funding year.³⁹ On May 4, 2005, Arkansas DIS filed a letter with USAC seeking an investigation into the amount entered for FRN 1342094.⁴⁰ USAC responded by noting that there were no changes to the data entered into the system for the FRN at issue and that the numbers appearing for this application “are the numbers that were entered as the application was prepared online.”⁴¹ On May 9, 2005, Arkansas DIS filed another FCC Form 471 requesting the proper amount of funding of \$489,993.86 per month.⁴² Since this request was filed after the window for filing FY 2005 applications had closed, it was denied by USAC on May 17, 2005.⁴³ On June 7, 2005, Arkansas DIS submitted an Item 21 Attachment for its initial FCC Form 471 (Application No. 446008), demonstrating that it was seeking approximately \$4.6 million in pre-discount funding for a wide area network with Southwestern Bell Company.⁴⁴ Despite the Item 21 Attachment submitted by Arkansas DIS showing that the services were

³⁵ Although applicants are generally given an opportunity to file a request for an extension of the invoice deadline with USAC, no further extensions, other than the extension provided above, will be provided to these applicants. *See supra* para. 4. We find that the extension provided above is an adequate amount of time to provide these applicants with an opportunity to file the FCC Form 472.

³⁶ Nothing in this order is intended to authorize or require payment of any claim that has previously been released by a service provider or applicant, including in a civil settlement or criminal plea agreement with the United States.

³⁷ FY 2005 Request for Review and Waiver at 2; FCC Form 471, State of Arkansas Department of Information Systems (Application No. 446008) (cert. Feb. 18, 2005). The total funding commitment request for this FRN was \$269,226.00. *See id.* at Block 5.

³⁸ Letter from USAC, Schools and Libraries Division, to Becky Rains, State of Arkansas Department of Information Systems (dated Mar. 8, 2005) (RAL).

³⁹ FY 2005 Request for Review and Waiver at 2.

⁴⁰ Letter from Becky Rains, State of Arkansas Department of Information Systems, to USAC, Schools and Libraries Division, (dated May 4, 2005) (RAL Request).

⁴¹ E-mail from USAC, Schools and Libraries Division, to Becky Rains, State of Arkansas Department of Information Systems (dated May 10, 2005).

⁴² *Id.* at 3; FCC Form 471, State of Arkansas Department of Information Systems (Application No. 489075) (cert. May 9, 2005). The total funding commitment request for this FRN was \$4,440,004.74. *See id.* at Block 5.

⁴³ Letter from USAC, Schools and Libraries Division, to Becky Rains, State of Arkansas Department of Information Systems (dated May 17, 2005). The FY 2005 application filing window opened on December 14, 2004, and closed on February 18, 2005.

⁴⁴ E-mail from Becky Rains, State of Arkansas Department of Information Systems, to USAC, Schools and Libraries Division (attaching an Item 21 Attachment for FCC Form 471, Application No. 446008) (dated June 7, 2005).

approximately \$490,000.00 per month, the originally submitted funding request for approximately \$27,600.00 a month was approved by USAC in a funding commitment decision letter issued on February 8, 2006.⁴⁵ Arkansas DIS then filed the instant request for review and waiver with the Commission on July 21, 2006.⁴⁶ Arkansas DIS states that the error on its initial FCC Form 471 (Application No. 446008) was a ministerial and clerical error and that it should be allowed the opportunity to correct such error.⁴⁷ Additionally, Arkansas DIS requests a waiver of the filing deadline for the subsequent FCC Form 471 (Application No. 489075) to allow it to submit the corrected FCC Form 471 outside the filing window.⁴⁸

12. Consistent with precedent,⁴⁹ and based on the facts and circumstances of this case, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507 of the Commission's rules.⁵⁰ In this instance, Arkansas DIS committed an error in completing its initial FCC Form 471 submission by mistakenly including an incorrect funding request amount. Arkansas subsequently realized its error and took steps to correct its error by filing an accurate FCC Form 471 and an Item 21 Attachment as part of its initial FCC Form 471 submission demonstrating the actual amount it was seeking in funding for the requested services.⁵¹ Based on the record before us, we thus find that the mistake at issue here is sufficiently similar to those in the *Bishop Perry Order*, warranting a waiver of the Commission's rules. As the Commission noted in the *Bishop Perry Order*, many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applications for E-rate support being denied for ministerial, clerical or procedural errors.⁵² Therefore, as in the *Bishop Perry Order*, we find that the complete rejection of this application is not warranted, given that the violation at issue is procedural, not substantive.⁵³ Like the applicants in the *Bishop Perry Order*, Arkansas DIS has demonstrated that rigid adherence to filing procedures does not further the purposes of section 254(h) of the Communications Act of 1934, as amended (the Act), or serve the public interest.⁵⁴ Specifically, section 254 of the Act directs the Commission to "enhance . . . access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms, health care providers and libraries."⁵⁵ Because Arkansas DIS, who is eligible for funding, will now receive the opportunity for that funding where previously it was denied for minor errors, we believe that granting this waiver, in this instance, furthers the goals of section 254 of the Act. We also find that a denial of funding in this instance inflicts undue hardship on the applicant. In

⁴⁵ Letter from USAC, Schools and Libraries Division, to Becky Rains, State of Arkansas Department of Information Systems (dated Feb. 8, 2006).

⁴⁶ See FY 2005 Request for Review and Waiver.

⁴⁷ *Id.* at 3.

⁴⁸ *Id.* at 3-4.

⁴⁹ See *Bishop Perry Order*, 21 FCC Rcd 5316.

⁵⁰ See 47 C.F.R. § 54.507(c).

⁵¹ See *supra* para. 8.

⁵² See *Bishop Perry Order*, 21 FCC Rcd at 5316-17, para. 2.

⁵³ *Id.* at 5323, para. 14.

⁵⁴ See 47 U.S.C. § 254(h). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, amended the Communications Act of 1934.

⁵⁵ See 47 U.S.C. § 254(h).

addition, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. We therefore grant Arkansas DIS' request for review and waiver with respect to FRN 1342094 and remand the underlying application to USAC for further processing consistent with this order. In remanding this application to USAC, we make no finding as to the ultimate eligibility of the requested services. To ensure that the underlying application is resolved expeditiously, we direct USAC to complete its review of the underlying application listed in Appendix B and issue an award or a denial based on a complete review and analysis no later than 30 calendar days from the release date of this order.⁵⁶

13. Finally, we emphasize that the Commission is committed to guarding against waste, fraud, and abuse, and ensuring that funds disbursed through the E-rate program are used for appropriate purposes. Although we grant the requests for review and waiver addressed here, this action does not affect the authority of the Commission or USAC to conduct audits or investigations to determine compliance with the E-rate program rules and requirements. Because audits or investigations may provide information showing that a beneficiary or service provider failed to comply with the statute or the Commission's rules, such proceedings can reveal instances in which universal service funds were disbursed improperly or in a manner inconsistent with the statute or the Commission's rules. To the extent the Commission finds that funds were not used properly, the Commission will require USAC to recover such funds through its normal processes. We emphasize that the Commission retains the discretion to evaluate the uses of monies disbursed through the E-rate program and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. The Commission remains committed to ensuring the integrity of the program and will continue to aggressively pursue instances of waste, fraud, or abuse under the Commission's procedures and in cooperation with law enforcement agencies.

IV. ORDERING CLAUSES

14. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Arkansas requests for review and waiver filed on behalf of itself and the applicants as listed in Appendices A and B ARE GRANTED and the underlying applications ARE REMANDED to USAC for further processing consistent with this order.

15. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the requirements contained in sections 54.504(c) and 54.507(c) of the Commission's rules, section 47 C.F.R. §§ 54.504(c) and 54.507(c), ARE WAIVED as described herein.

16. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, USAC SHALL COMPLETE its review of each remanded application listed in Appendix A and ISSUE an award or a denial based on a complete review and analysis no later than October 31, 2008.

⁵⁶ In performing a complete review and analysis of the underlying application, USAC shall either grant the underlying application before it, or, if denying the application, provide the applicant with any and all grounds for denial.

17. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, USAC SHALL COMPLETE its review of the remanded application listed in Appendix B and ISSUE an award or a denial based on a complete review and analysis no later than 30 calendar days from the release date of this order.

18. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Jennifer K. McKee
Acting Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

APPENDIX A

FY 2004 Applications Denied for Untimely Filed or Missing FCC Forms 486 or 472

Applicant Name	Application Number	FRNs	Service Provider Name
Bradley Public School District Bradley, AR	408300	1120375	Walnut Hill Telephone Company
City of Springdale Springdale, AR	422734	1165933	Southwestern Bell Telephone Company
Conway Public School District 1 Conway, AR	390688	1070482	ALLTEL Communications, Inc.
Corning Branch Library Corning, AR	412631	1132224	CenturyTel of Central Arkansas, LLC
Dover Public School District 17 Dover, AR	405023	1131429, 1131519, 1131878, 1131940, 1131699, 1131897, 1140232, 1140276, 1140409, 1140453, 1140520, 1140549	CenturyTel of Arkansas, Inc. Cingular Wireless, Inc.
Dumas Public School District Dumas, AR	422209	1172346	AT&T Corp.
Dumas Public School District Dumas, AR	424462	1172843	Cingular Wireless, Inc.
Eudora School District Eudora, AR	427864	1188100, 1188163	Southwestern Bell Communications Services, Inc. Southwestern Bell Telephone Company
Nettleton Public School District Jonesboro, AR	422219	1178293	Dell Marketing LP
Ouachita Public School District 1 Woodstock, GA	388929	1066881	MCI Communications Corporation
Ozark Public School District 14 Ozark, AR	408684	1120225	CenturyTel of Central Arkansas, LLC
Randolph County School District 1 Ravenden Springs, AR	402769	1102121	CenturyTel of Central Arkansas, LLC
Riverview School District	401644	1100316	AT&T Corp.

Searcy, AR			
Shirley Public School District Shirley, AR	397766	1101605, 1115802	Arkansas Telephone Company Cingular Wireless, Inc.
State of Arkansas Department of Information Systems Little Rock, AR	395179	1360822, 1360808, 1360810	Windstream Communications, Inc. Central Arkansas Telephone Co-Operative, Inc. Northern Arkansas Telephone Company, Inc.
State of Arkansas Department of Information Systems Little Rock, AR	414047	1206339, 1206353, 1206501, 1206511, 1206576, 1206679, 1206589, 1206670, 1206672, 1206676, 1206682, 1206685, 1206707, 1206230, 1206254, 1206265, 1206274, 1206328, 1206333	Southwestern Bell Telephone Company ALLTEL Communications, Inc. Arkansas Telephone Company, Inc. CenturyTel of Central Arkansas, LLC Southwestern Bell Telephone, L.P.
State of Arkansas Department of Information Systems Little Rock, AR	430652	1197839, 1198143, 1198804, 1199177, 1199822, 1199884, 1200102, 1200212	Southwestern Bell Telephone Company CenturyTel of Mammoth Spring Jacksonville ALLTEL Communications, Inc.
Stephens Public Library District Stephens, AR	417069	1147155	Southwestern Bell Communications Services, Inc.,
Williford Elementary School Williford, AR	404039	1106463	ALLTEL Communications, Inc.

APPENDIX B

FY 2005 Application Denied for an Untimely Filed FCC Form 471

Applicant Name	Application Number	FRN	Service Provider Name
State of Arkansas Department of Information Systems Little Rock, AR	446008	1342094	SBC Advanced Solutions, Inc.

Burlington City School District

BEN 123173

471 # 447054, FRNs 1232801, 1232803, and 1232805

Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 15,18 - SLD_Step-11-Invoice-Deadlines-and-Extension-Requests



Step 11: Invoice Deadlines and Extension Requests

Invoicing Deadlines

After a *Receipt of Service Confirmation Form* (Form 486) has been properly filed, USAC must receive an invoice from either the applicant or the service provider in order to make payments for approved support on eligible services. The *Billed Entity Applicant Reimbursement (BEAR) Form* (Form 472) is filed jointly by the applicant and service provider. The *Service Provider Invoice (SPI)* (Form 474) is filed by the service provider.

Invoices must be postmarked no later than:

- 120 days after the last date to receive service, or
- 120 days after the date of the Form 486 Notification Letter, whichever is later.

If an invoice is postmarked after the deadlines listed above, payment will be denied.

Example 1. If your last date to receive service was June 30, 2007 and your Form 486 Notification Letter was dated October 26, 2006, then invoices must be postmarked no later than 120 days after the last date to receive services, the later of the two dates.

Example 2. If your last date to receive service was September 30, 2007 and your Form 486 Notification Letter was dated October 20, 2007, then invoices must be postmarked no later than 120 days after the date of the Form 486 Notification Letter, the later of the two dates.

USAC will base the billing mode (reimbursement using the BEAR form or discounting using the SPI form) on the first invoice type that it processes for payment. Applicants and service providers should work together, before the first invoice is submitted, to determine whether a BEAR or a SPI will be filed. That type of invoice must then be used for the remainder of that funding year.

Invoice Deadline Extension Requests

USAC provides for the extension of invoice deadlines under certain conditions. These conditions include:

- Authorized service provider changes
- Authorized service substitutions
- No timely USAC notice (e.g., the service provider's Form 486 Notification Letter is returned as undeliverable)
- USAC errors (for example, in data entry) that ultimately result in a late invoice
- Documentation requirements that necessitate third-party contact or certification
- Natural or man-made disasters that prevent timely filing of invoices
- "Good Samaritan" BEARs
- Circumstances beyond the service provider's control

Applicants can use the [FRN Extension Table](#) to determine if their deadline for postmarking an invoice to USAC has been extended. Applicants whose deadlines have been extended should locate the Funding Request Number (FRN) in the table and then look to the far right of the FRN to find the extended deadline for postmarking an invoice to USAC.

To request an invoice deadline extension, send a letter to USAC detailing your request and include the following information:

- Contact person name
- Contact information (including email address)
- Form 471 Application Number
- Funding Request Number (FRN)
- Service provider name
- Service Provider Identification Number (SPIN)

- [USAC-assigned Invoice Number \(if known\)](#)
- [Amount of invoice](#)
- [Reason for extension request](#)

Requests may be filed electronically by email or by fax. Requests submitted by email will be considered filed on a business day if they are received by USAC at any time up to 12:00 a.m. (midnight) ET. Requests received after that time will be considered received on the next business day. Similarly, fax transmissions will be considered filed on a business day if the complete transmission is received by any time up to 12:00 a.m. (midnight) ET.

- [Requests filed by email can be submitted in any widely used word processing format, such as Adobe Portable Document Format \(PDF\), Word, or WordPerfect. USAC will automatically reply to incoming emails to confirm receipt.](#)
- [Requests filed by fax must be faxed to 973-599-6526. The fax transmission should include a cover sheet listing contact name, phone number, and - if available - an email address.](#)
- [Requests may also be filed by mail or other carrier. Send your letter to the following address:](#)

Invoice Deadline Extension Request
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

For more information on deadlines for delivery of recurring and non-recurring services, see [Service Delivery Deadlines and Extension Requests](#).

For more information on deadlines for filing Form 486, see [Form 486 Deadlines](#).

For more information on other Program deadlines, see our [Schools and Libraries Deadlines Tool](#).

Step 10: [Begin Receipt of Services](#)

Last modified on 3/21/2008

Burlington City School District

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May 14, 2009

NOTE 17 - Email_Inquiry-re-procedures_11-3-08

From: sldnoreply@sl.universalservice.org
Sent: Monday, November 03, 2008 2:45 PM
To: stenzer@erate360.com
Subject: RE: Initial Contact, case 21-802952

Thank you for your inquiry. This information is not currently on the website.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates:
<http://www.sl.universalservice.org>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: stenzer@erate360.com
Subject: Initial Contact

[FirstName]=Steve
[LastName]=Tenzer
[JobTitle]=Consultant on behalf of 134781 [EmailAddress]=stenzer@erate360.com
[WorkPhone]=8885357771101
[FaxPhone]=8665693019
[PreviousCaseNumber]=0

[FormType]=Other
[Owner]=TCSB
[DateSubmitted]=11/3/2008 1:00:56 PM
[AttachmentFlag]=Y[Question2]=I received a Denial for FRN 1251988 dated 10/22/2008. the explanation is as follows: 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. Both I and the SLD Help Desk cannot find these "current guidelines and procedures" anywhere on the USAC/SLD website. I intend to file an appeal to this denial so please send me the referenced guidelines and procedures or let me know whether they exist on the SLD website so that I can file the appeal.

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.175 / Virus Database: 270.8.5/1762 - Release Date: 11/2/2008 9:51 AM

Burlington City School District

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Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 20 - SLD-Deadlines_Extension-Requests-for-Invoicing-USAC

Schools & Libraries Deadlines

General Information	<u>Extension Requests for Invoicing USAC</u> Applicants and service providers who need to request an extension are encouraged to do so as soon as possible after the deadline to invoice USAC. (See the entries for "Form 472" and "Form 474" for the deadline to invoice USAC.)
Form 470	
Form 471	
Form 472	
Form 473	
Form 474	
Form 479	
Form 486	
Form 498	
Form 499-A	
Form 499-Q	
Form 500	
Appeals	
COMAD	
Extension Requests for Invoicing USAC	
Extension Requests for Non-Recurring Service Implementation & Delivery	
Invoice Deadline	
Non-Recurring Service Implementation & Delivery	
Recurring Service Implementation & Delivery	
Red Light	
Service Substitutions	
SPIN Changes	
Technology Plan Approval	

If you are using this tool to calculate a deadline, you must know it is designed to simply count calendar days from the date(s) entered. In general, if the deadline for a submission falls on a non-business day (e.g., Saturday, Sunday or federal holiday), the deadline becomes the next business day. It is your responsibility to meet deadlines.

Disclaimer: This tool assists in determining the deadlines for program forms and other submissions. It is your responsibility to ensure the accuracy of the information provided. It is also your responsibility to meet program deadlines. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors do not make any warranty, express or implied, or assume any liability or responsibility for the accuracy or completeness of any information or calculations provided by this tool. The Universal Service Administrative Company, its employees, representatives, affiliates and contractors are not liable for any miscalculations or misinformation.

Last modified on 12/05/2008

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Burlington City School District

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Letter of Appeal

Federal Communications Commission

May 14, 2009

NOTE 21 - Burlington_FY8_LOA

Burlington City School District
Billed Entity Number: 123173

Letter of Agency For FY 8 (2005 - 2006)

I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Paul Holt, Bert Garofano, and Al Arauz to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of **Burlington City School District** for all eligible services outlined in the most current "Eligible Services List" published by USAC. I understand that, in submitting these forms on our behalf, you are making certifications for **Burlington City School District**. By signing this Letter of Agency, I make the following certifications

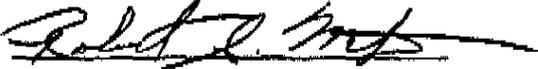
- (a) I certify that **schools in our district** are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our **school district** has secured 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 to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our **school district** is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):
- an individual technology plan for using the services requested in this application; and/or
 - higher-level technology plan(s) for using the services requested in this application; or
 - no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 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 rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our **school district** has complied 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. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (f) 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.

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- (g) 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.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (i) 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, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not 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. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that 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.
- (l) 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 eRate 360 Solutions, LLC for E-rate submission is true.

District: Burlington City School District

Date: Nov. 24, 2008

Signature: 

Printed Name: ROBERT S. METZ

Title: TECHNOLOGY COORDINATOR

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